

Smaller, regional firms face their own challenges. If one lawyer goes on parental leave in a firm of four, for example, it's not easy for the other three to cover the workload. Byres explains, however, that in smaller firms women have more leverage. "Most of these women know that there's more work than lawyers in the smaller communities. The smaller firms are going to adapt more quickly, or else women are going to leave and start their own firms."

As it rolls out phase two, the Justicia project plans to gather input from lawyers at smaller firms throughout the province.

ABORIGINAL LAWYERS

The executive summary of the Truth and Reconciliation Commission of Canada's final report, published in June this year, brought into sharp focus a painful chapter in Canadian history. In its recommendations, the commission identifies a role for law societies and law schools in Canada's quest for reconciliation between its Aboriginal and non-Aboriginal populations.

As recommended by the commission, the Law Society is committed to enhancing cultural competency within the legal profession, and is considering steps to ensure that lawyers have a greater understanding of Canada's history and the relationship between the Crown and Canada's First Nations, Métis and Inuit people.

To that end, the Law Society is helping plan the annual conference for the Federation of Law Societies, scheduled to take place in Winnipeg from September 30 to October 3. The theme will be the Truth and Reconciliation Commission's recommendations, and what law societies can do to implement them. The goal is to identify steps that can be taken to increase access to justice for Aboriginal people and improve confidence in the administration of justice.

The Law Society of BC has also contacted the province's law schools in an effort to identify ways it can work with the schools to implement the report's recommendations. While discussions are at an early stage, all three schools have expressed an interest in working together to address issues identified in the report.

The Law Society is currently reviewing a report it published in 2000 that touched on many of the issues raised by the Truth and Reconciliation Commission. Although

the Law Society was not tracking specific numbers at the time, that report's authors estimated that between 1 and 1.5 per cent of lawyers in BC were Aboriginal. That representation has increased significantly since then: today 2.3 per cent of the province's lawyers are Aboriginal. There's still work to do, though, if the profession is to reflect the 5.2 per cent share of the province's population that is Aboriginal.

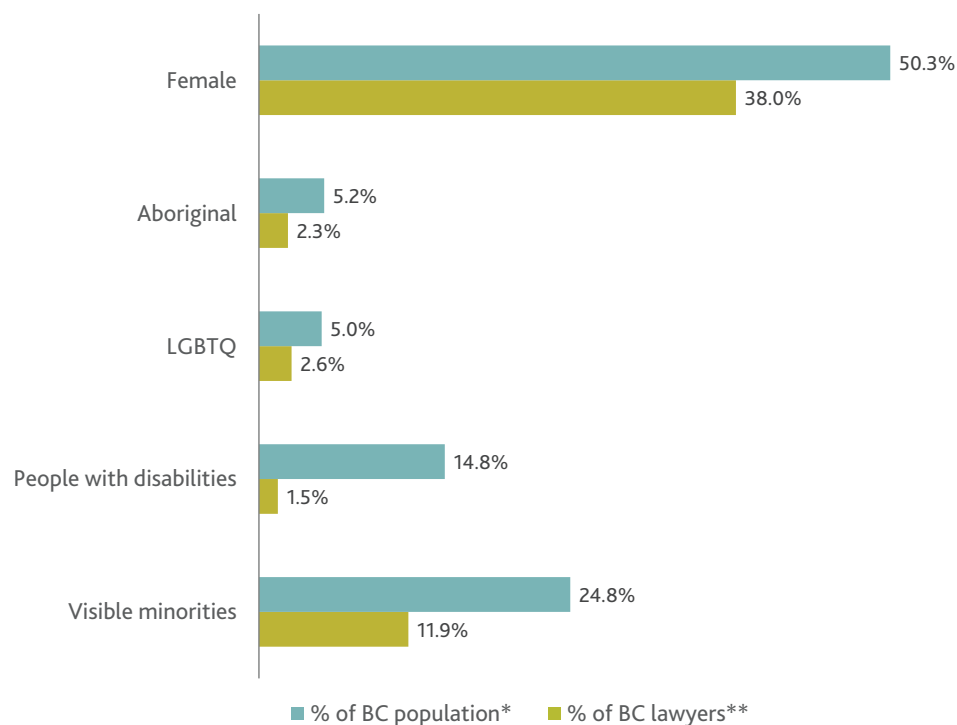
The 2000 report, entitled *Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers*, recommended, among other things, that the Law Society work with the province's law schools to expand Aboriginal material and course components, and that the Society's Professional Legal Training Course build anti-discrimination components into its course materials and assessments.

The Law Society subsequently made changes to its PLTC program, including establishing an Aboriginal advisory panel to review curriculum and course material, and incorporating Aboriginal legal issues. Other revisions to PLTC include cultural awareness training for instructors and an increased focus on the role of the Equity Ombudsperson in PLTC training.

The Law Society has also taken several steps since publication of the 2000 report, including establishing the Aboriginal Lawyers Mentorship Program. The goal of that program is to enhance the retention and advancement of Aboriginal lawyers. In 2015, 22 junior Aboriginal lawyers have been matched with experienced lawyers.

