



Connecting Women Lawyers



Remarks from the Chair

By Rose Keith, QC

As I write this, I am in the second year of my two-year term as Chair of the WLF. It has been especially interesting having to carry out my entire term during a global pandemic, and dealing with unique challenges that had not occurred before in the history of the WLF.

The Women's Lawyers Forum in BC was born out of the vision of Debra Van Ginkel, QC. Debra had a personal dream to start a mentoring program for women in the legal profession and she devoted endless hours to the creation of that program. Her dream became a reality in 2003 with the establishment of the BC WLF, which she also chaired. WLF became a national conference of the CBA in 2005, and branches across the provinces soon followed.



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BC WLF Executive Contact Information

Chair

Rose Keith, Q.C.
rkeith@harpergrey.ca
 604.895.2911

Vice-Chair

J. Cherisse Friesen
Cherisse.Friesen@gov.bc.ca
 604.660.3019

Treasurer

Melanie Magnusson
melanie@magnussonlaw.ca
 604.362.4690

Secretary

Sara Li
sli@trustee.bc.ca
 604.660.3200

Past Chair

Daria Batkin
dbatkin@iconlaw.ca
 604.676.4448

Education Committee Co-Chair

Olena Gavrilova
ogavrilova@qalaw.com
 604.601.3715

Education Committee Co-Chair

Arielle Lavender
alavender@rbs.ca
 604.595.9906

Mentoring Committee Co-Chair

Melissa VanderHouwen
melissavanderhouwen@mooreedgarlyster.com
 604.689.4457

Mentoring Committee Co-Chair

Dana Turner-Ryan
dturnerryanWLF@gmail.com
 604.669.3432

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In a 2006 Advocate article, Debra wrote about taking care of each other in the legal profession. Her words in 2006 remain guiding principles of the WLF. In her introductory paragraph Debra wrote:

“Throughout our lives, many of us have felt isolated at one time or another. The practice of law has often emphasized our individual competitiveness, rather than our sense of community. However, the legal profession is changing dramatically, with several vibrant examples of community building in our midst. Mentoring, peer support and financial assistance to the most troubled among us are avenues that are now available to help foster community building within the profession. Such peer support is dramatically changing the interpersonal connections among us and, perhaps as importantly, the landscape of the legal profession.”

The community building and peer support that Debra wrote about has never been more evident to me than during this period of forced isolation as a result of the COVID 19 pandemic. I am so proud that our executive and our members found creative ways to stay connected and support each other and our community. We are now tentatively returning to our much loved in-person events and through them will continue the traditions started by the founders of the WLF.

Our mentoring program continues to thrive and be a central part of what the WLF is about. Since the inception of the program, the WLF has matched over 900 women lawyers in mentoring relationships. Just as when the program was launched, our mentoring relationships continue to see senior women helping junior women navigate the inevitable bumps in the road of their legal careers. The peer support that is central to our mentoring program continues to pass forward knowledge and confidence learned along the way.

As we enter another year with renewed energy and focus, building on our broad mandate of promoting and supporting the enhancement of the stature and influence of women in the legal profession through our programs and plans -- I want to pause and say thank you. They may be two tiny words but they are packed with meaning and sincerity. The WLF would not be successful without the support of our membership which continues to embrace the mentoring program and other initiatives. Thank you all and thank you Debra for your vision, your dream, and your tireless efforts.



Finding Fulfillment in the Law and Your Profession

By Grace Cleveland

On December 3, the WLF Education Committee hosted its final event of 2021. After introductory remarks from Education Committee Co-Chairs Olena Gavrilova and Arielle Lavender, participants enjoyed informative and candid conversations between moderator Bena Stock, an acclaimed counsellor, law coach, and former lawyer, as well as speakers Sara Forte, Alice Davidson and Ellen Gavin.



Sara spoke about her experiences leaving a downtown firm to start Forte Law, her own employment law firm, and growing that firm into a cross-provincial entity with offices in BC and Alberta. She also spoke to her work with StandUP Teams™, a program that includes bystander training to combat workplace harassment and discrimination, and Not Your Average Law Job, an initiative showcasing lawyers who love their unconventional employment scenarios.

Alice discussed the path she followed to her current position as Chief Legal Officer at Mogo Inc., including trying to find joy while working as a spin class instructor and a corporate commercial associate - at the same time! Alice encouraged people to look for what really makes them happy instead of just going through life trying to check off the boxes that worked for someone else.

