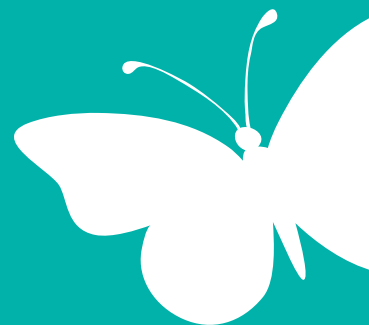




Summer 2022



Connecting Women Lawyers



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Editorial Board

Rose Keith, Daria Batkin,
and J. Cherisse Friesen

Remarks from the Chair

By Rose Keith, QC

As my term as Chair of the WLF concludes I'd like to take this opportunity to thank every one of our executive members. You have worked tirelessly for the last two years to ensure that despite the significant restrictions we faced, we were still able to offer to our members a variety of programming aimed at supporting women in the profession. This has required creativity, and through this we have learned different ways of providing programming that is effective and reaches more of our members throughout the province. I look forward to seeing where the WLF goes in the future, implementing the lessons of the last two years to continuously improve and benefit our members.



Continued on the following page



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Continued from the previous page

Cherisse Friesen took over as chair at our Annual General Meeting. Cherisse has been involved with the WLF for many years and I have had the privilege in the last two years of having her as my Vice-Chair. Cherisse is a mom of two young girls, a runner, and a kind and considerate person who has shown incredible dedication to the WLF and the members that we serve. She knows how to empower those she works with, is passionate about moving the forum forward in a progressive way, as well as careful and analytical in her decision making. I have no doubt that the WLF will be under strong leadership and continue to thrive with Cherisse Friesen as Chair.

The lesson for me over the last two years is that nothing is forever, and resilience is not optional. The world changes and with those changes we must adapt to address the challenges that we are faced with. The last two years have been about learning to live with a pandemic. Since March 2020 we have dealt with social isolation, vaccinations, restrictions, and a strain on our health care system. Looking forward, we are hoping for a return to a new normal, which will no doubt include some elements that have become pivotal to our existence in the last two years. Zoom is not likely to be a thing of the past but rather I expect will continue to be an adjunct to the way that we work with our clients and will continue to broaden the reach of presentations.

Women's reproductive rights are likely to take a center stage in the coming months with the expected decision of the US Supreme Court that will overturn Roe v. Wade and turn back the clock 50 years. What will the impact of that decision be on Canadian women? As lawyers we hold a privileged position in our society, one that can influence the direction that society is travelling in. We all bear the responsibility to ensure that in Canada women's rights are not regressed. Reproductive rights are not just a women's issue, they are a societal issue. The way that we value a woman's right to choose is reflective of the values of our society as a whole. I encourage all of my friends at the bar to speak out about this issue. While many of us may have thought that the issue of control over women's reproductive rights was over, the events to the south of the border show is that even this is not forever and there will be challenges ahead.

Thank you for the opportunity to serve as Chair of the Women's Lawyers Forum. I look forward to seeing you in person at our upcoming events.