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DIVERSITY: BC POPULATION TO BC LAWYERS



* Female data, Statistics Canada estimate, 2014; Aboriginal and visible minority data, Statistics Canada 2011 national household survey; Disabilities statistics, Statistics Canada survey, 2012; LGBTQ statistics, 2012 national poll conducted by Forum Research and the National Post

** Including practising, non-practising and retired, from the 2014 annual practice declarations

Equity and diversity resources

Everyone working in the legal profession can play a part in overcoming barriers to equity and diversity in the profession. Here are some tools that can help. (More information about all of these and how you can take part can be found on the Law Society website: on the home page under “for Lawyers,” click on “[equity and diversity](#).”)

Model policies for gender equity

These templates can be downloaded and modified by firms seeking to establish policies aimed at facilitating the retention and advancement of women in private practice. They include model policies in these areas:

- collecting demographic data;
- establishing a policy for flexible work arrangements;
- establishing pregnancy and parental leave policies for associates and partners;
- adopting a respectful workplace.

A second set of model policy templates is currently being finalized and will be added soon:

- adopting initiatives to foster women’s business development;
- promoting leadership skills for women;
- developing paths to partnership initiatives.

Justicia project

Launched in 2012 and facilitated in BC by the Law Society, Justicia is a voluntary program that helps law firms identify and implement best practices to retain and advance women lawyers in private practice.

Maternity Leave Benefit Loan Program

The Maternity Leave Benefit Loan Program is intended to help self-employed women lawyers remain in practice. It

provides \$2,000 a month for four months to help with overhead costs during a maternity leave, and is available to women lawyers who don’t have access to other maternity and parental financial benefits outside of government programs.

Aboriginal Lawyers Mentorship Program

This program pairs experienced lawyers with Aboriginal lawyers of up to three years of call. The goal is to enhance the retention and advancement of Aboriginal lawyers.

Aboriginal Scholarship

The Law Society offers a \$12,000 scholarship for Aboriginal graduate students in a field of law. The award aims to enhance the retention of Aboriginal lawyers by helping develop Indigenous leaders and role models in the legal academic community.

The third cycle of the Aboriginal Lawyers Mentorship Program begins in September

THE NEXT CYCLE of the Aboriginal Lawyers Mentorship Program is set to begin in September 2015. This year, the program has been updated to provide mentees with the opportunity to meet with different mentors throughout the year. Mentees will be paired with mentors on a four-month rotation and will meet three mentors over the course of the year. This approach will optimize the broad pool of mentors and will provide mentees with a variety of perspectives. Networking events will continue to provide mentees with informal mentorship throughout the year.

This program is intended to enhance the retention and advancement of lawyers with Aboriginal ancestry, who are currently under-represented in the legal profession in British Columbia.

To be eligible for the program, mentees should possess the following characteristics:

- self-identified Aboriginal ancestry; and
- membership in the Law Society of British Columbia, active enrolment in the Law Society Admission Program or active enrolment in a law faculty in British Columbia.

Mentors should possess the following attributes:

- membership in good standing in the Law Society of British Columbia, with no record of current or past citations;
- more than three years of call, in any jurisdiction in Canada;

- established professional experience;
- effective communication skills; and
- advanced understanding of issues related to the retention of Aboriginal lawyers in British Columbia.

It is not necessary that mentors have Aboriginal ancestry.

To participate in the Aboriginal Lawyers Mentorship Program, please fill out and submit an application by September 25, 2015; application forms can be downloaded from the Law Society website (on the home page under “for Lawyers,” click on “[equity and diversity](#).”)

For more information, please contact Andrea Hilland at 604.443.5727 or ahilland@lsbc.org.

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Another initiative the Law Society has implemented is the establishment of the Aboriginal Scholarship. The annual scholarship of \$12,000 is intended to help an Aboriginal student pursue graduate studies in law. Darcy Lindberg, winner of the 2015 scholarship, plans on studying the role of

ceremony in Indigenous law, particularly among the Plains Cree (see sidebar below).

The Law Society has made progress in overcoming barriers, but we still have work to do to ensure that all members of society have an equal opportunity to enter the legal profession. All lawyers are encouraged to consider how they can help and to access the tools available to them.

It might mean reviewing old policies and implementing new ones, or even considering implementing policies where there are none. It might mean volunteering to participate in the Justicia project or to mentor a recently called Aboriginal lawyer. Or it could be something as simple as stopping to think about the subtle biases that guide your everyday decisions.❖

DARCY LINDBERG, WINNER OF THE 2015 ABORIGINAL SCHOLARSHIP



Even while he was completing his law degree at the University of Victoria, Darcy Lindberg thought he would likely be back some day. Invigorated by the support he found at UVic for his interest in Indigenous law, he hoped to return one day to pursue his studies further.

Now with two years' experience as a practising lawyer, Lindberg is returning this fall to UVic to pursue a master's degree, with the help of the Law Society. Lindberg is the winner of the 2015 Aboriginal Scholarship, providing him with \$12,000 to help him pursue his graduate studies in law.