Ellen ended the event by providing participants with her perspective on what is trending in the legal workplace market – for example, lower billable hour targets, options to work remotely, and more demand for mentorship opportunities. As the leader of Impact Recruitment’s legal division in Vancouver, Ellen has the inside scoop from lawyers and law firms on all the ways in which the pandemic has shifted expectations of what is normal, and what this means for those looking to make a career move.

For many women lawyers who find themselves wondering what else might be out there in terms of new opportunities or ways of practicing law differently, this discussion offered a glimpse into how others have embraced change and crafted unique lives in law that work for them. Overall, it was another illuminating event that ended with everyone feeling inspired to go out and seize the day. Thank you to all who made this event such a success!

BC WLF Executive Contact Information

Events Planning Co-Chair
Bronwen Black
bblack@wt.ca
604.891.7293

Events Planning Co-Chair
Nicole Chang
nchang@wt.ca
604.891.7246

Marketing & Communications Co-Chair
Grace Cleveland
graciecleveland@hotmail.com
604.536.5002

Marketing & Communications Co-Chair
Leah Seneviratne
ls@whclaw.ca
604.443.3672

Member at Large
Lauren Chu
l.chu@telus.net

Member at Large
Silvana Herra
sherra@rhelaw.com
604.682.3771

Member at Large
Stephanie Markovich
markovich.stephanie@gmail.com

Member at Large
Rachel Schechter
rschechter@fasken.com
604.631.4911



COVID-19's Impact: The New Economic Issues Facing Women

By Sonia Athwal

A report from UN Women states that women's paid labour and women-run businesses have been hit the hardest during the pandemic, and that this job and income loss will have a compounding effect on women and girls well into the future.

A Disproportionate Economic Impact

McKinsey & Company reports that women's employment was instantly affected by the pandemic such that one in four women considered leaving the workforce or downshifting their careers in order to manage the social impacts of COVID-19. This is compared to one in five men. The impact on education and employment will have lasting consequences that may work against current gender equality initiatives.

The Need for Support

McKinsey & Company's findings are reflected on a local level in what Andrea Harris, the Director of Community Investment at Vancity Credit Union, sees with respect to who needs support, what kind of support is required, and also what was happening to support women even before March 2020.

Harris saw an acute, new need for crisis and mental health assistance as a result of COVID-19: "we don't typically support something like post-partum depression, but women who gave birth during the pandemic were disproportionately impacted and we saw an increase in need from those crisis intervention groups." She added that childcare allows women to participate in the workforce at their full potential: "we've done new grant making in that space as well, providing indirect support, like job retraining and building out financial literacy."

Harris notes that the impact on women is magnified when non-profits backed by grant-giving organizations have to get leaner with spending despite the increase in demand for services. Many women's sector organizations went into the pandemic underfunded, with an unpredictable combination of grants, individual donations and corporate gifts, and were always campaigning for more funds. The COVID-19 pandemic led to substantial revenue loss for these organizations due to cancelled fundraising events and donations.

With resources and aid shrinking, and focus shifting to immediate needs, some women may become more risk averse and will be less likely to reach out for government or private sector financial relief.

What are some Possible Solutions?

Direct income support for women is one of the five steps the UN has set out to mitigate the negative economic impacts of the pandemic on women. However, guidance and research show that increasing gender diversity in the workplace and gender equity overall can also be an effective strategy. This includes investing in education, family planning, maternal health, and digital and financial inclusion.





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Law firms, other legal employers, and leaders in the legal community can work harder to improve workplace wellbeing for women by providing supports like emergency childcare, flexible work arrangements, and better extended health benefits. These supports shouldn't be restricted to work-from-home and pandemic-only arrangements but should be long-lasting solutions to the disproportionate impact that COVID-19 has had and will have on women.

Source: UN Women, McKinsey & Company, Canadian Women's Foundation

Ovarian Cancer Canada's Walk of Hope

By Grace Cleveland

This year the BC WLF continued its tradition of participating in Ovarian Cancer Canada's Walk of Hope. This walk is the only one in Canada focused on providing support, raising awareness and funding much-needed research into prevention, improved treatments and ultimately finding a cure for ovarian cancer.

The walk took place on September 12, 2021 at Queen Elizabeth Park in Vancouver. Several WLF members met and walked together, sharing stories of how ovarian cancer has touched our lives and the lives of those we love. Although ovarian cancer is a lesser-known disease, it is one that thousands of Canadian women are living with today, and one that approximately 3,100 women have been diagnosed with this year.



Our team set out to raise \$5,000, but we exceeded our goal and raised almost \$7,000. This is largely in thanks to the fundraising efforts of former WLF chair Linda Robertson who personally raised over \$5,500! These funds will form part of the nearly \$30 million raised to date through past walks.