International Women's Day with the WLF

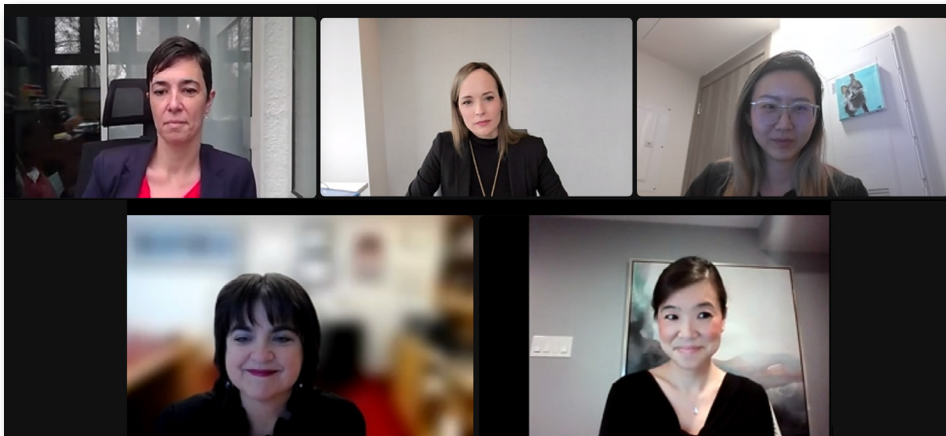
By Grace Cleveland

On March 10, 2022, the WLF held its annual International Women's Day event to celebrate and recognize the achievements of women lawyers. Over the virtual lunch hour event, our four esteemed panelists discussed career wins and challenges framed within the larger topic of 'Celebrating Successes in our Community.'

The panelists were Justice Veronica Jackson of the Supreme Court of British Columbia, Miranda Lam of Acuitas Therapeutics Inc., Deputy Attorney General for British Columbia Shannon Salter, and Amy Peck of Whitelaw Twining Law Corporation. As a result of their different career paths, all panelists brought a unique perspective to the table that participants could find interest in.

Following an introduction from moderator Nicole Chang, Co-Chair of the WLF Events Committee, the panelists kept attendees engaged with candid stories, sage advice, lots of laughs, and meaningful answers to all questions submitted. The WLF would like to give a huge thank you to the panelists for sharing their time and expertise, as well as to the Events Committee for planning such an inspiring event.

Happy International Women's Day!



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CBA WLF Report on Pay Equity in the Legal Profession

By Arshdeep Sandhu

The Canadian Bar Association's Women Lawyers Forum (WLF) set out on a national research initiative to gather data about Canadian lawyers' experiences, perceptions, opinions and solutions about the pay equity challenges in the legal profession.

Countries like the US and UK have revealed data that is insightful for research on the gender pay gap. However, an initial obstacle in understanding the gap is a lack of information and transparency from Canadian law firms.

The WLF conducted a roundtable in April 2021, comprised of a webinar portion with panelists followed by focus group discussions with 79 participants. The participants were invited by invitation only to ensure the group was diverse in call year, gender and practice setting. Almost 60% of the respondents were employees, while 22% were owners (equity partners) and 18% were independent contractors, counsel or non-equity partners.

The main perceived causes of gender inequity were:

1. Lack of compensation transparency;
2. Penalization for the biological capability of having children;
3. Denial of opportunities and unfair allocation of files; and
4. Undervaluing women lawyers' contributions to the workplace.

Overall, there was a clear consensus among survey respondents that there is an issue with gender pay equity in the legal profession in Canada. Despite this, some respondents reported that they would not speak out about being under-compensated as it felt "too risky" and they did not want to seem "ungrateful" or "entitled. However, the report also found hope citing that for women who felt they were not getting paid adequately, "fifty percent of those who disputed or raised issues about compensation felt that their compensation issue had been resolved."

The paper sets out recommendations on a larger scale such as legislating public disclosure on gender representation, and having the law societies require legal workplaces to report compensation. Some of the issues with pay inequity reflect institutionalized bias which needs to be addressed by a top-down approach, especially for issues that include unequal or denied opportunities.

What if women are feeling undervalued at the workplace? The report also outlines work that can be done on an individual level. For example, lawyers can undertake training to help them think critically about their own unconscious biases. We can also continue to cultivate support systems wherein senior lawyers can mentor, support and advocate for junior lawyers.



On the Path to Pay Equity for Women in Law

By Nicola Virk

On April 29, 2022, over 120 participants took part in a virtual roundtable discussion about gender equity in the legal profession. The event was co-hosted by the Canadian Chapter of the International Association of Women Judges, the Canadian Bar Association of British Columbia, and the Law Society of British Columbia.

Following a brief introduction by Judge Renee Cochard, Lisa Hamilton, QC, led an engaging discussion with three remarkable panelists: Cheryl D'Sa, Rose Keith, Q.C., and Tamara Napoleon. The panelists provided their own insight into some of the most pressing gender issues in the legal profession, including mentorship, pay equity, sexual harassment, and remote working arrangements.



