



Equity and Diversity Advisory Committee Year End Report

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Prepared for: Benchers

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Purpose: For Information

Introduction

1. The Equity and Diversity Advisory Committee (“Committee”) is one of the four advisory committees appointed by the Benchers to monitor issues of importance to the Law Society and to advise the Benchers in connection with those issues.
2. From time to time, the Committee is also asked to analyze policy implications of Law Society initiatives, and maybe asked to develop the recommendations or policy alternatives regarding such initiatives.
3. The mandate is to:
 - monitor and develop effective equity and diversity in the legal profession and the justice system in British Columbia;
 - report to the Benchers on a semi-annual basis on those developments;
 - advise the Benchers annually on priority planning in respect of issues affecting equity and diversity in the legal profession and the justice system in British Columbia; and
 - attend to such other matters as the Benchers or Executive Committee may refer to the advisory committee from time to time.
4. This is the year-end report of the Committee, prepared to update the Benchers on its work in 2014.

Topics of Discussion: January to December 2014

5. This year the Committee has focused its efforts on implementing the Aboriginal Lawyers Mentorship Program, furthering the Justicia Project, fostering diversity in the judiciary, improving respectful workplaces, and collaborating with other equity and diversity seeking groups within the profession on matters of common interest and commitment. Details of this work are outlined below.
6. The Committee met on January 23, February 27, April 10, May 7, June 12, July 10, September 5, October 30, and December 4, 2014. The Committee also held a teleconference on October 9, 2014 to discuss how Equity and Diversity initiatives relate to the Law Society’s strategic plan. In addition, representatives of the Committee have met throughout the year with the CBA BC Equality and Diversity Committee; the Diversity Officers from each of the seventeen law firms committed to the Justicia Project, the Legal Equity and Diversity Roundtable, and various other groups within the profession.

Aboriginal Lawyers Mentorship Program

7. The Aboriginal Lawyers Mentorship Program was launched in 2013 and matched 22 mentorship pairs in its first cycle, from September 2013 to August 2014. The second cycle of the Program was launched at a networking event hosted by Mandell Pinder, LLP on September 12, 2014. Nineteen mentorship pairs have already been matched during the second cycle, with additional matches anticipated as the second cycle progresses.
8. The Committee is in the process of facilitating networking events to support existing mentorship pairs, and to further promote the Program so that it can be readily accessed by members throughout the Province. To that end, Woodward and Company, LLP has agreed to host a networking event in Victoria, BC in January of 2015. We are encouraged by the significant level of interest, support and engagement in the Program to date. We will continue to support, monitor and assess the Program in the coming year.

Aboriginal Graduate Scholarship

9. On the recommendation of the Executive Committee, the Benchers created a scholarship for Aboriginal law students pursuing graduate legal studies. The scholarship of \$12,000 was awarded to Kinwa Bluesky, an Aboriginal PhD student attending the University of British Columbia Faculty of Law.

Justicia Project

10. The Justicia Project is a voluntary program, facilitated by the Law Society of British Columbia (“LSBC”) and undertaken by law firms, to identify and implement best practices to retain and advance women lawyers in private practice. It was created in response to evidence that women leave the profession at a higher rate than men in the first ten years of practice.
11. The Project is proceeding in two phases. Phase one is directed at national law firms with offices in BC, as well as large regional firms. Phase two will be directed at all other BC firms.
12. Diversity Officers have been selected by participating firms. Andrea Hilland, Staff Lawyer with the Law Society, is coordinating regular meetings among the Diversity Officers. Various Equity and Diversity Advisory Committee members have also contributed to this work.
13. The Diversity Officers have created focus groups that have completed model policies and best practices regarding flexible work arrangements and parental leave, and a template for

tracking gender demographics. These materials have now been completed, subject to approval at the December 5, 2014 Bencher Meeting. Once approved, the resources will be publicized on the Law Society's website. Law Society staff is continuing with the development and implementation of communication and education strategies in relation to Justicia in BC.

14. The Diversity Officer focus groups are now meeting to develop their second set of resources which highlight best practices regarding business development, leadership skills, and partnership initiatives for women. This work will also culminate in the production of written recommendations and resource materials for approval by the Benchers.