Thank you to everyone who walked, donated, and raised funds for this important cause!

WLF Newsletter Winter 2022 Edition

Editors

Grace Cleveland, Leah Seneviratne

Editorial Board

Rose Keith, Daria Batkin, and J. Cherisse Friesen



Considerations for Lawyers Working with Survivors of Sexual Violence

By Janelle O'Connor*

The harms of sexual assault go to the very core of one's being and manifest themselves in various and complex ways, often over a lifetime. In most cases, survivors of sexual assault are psychologically damaged and highly vulnerable. The vulnerability is often compounded by factors other than the assault itself - even though they are often related - such as drug and alcohol dependency.

Here are five considerations for lawyers working in this area:

Take time to understand the unique needs of these clients. For example, the client may exhibit tendencies - such as avoidance, anger, and anxiety - that make it challenging to connect with and represent them. As a result of the assault, the client experienced a betrayal of trust and had their power and control taken away from them, and it may be difficult for them to trust anyone, including their lawyer. Further, many survivors are impoverished and highly marginalized in our society. They often feel powerless and isolated because of their mental health or addiction issues.



Safety concerns related to the risk of self-harm must always be top of mind. Survivors of sexual assault may engage in harmful behaviours, such as alcohol or drug abuse or suicide attempts. Where possible, lawyers should encourage and assist the client to seek out the supports they need to safeguard their mental health. Lawyers should also be open to having a support person available to the client throughout the proceeding, subject to concerns of privilege and confidentiality.

Be frank about the impact of litigation on personal privacy. Clients should understand the disclosure obligations in civil proceedings, *especially* in cases involving sexual assault. Clients are often surprised that disclosure obligations extend well beyond the actual incidents of assault themselves. Where appropriate, lawyers should also discuss whether the client wants to apply for an anonymization order or publication ban and the pros and cons of doing so.

Become familiar with the different avenues of redress available. Depending on the circumstances, there may be multiple avenues of redress and, at times, overlapping legal proceedings, such as disciplinary proceedings, criminal proceedings, human rights proceedings, and others. Sexual abuse cases are both legally and factually complex, and lawyers should be alive to various avenues of redress.

Be alive to secondary trauma or vicarious trauma. Lawyers and staff working with survivors should be alive to the impact of this work on their own mental health. The demands of these cases will limit the number of such cases a lawyer can responsibly take on at any time. Lawyers must understand and respect the emotional demands that will be placed on them and others working on these cases - and take steps to avoid "burn-out".

Sexual assault is a distinctive tort with distinctive considerations for lawyers practising in this area. If lawyers are mindful of the unique elements of these cases, pursuing them can be rewarding for lawyers and clients alike.

* Janelle O'Connor is a lawyer at Murphy Battista LLP where she acts exclusively for plaintiffs involved in a range of class actions and civil individual sexual assault claims. She is known most recently for her representation of women who experienced gender and sexual harassment while working and volunteering with the RCMP in non-member roles (*Tiller et al v HMTQ*) wherein she and co-counsel Angela Bessflug obtained \$100 million settlement for their clients.



***Genocidal Love* by Bevann Fox - Book Review**

By Nicola Virk

“You may never know what it is like to live with genocidal effects, but *Genocidal Love* will take you there” – Preface of *Genocidal Love*

Genocidal Love is based on the author’s own experiences as a residential school survivor told through the fictional character of “Myrtle.” It is a powerful and emotional story of trauma and healing.

The book begins with Myrtle’s childhood. Raised on a reservation and living with her grandparents, Myrtle is surrounded by love, family, traditions, songs and culture. Fox’s writing has a way of making you feel the comfort and home that Myrtle feels as a child growing up with her Nōhkom and Nimosōm.

The story takes a sharp turn when Myrtle is sent to a residential school at the age of seven. Through Fox’s poetic and heartbreaking storytelling, you feel Myrtle’s pain, fear and confusion as her childhood is destroyed through horrific tales of abuse. Myrtle’s family, traditions, culture, language and physical and mental safety are ripped from her.

The story transitions into Myrtle’s adulthood as we feel her struggle with the long-term effects of her time at residential school. She is timid and untrusting. Her trauma manifests in destructive behaviours. She finds herself in relationships with abusive men and facing difficulties with family relationships. However, Myrtle’s story is also one of courage and resilience. The story takes us with Myrtle on her healing journey as she attends therapy and sees a medicine woman. The story also takes us through Myrtle’s 10-year legal battle to obtain compensation and have the Canadian government recognize their responsibility for residential schools.