The event concluded with a unique opportunity for the panelists to connect with the other attendees in small groups to discuss individual perspectives and recommendations about these gender issues. Throughout these conversations, it was clear that although substantial progress has been made to reach equity in the legal profession, there is still a long way to go!

Thank you to everyone who worked hard to organize this virtual event and to all those that attended – it was an incredible opportunity to connect with lawyers all over the country about these important issues.





Feminism and Climate-Conscious Lawyering

By Sonia Athwal

The extreme weather events of 2021 made clear that the global climate crisis is seriously affecting our province. Evidence suggests that last year's heat dome would not have been possible without climate changeⁱ, and the major flooding experienced across the Fraser Valley were also directly tied to the changing climateⁱⁱ.

A key latent element of climate change is the disproportionate impact this crisis has on vulnerable people, especially women and children. The UN Development Programme ("UNDP") has stated that in addition to one's socioeconomic situation, place of living, and livelihood, gender determines the gravity of the risk and threats of the crisisⁱⁱⁱ. Women in rural areas, belonging to a minority, or Indigenous groups are particularly vulnerable. The UNDP explains that despite this disproportionate impact, "...gender inequality and unequal access of women to land, natural resources and other assets constrain their ability to deal with climate and environmental crises and disasters, and to fully enjoy their environmental rights."

A climate-conscious legal practice requires active awareness of the reality of climate change in daily practice^{iv}. A feminist approach to climate justice recognizes that women are more vulnerable to climate change impact because of their traditionally assigned roles and discrimination faced in many regions.^v For example, after natural disasters, women and children have a risk of death 14 times higher than men.^{vi}



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In this context, climate-conscious lawyering becomes more significant to ensure that lawyers themselves try to grasp the issues and assist their clients in understanding the climate concerns. The impact on women is a relevant consideration and cannot be ignored in the rush to net-zero emissions. As the UNDP tells us, climate change directly impacts many rights, including the rights to food, health, development and the very right to life. The heat dome and the fallout of BC's preparation in response to it is recent evidence of this.

With these issues in mind, the American Bar Association adopted a resolution on climate change in 2019. In 2020, the International Bar Association issued a climate crisis statement listing actions for lawyers to take to address this emergency. However, a similar resolution was defeated at the Canadian Bar Association's AGM in 2021. The resolution was put forward by Lawyers for Climate Justice (a group led by Meredith James out of Victoria, BC) and supported by CBA WLF National and four other CBA sections. It proposed, among other things, the adoption of a definition of 'climate justice.'

Despite the 2021 resolution being defeated, James' group continues to work with the legal profession to promote the role of lawyers in climate justice, increase competency through law school or CLE courses, educate lawyers on how they can reduce their own climate impact, and encourage pro bono work to mitigate the crisis. James also warns that ignoring the gendered elements of climate change acts as a "threat multiplier," making the impacts even worse on the people with the least power to act.

Ultimately, there is a long way to go before climate justice will be realized in BC, in Canada, and across the planet, but a crucial first step is to utilize a gender-aware form of legal analysis and decision-making in our understanding of climate change^{vii}.

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- i. World Weather Attribution July 7, 2021 "[Western North American extreme heat virtually impossible without human-caused climate change](#)"
 - ii. CTV News February 16, 2022 "[Climate change made BC floods at least twice as likely, Environment Canada study suggest](#)".
 - iii. UNDP March 29, 2022 "[Gender equality: A cornerstone for environmental and climate justice](#)"
 - iv. Climate Conscious Lawyering Brian Preston 95 Australian Law Journal 51 (2021)
 - v. Ontario Council for International Cooperation - [A Feminist Approach to Climate Justice](#)
 - vi. UNDP 2013 "Gender and disaster risk reduction"
 - vii. UNDP March 29, 2022 "[Gender equality: A cornerstone for environmental and climate justice](#)"



WLF Book Club: In Search of the Ethical Lawyer

By Kyla Lee

On April 14, 2022, the Women Lawyers Forum Book Club met to discuss the book, *In Search of the Ethical Lawyer*. This is an anthology book of stories involving lawyers facing ethical dilemmas, as well as ethical issues that affect the profession on a regular basis.