Diversity in the Judiciary

15. Following the presentation on the importance of diversity on the bench by Honourable Lynn Smith, QC, and the Honourable Donna Martinson (retired justices of the Supreme Court) at the July 12, 2013 Bencher meeting, then President Art Vertlieb requested that the Equity and Diversity Advisory Committee develop recommendations to the Benchers to improve diversity on the bench.
16. To fulfill this request, a subcommittee of Equity and Diversity Advisory Committee (the "Diversity on the Bench Subcommittee") was struck to develop recommendations for the Law Society of British Columbia to improve diversity in the judiciary. The Diversity on the Bench Subcommittee is comprised of the following members:
 - Satwinder Bains (Chair)
 - Pinder Cheema, QC
 - Jamie Maclaren
 - Nancy Merrill
 - Thelma O'Grady
 - Linda Robertson
17. The Subcommittee held teleconference meetings on March 10, April 15 and May 13, 2014, and held an in-person meeting on September 5, 2014. The work of the Subcommittee from January to December 2014 is outlined below.

18. The Subcommittee developed four recommendations to improve diversity in the judiciary. Specifically, the Law Society should:
- i. Be pro-active in selecting a more diverse list of lawyers as the Law Society's candidates for appointment to judicial advisory committees;
 - ii. Investigate and endeavor to address the systemic barriers impacting the retention and advancement of lawyers from equity seeking groups, through the development and implementation of effective programs and more informal ways of supporting lawyers from equity seeking groups;
 - iii. On an annual basis, monitor and assess the effectiveness of Law Society of British Columbia initiatives relating to the retention and advancement of lawyers from equity seeking groups, in light of the objective of improving diversity on the bench; and
 - iv. Continue to collaborate with organizations representing lawyers from equity seeking groups in British Columbia to help disseminate information on the judicial appointments process, and to facilitate the career advancement of lawyers from equity seeking groups.

The Benchers unanimously adopted these recommendations at the January 24, 2014 Benchers Meeting.

19. The Subcommittee recommended that the Law Society's President, Jan Lindsay, write a letter to the federal Minister of Justice, Peter MacKay. The letter encourages Minister Mackay to improve transparency of demographic data regarding judicial applicants and appointments to federal courts and tribunals.
20. The Law Society of BC has implemented the first recommendation: to be pro-active in selecting a more diverse list of lawyers as the Law Society's candidates for appointment to judicial advisory committees. For the Federal Judicial Advisory Committee, three members from Law Society of BC are nominated, and the Minister of Justice appoints one of the nominees as a voting member of the Judicial Advisory Committee. The Subcommittee observed that if all three Law Society nominees are from equity seeking groups, then that will ensure that the Law Society's appointment will enhance diversity on the Judicial Advisory Committee. The current Law Society President, Jan Lindsay, implemented the first recommendation by selecting three candidates from equity seeking groups as the Law Society's nominees for appointment to the Judicial Advisory Committee. It is hoped that this approach to nominating candidates to judicial advisory committees will serve as an inspirational model for other appointing bodies.

21. The second recommendation provides that Law Society will investigate and endeavor to address the systemic barriers impacting the retention and advancement of lawyers from equity seeking groups, through the development and implementation of effective programs and more informal ways of supporting lawyers from equity seeking groups.
22. The Subcommittee has identified the work the Law Society has already undertaken that will assist in improving diversity on the bench, including:
 - The Aboriginal Lawyers Mentorship Program;
 - The Equity Ombudsperson Program;
 - The Justicia Program;
 - The Maternity Leave Loan Benefit Program;
 - Section 1.1.4 of the Law Society’s Appointments Policy, which states: “The Law Society promotes diversity in its internal and external appointments and should ensure adequate representation based on gender, Aboriginal identity, cultural diversity, disability, sexual orientation, and gender identity”;
 - The “change in status” survey, conducted when lawyers transition from “practicing” to “non-practicing” status. The Subcommittee will review the responses to this survey to investigate the extent to which systemic barriers affect the change in status of Law Society members;
 - The demographic questionnaire that now forms part of the Annual Practice Declaration, which will provide baseline statistical information about the diversity of the legal profession in British Columbia for future comparison;
 - Law Society reports regarding lawyers from equity seeking groups, such as: “Towards a More Representative Legal Profession: Better practices, better workplaces, better results” (2012), “Lawyers with Disabilities: Overcoming Barriers to Equality” (2004), “Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers” (2003), and the “Report of the Retention of Women in Law Task Force” (2009); and
 - Collaborative work with organizations representing lawyers from equity seeking groups.
23. The Subcommittee also created a survey to investigate systemic barriers that are impacting the advancement of lawyers from equity seeking groups, which was distributed at a panel presentation regarding “Building Diversity on the Bench,” held on May 27, 2014. (More information about this event is included under the “Collaborations with the CBA BC Equality and Diversity” section, below.) Respondents to the survey identified

unconscious bias, feelings of exclusion, lack of mentoring, and qualification barriers (such as standardized testing) as systemic barriers in relation to the legal profession.