Lindberg plans to study traditional Indigenous laws and the use of ceremony, particularly among Plains Cree, where he traces his heritage on his mother's side. "I'm interested in how ceremony is related to legal proceedings in these communities," he said. "A lot of communities have different legal traditions, and it's just coming to light how they interact with common law and civil law."

"I found a lot of support and energy in the areas I wanted to study. A lot of keen minds are involved at UVic, and profs were very supportive of things related to Indigenous legal traditions."

Since completing his JD in 2012, Lindberg garnered experience both as a sole practitioner and working with a big firm. After articling in Whitehorse with Davis LLP (now DLA Piper), he set out on his own, spending eight months establishing a sole practice that combined mediation, consulting and legal services, and offered a flexible fee structure. When a position became available at the Whitehorse office of DLA Piper, he returned to Whitehorse. He took some vacation time at the end of this summer before returning to Victoria to start his master's program.

While he appreciates the experience in a broad range of areas offered by a big firm, Lindberg hopes one day to work in a more specialized practice, focusing on community projects and social justice. Teaching is also an option he would like to keep open.

Despite advances made in representation of Indigenous lawyers in the profession, Lindberg notes that barriers still exist. "For some people growing up on a reserve, it's hard to see the end of the road; it's hard to see finishing high school, going to university, then law school," he explained. "A lot of communities only have schools that go up to grade nine, and residents have to travel quite a distance to finish high school."

Lindberg notes that, even in the enlightened halls of academia, invisible barriers still exist. "Our education system doesn't prepare people who don't go out of their way to learn about Indigenous cultures and the history of Canada. I've been surprised in conversations with people who are bright and intelligent but don't have that knowledge. For students it can be tiring."

Practice advice



LAWYER-LAWYER AND LAWYER-STAFF DISPUTES – MEDIATION OPTION

HAVE YOU LOST your temper and told another lawyer to do something that might be more appropriately included in a late night adult comedy sketch? Is personal animosity between you and another lawyer negatively affecting a client's file? Or your sleep, perhaps?

Practice advisors frequently receive calls from lawyers engaged in disputes with other lawyers. Many relate to a lawyer leaving a firm when emotions have escalated from a slow simmer to a roiling boil (see "[Ethical considerations when a lawyer moves on](#)" in Practice Watch, *Benchers' Bulletin*, Summer 2014 for guidance on a lawyer leaving a firm). Other disputes are often between two lawyers on opposite sides of a litigation file where one lawyer is name-calling, swearing, yelling and being generally uncooperative.

Practice advisors give confidential practice and ethics advice to lawyers, including advice about improving professional communication, but they do not

mediate disputes between lawyers, their staff or firms. If appropriate, advisors may refer callers to the Canadian Bar Association, BC Branch's Dispute Resolution Service. The service is generally free and is even available to BC lawyers who are not members of the CBA. Lawyer mediators volunteer their time and will speak with you about the problem. If both parties agree, the dispute can be submitted for mediation. A fee-for-service mediation may be recommended if the matter is complex. Of particular interest, not only will the mediators deal with disputes between lawyers, the service also extends to lawyer-staff disputes, such as an issue with a bookkeeper, legal assistant or paralegal. The service does not extend to issues that are required to be reported to the Law Society.

For more information concerning the CBABC's Dispute Resolution Service, call 604.646.7864 or go to their website under Advocacy (see cbabc.org/drs). For help with communication generally, see the free *Communication Toolkit* under [Practice Support and Resources](#) on our website or consult a practice advisor.

CLIENT IDENTIFICATION AND VERIFICATION – 2015 UPDATES AND SCAMS

The Law Society's client identification and verification rules ([Rules 3-98 to 3-109](#)) and the rules regarding cash transactions ([Rules 3-59 and 3-70](#)) play an important role in anti-money laundering and in uncovering some scams. The [Client Identification and Verification Procedure Checklist](#) (part of the *Practice Checklists Manual*) and the [Frequently Asked Questions](#), both located under Practice Support and Resources on our website, were updated in July 2015. You can report potential new scams by sending an email to fraud@lsbc.org. Reporting allows us to notify the profession, as appropriate, and update the [fraud information](#) on the website.

2015 UPDATES – FAMILY LAW AND WILLS AND ESTATES CHECKLISTS

Don't miss an important step. Use checklists. Whether you're a senior lawyer or a new lawyer, checklists can help keep you organized, preventing errors and complaints. You can keep track of what steps should be taken, what you've completed and what is left to do. Further, checklists sometimes flag potential issues that may not have even occurred to you.

The following family law and will and estates checklists, part of the *Practice Checklists Manual* (in the Practice Support and Resources section of the website), have recently been updated and include a summary of some new developments in the introductory page to each checklist:

- Family Practice Interview, Family Law Agreement Procedure, Separation Agreement Drafting, Marriage Agreement Drafting, Family Law Proceeding, and Child, Family and Community Service Act Procedure
- Will Procedure, Will-Maker Interview, Testator Interview, Will Drafting, Probate and Administration Procedure

Watch for more updates to the manual later in 2015. ❖