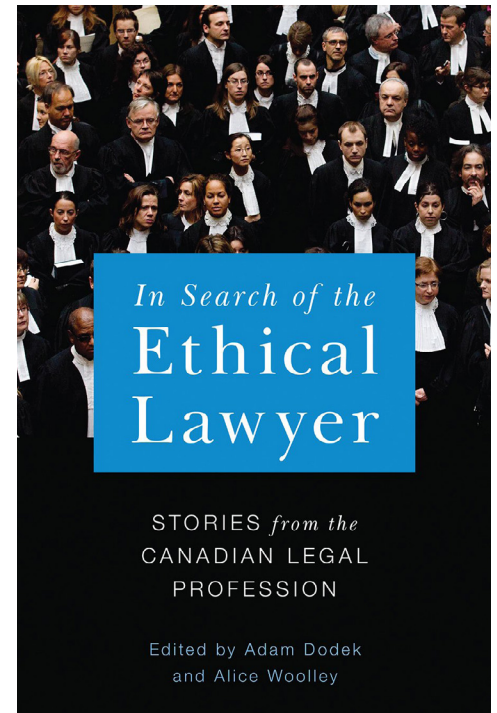
In Search of the Ethical Lawyer is published by UBC Press and was edited by professor Adam Dodek and Justice Alice Woolley, containing contributions from many members of the legal profession, including Allard Law Professor Janine Benedet and University of Ottawa Professor Constance Backhouse.

The panel discussion surrounding the book featured Tara McPhail, Director of Discipline and External Litigation at the Law Society of British Columbia and Mandana Namazi, Discipline Counsel at the Law Society of British Columbia. It was moderated by Fiona Hunter, Partner at Horne Coupar LLP.

The panelists discussed their own reactions to the book, from the perspective of assessing ethical issues and their own experiences in practice and through their work at the Law Society. The discussion on the book was engaging and free-flowing, often touching on some of the themes that the book brought up their own experiences or struggles in making ethical decisions. It was pleasing to listen to personal reflections on ethical issues in the context of a broader discussion of ethics in the profession.

The panelists had one significant critique of the book, which was that it did not feature much in the way of perspectives from either racialized or Indigenous individuals, as well as ethical decision-making that lawyers dealing with racialized or Indigenous communities and clients may face.

Overall, the panelists recommended the book as an important read, and seemed genuinely impressed at the courage that many lawyers had in telling their own stories of ethical issues.





Senior Women Lawyers Dinner

By Rose Keith, QC

The WLF held our annual Senior Women Lawyers Dinner on March 23rd, which was once again organized by Margaret Ostrowski QC. The event proceeded virtually and featured the very inspiring Jennifer Wade. Ms. Wade has spent her lifetime focusing on working with individuals seeking redress for injustice. She dedicated her talk to the memory of Madeleine Albright, the former US Secretary of State, for all of the wonderful work she had done throughout her lifetime.

Ms. Wade spoke about her long life of being concerned about bullies, putting the origins of her work back to her mother's encouragement to always stand up for those who cannot stand up for themselves. She spoke about the great privilege of living in a country like Canada where you can speak up and emphasized that democracy requires real vigilance, quoting "between the temple and the cave, the boundary lies tissue thin".

Ms. Wade spoke about two different legal cases that she had followed and worked on to address the injustices that resulted. One of these cases took place in Canada, while the other took place in China. In describing the backgrounds of those cases as well as the work that she did on them, she noted that if you are ever going to make a move (to be involved or to try to make a difference) you must be prepared to do so on your own. Both stories were heart wrenching and Ms. Wade concluded by stating that it is always important to work towards justice because that is what defines a great society. She described the duty of the older citizens in our community as being more radical, noting that you can't be fired and you can't be hired when you are retired. That provides you the freedom to take on causes without fear of the repercussions. Above all though, Ms. Wade reminded us that kindness matters the most, leaving us with the quote "fame withers, honor dies, but a kind heart lives on".