24. The third recommendation encourages the Law Society to monitor and assess the effectiveness of its initiatives relating to the retention and advancement of lawyers from equity seeking groups, in light of the objective of improving diversity on the bench. The Subcommittee has requested that Law Society staff evaluate the effectiveness of the equity and diversity programs by conducting formal reviews of the current programs, with the view to building evaluation mechanisms into future programs as a matter of course. To meet this request, Law Society staff is currently reviewing the Maternity Leave Benefit Loan Program and is in the planning stages of reviewing the Equity Ombudsperson Program.
25. The fourth recommendation is that the Law Society should continue to collaborate with organizations representing lawyers from equity seeking groups in British Columbia to help disseminate information on the judicial appointments process, and to facilitate the career advancement of lawyers from equity seeking groups.
26. To that end, the Law Society contributed to a panel presentation regarding “Building Diversity on the Bench” held in Vancouver, and available by webcast, on May 27, 2014. Approximately 80 lawyers were in attendance. President Jan Lindsay provided a demographic overview of the legal profession in BC that was based on the Law Society’s 2012 Report entitled “Towards a More Diverse Legal Profession: Better practices, better workplaces, better results”. She also highlighted Law Society initiatives aimed at improving the retention and advancement of lawyers from equity seeking groups, including the Justicia Project and the Aboriginal Lawyers Mentorship Program.
27. The Subcommittee will continue monitoring the statistics of equity seeking groups in the legal profession, including Queen’s Council and judiciary appointments.
28. The Equity and Diversity Advisory Committee will review this work once complete, and report back to the Executive Committee and Benchers.

Respectful Workplace Subcommittee

29. At the recommendation of the Committee, a subcommittee has been created to update the Law Society's model workplace harassment policy. The Subcommittee members are:
- Maria Morellato, QC (Chair)
 - Jamie Maclaren
 - Kathryn Berge, QC
 - Sharon Matthews, QC
 - Cameron Ward
 - Anne Chopra
30. The Subcommittee met on June 9 and August 22, 2014, and circulated feedback on the model policy by email. The Subcommittee renamed the model policy the "Respectful Workplace Model Policy" and updated it to incorporate the new anti-bullying legislation contained in the BC *Workers Compensation Act*. The updated model policy was completed, and was endorsed by the Equity and Diversity Advisory Committee on October 30, 2014. The model policy will be presented to the Benchers for approval at the December 5, 2014 Bencher Meeting. Once approved, the model policy will replace the current model policy on the Law Society's website. Law Society staff is continuing the development and implementation of an educational strategy in relation to the Respectful Workplace Model Policy.

Legal Equity and Diversity Roundtable

31. Law Society staff has taken a lead role in co-chairing a coalition of diversity stakeholders, dubbed the Legal Equity and Diversity Roundtable, which includes the Chair of our Committee, as well as a number of CBA BC Equality and Diversity subgroups representing diverse lawyers in British Columbia. The Legal Equity and Diversity Roundtable have adopted terms of reference, and intend to conduct a strategic planning session to identify key priorities and to develop a plan of action. The Committee will assist with the proposed planning session.

Law Societies Equity Network

32. Law Society staff has been involved with the Law Societies Equity Network (LSEN), comprised of equity and diversity staff and ombudspersons from law societies across Canada. The LSEN has been collaborating to compile the demographic data from various jurisdictions across Canada in order to create a national equity profile. Law Society staff is compiling responses to the Law Society of BC's enhanced demographic question to contribute to the LSEN's national equity profile.

Collaborations with the CBA BC Equality and Diversity Committee

33. The Committee nominated Ms. Hilland to liaise with the CBA BC Equality and Diversity Committee. The CBA BC Equality and Diversity Committee organized a panel regarding diversity on the bench on May 27, 2014. At the recommendation of the Committee, Ms. Hilland assisted with the planning and implementation of the 2014 panel.
34. The panel presentation regarding "Building Diversity on the Bench," held on May 27, 2014 was hosted by the Canadian Bar Association BC Equality and Diversity Committee with support from the Law Society of British Columbia, the BC Federation of Asian-Canadian Lawyers, the Canadian Association of Black Lawyers, and the BC South Asian Bar Association.
35. Approximately 80 lawyers were in attendance at the May 27, 2014 event. President Jan Lindsay provided a demographic overview of the legal profession in BC that was based on the Law Society's 2012 Report entitled "Towards a More Diverse Legal Profession: Better practices, better workplaces, better results". She also highlighted Law Society initiatives aimed at improving the retention and advancement of lawyers from equity seeking groups, including the Justicia Project and the Aboriginal Lawyers Mentorship Program. Other panelists included the President of the Canadian Bar Association BC Branch, Dean Crawford, Associate Chief Justice Austin Cullen, Chief Judge Crabtree, Justice Masuhara, Justice Loo, and Judge St. Pierre.