The evening was incredibly inspiring and served as a reminder to us all of the fragility of our democracy and the work that must be done to safeguard it.

Mentoring Confab - Building Resilience

By Sonia Athwal

On March 23, 2022 the WLF's Mentoring Committee hosted a *Mentoring Confab* with the theme of 'Building in Resilience.' The confab encouraged mentees and mentors from different firms to connect with one another and helped attendees to increase resilience, recover quickly from challenges, and develop the skills needed to manage the unexpected in a work environment.

Moderator Margery Pazdor described the new initiative as an attempt to specifically create comfortable spaces for people in the mentoring program so that they can come together to speak freely about various issues that can keep new lawyers up at night. Another key purpose was for mentors to give advice in a closed environment. Participants are asked to keep the discussions confidential and the events are typically not recorded so that the conversation can flow naturally. It can be a challenge to connect meaningfully in a virtual setting, but despite the event taking place via Zoom, the confab was an engaging success.



Junior Women Lawyers Event

By Bronwen Black

On February 10, 2020, the Women Lawyers Forum hosted its annual Junior Lawyers Event featuring: Associate Chief Justice Heather J. Holmes; Chief Justice Melissa Gillespie; Gaynor Yeung, mediator and Bencher; Kate Campbell, CRT Vice Chair of Strata, Societies and Cooperative Associations; and Jacqueline McQueen, QC, family law mediator and Bencher.

It is so important for junior lawyers to be aware of all the tools available to effectively and creatively advocate for clients both inside and outside of the courtroom. This is particularly so in light of the access to justice crisis and the incredible cost of litigation. The panelists at this year's Event shared tips and tricks for making the most out of court appearances, or avoiding those appearances altogether by utilizing ADR, which keeps costs down for clients and keeps disputes out of court where possible.





An Interview with WLF Trailblazer, The Honourable Kerry-Lynne Findlay, QC

By Grace Cleveland

Kerry-Lynne Findlay currently serves as the Member of Parliament for South Surrey – White Rock. Before federal politics, she practiced law in the areas of civil litigation, family law, and aboriginal land issues alongside serving five years as a Canadian Human Rights Tribunal Judge. She currently serves as the Shadow Minister for National Defence, Vice-Chair of the Standing Committee on National Defence, and Member of the Special Committee on Afghanistan. She is also one of the founding members of the CBABC WLF.



1. What are some of the issues that led you and the other founding members to propose and create the CBABC Women Lawyers Forum?

At the time, we were losing about 1/3 of women lawyers within the first 5 years of practice, and more over time. Law can be a very rewarding and fulfilling career, but it is also demanding, and many women suffered from a lack of mentorship and encouragement to continue. Women Bar leaders and women lawyers had arrived at a place where there was a collective will to facilitate professional satisfaction for women through a more structured support.

CBABC President, Margaret Ostrowski, Q.C. asked me as a former CBABC President and active volunteer, to be the Chair of an organizing committee with a one-year mandate to develop recommendations to move toward creating that structure. An inspired group of remarkable women lawyers met regularly at my law office over that year, culminating in a submission to Provincial Council to create the BC Women Lawyers Forum, comprised of a formal mentoring program, an educational program that would emphasize leadership and resiliency, networking opportunities, and a communications plan to promote the Forum's objectives and resources for members.

After Provincial Council approval, I was elected as the CBABC Women Lawyers Forum first Chair, and an Executive Committee was formed in accordance with the Constitution and By-Laws that we also drafted.

2. Do you feel that these issues still exist for women in law? What has changed in the last two decades? What hasn't?

Women still need mentorship and encouragement, but they now have a place to go since the Forum was created. Thousands of women lawyers across Canada have been mentored, and enjoyed networking, learning, and connecting through the Women Lawyers Forums across the country. The Forum example has inspired other similar groups such as the Senior Lawyers Forum and the Young Lawyers Forum.

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One of the biggest changes for women in law is critical mass! My UBC Law section was made up of 18% women. My daughter's UBC Law Class was made up of 62% women, and she articulated last year as one of six students – all women. This is a sea change in the profession. When I graduated there was one woman Supreme Court of BC Judge and one woman BC Law Society Bencher. Over the years, many women have become Deans of Law, law faculty, senior and managing partners, Chief Justices and Bar leaders.

What has also changed, to the benefit of many bright women lawyers, is diversity within the profession, diversity of options within the practice, and diversity in the greater community making use of legal training. What has not changed are the demands of the profession, including taxing hours, high expectations, the challenge of balancing work and family, and evolving attitudes in one's work environment.

3. What would you like to see happen for women in law moving forward?

I believe women can achieve whatever their hearts desire. Canada is a land of opportunity and freedom. I would hope that any woman choosing law would feel a deep sense of personal satisfaction in striving for excellence, upholding high ethical traditions, and knowing that they have achieved significant benefit for their clients.

4. As a woman lawyer and politician, what are some of the biggest challenges and/or wins that you have experienced over your career?

I have faced many challenges as a woman who started the profession before I was married and had children. There were few women lawyer mentors when I began my career. I had to justify and fight for reasonable maternity leave and worked hard for recognition leading to partnership offers and the like. Having said that, I was able to continue within my chosen profession and I had it to fall back on when I was widowed as a young mother with two small children. My career was essential to our survival. I married again and had two more children. Three of the four have followed my lead into law, and one has a Masters in Counselling Psychology. Our family dinner conversations are lively!

My greatest recognitions in my law career are probably my term as President of the CBABC and being appointed Queen's Counsel after 20 years of practice as a civil litigator. I consider my greatest legacy to be the time I spent in helping many other accomplished women lawyers create the Women Lawyers Forum in BC and nationally.

Within my legal career, I helped to free a very young girl from sexual abuse who is now a successful entrepreneur, wife, and mother. I also helped a whole community in the Okanagan who had lost all legal interest in their home properties to restore equity and move forward with their lives.

As a politician, I once again chose a male-dominated career full of smart ambitious colleagues and opponents. I brought my skills learned as a lawyer to Parliament and applied the same work ethic and dedication. My greatest achievement would be appointment by the Prime Minister to the Federal Cabinet and becoming a Privy Councillor, serving in both National Defence and National Revenue, after being a Parliamentary Secretary to Justice.

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As in all competitive fields of endeavor, sometimes you make rivals you don't expect because they see you as a competitor for recognition or their ambitions. It is important to always have some humility and center yourself in the confidence that you are there to serve others and improve life for those you serve.

5. Do you have any tips for women lawyers looking to become more active in politics?

The legal profession is an excellent foundation to move from applying the law to making the law. My best advice for those interested is to just get involved. Start somewhere: volunteer on a campaign and see how elections work from the inside out; offer to be a resource for an elected official; or serve on a volunteer electoral district board of directors.

And speaking of mentoring - it's still and always a good idea. Talk to a woman who has made the transition from law to politics, and no doubt she will give you insights and answer your questions. My door is always open to women thinking of going to Law School, women within the profession, or those wanting to look toward a political future.

CBABC WLF Summer Update: Vancouver Island

By Christine Murray

Earlier this spring, the WLF of Vancouver Island held our annual ski weekend at Mount Washington Alpine Resort, from March 4-6, 2022. Our group enjoyed time on the mountain and relaxing over home-cooked meals. This Ski Weekend was a resounding success, and enjoyed by everyone who attended. We look forward to participating with a larger group next year as restrictions have eased.

Our forum also started a running/jogging/walking group this Spring, which starts from downtown Victoria. We are usually out for about 30 minutes, at which point we grab coffee together and head off to work. We would be delighted if you would like to join us on Tuesday mornings at 8:00 a.m. Please e-mail christine@casselsmurray.com to get involved.

Our annual Judge's Dinner took place on June 7, 2021 at the Victoria Golf Club, and we look forward to offering more in-person events over the rest of the year.

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!

Get Social!

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

Write Us

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).

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.