The WLF was honoured to have the author, Bevann Fox, speak at a virtual Book Club Event on October 28. Fox was candid about how *Genocidal Love* was grounded in her own life experiences. She shared stories from her childhood and life with us. Her granddaughter even made a brief appearance at the beginning and you could see the love and pride shine from Fox as she talked about her family.

Genocidal Love took two to three years for Fox to write. Although she had to relive the trauma in the process, Fox says that writing the book was also healing for her. Fox said she wrote the book not with the intent to hurt, but to bring awareness to what happened and bring back something lost. She wanted to reach out to people and share the story of what happened to her. *Genocidal Love* achieves that goal; it is a moving story about residential schools and its impact on the lives of survivors and those around them.

Thank you Bevann for sharing your story with us!





Profile: Rise Women's Legal Centre

By Kathleen Pinno

Rise Women's Legal Centre provides free legal services to women and gender-diverse people who are otherwise unable to access a lawyer. Rise began as a student clinic in 2016 and focuses on family law. The WLF spoke to Kim Hawkins, Executive Director of Rise Women's Legal Centre in Vancouver, who provided information about Rise's work and challenges.



Women often need Rise's services because of a gap between other supports and real circumstances. For example, a woman fleeing domestic violence will be required to save money to leave a transition home, and those meagre savings might disqualify them under legal aid's tariff. Further, there is also a lack of understanding of family violence within the system, with no mandatory training for lawyers or judges.

Rise's services include:

- Triage Program: Staff provide legal education and information, and assistance with accessing resources like legal aid.
- Student Clinic: Law students in a full-time experiential externship conduct files while supervised by a lawyer.
- Family Law Incubator Program: Rise trains an articling student who is subsequently mentored while setting up their own family law practice.
- Virtual Legal Clinic: Rise provides legal services across the province through volunteer lawyers who provide summary advice.
- Family Advocate Support Line: A Rise lawyer liaises with advocates and community support workers from other organizations. The lawyer answers family law questions and provides training upon request.
- Equality Law Clinic: Student volunteers and a supervising lawyer assist with rights-related services (e.g. replacing identification and complaints processes), with a focus on high-barrier areas such as Vancouver's Downtown Eastside.

Historically, students have shown a lack of interest in family law. Many perceive family law as "emotional", not "real" law, or a "pink ghetto" – "devalued because it was considered a women's area of law." Hopefully these perceptions are changing due to academic excellence in family law and Rise's work.

COVID-19, coupled with rising domestic violence, has doubled Rise's inquiries and the number of clients requesting assistance, with no signs of slowing. While virtual processes make courts more accessible in some ways, they also create new barriers for some clients.

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Given these challenges, how can we help with Rise's great work?

1. Volunteer with the Virtual Legal Clinic – training is CPD accredited!
2. Complete family violence training
3. Familiarize yourself with local organizations who can support your clients with safety and access to justice issues
4. Donate (see: womenslegalcentre.ca)
5. Promote family law as a practice area

Contact Rise at info@womenslegalcentre.ca or 604-451-7447.

Advice from the Lawyers Assistance Program: Work/Life Balance at home

By Arshdeep Sandhu

Shari Pearlman is the Assistant Director at the Lawyers Assistance Program of British Columbia, where she helps women lawyers in many aspects of their practice, including one important topic in particular: how to set and keep boundaries between their work and home.

If possible, try and create a workspace where you can spread out your work if necessary - but tuck it away at the end of the day. This includes closing the door to an office or physically closing a laptop and putting it in a drawer. These small changes in everyday tasks can result in big changes to one's peace of mind. An organized space can help keep people focused on their work and tasks by reducing distractions around them. The same rule applies for working from home. The physicality of putting the work away helps create a mental end to the work day.

Use a sticky note or electronic device to keep track of how much time you've worked - before helping others. This way if you are taking a break and then going back to your work later, you know how much time you've already put into your work. We still need breaks when we work from home. This is just as important for the busy and overworked moms of the world as it is for other women who have difficulty motivating themselves to get work done or feel like there is not enough time in the day.

When you take breaks, leave yourself a note of where you left off your work and your train of thought on what you were going to do next. This way, you can take a break without constantly ruminating about what you were about to start on. Free up that mental space and know that when you physically return to your workstation, you will know what you want to get done first without wasting time getting back into it.

Shari Pearlman has many other tips and tricks she shares in her Time Management and Boundary workshops. You can find more information on the Lawyers Assistance Program website: lapbc.com/events.



Hot Tips at the WLF Fall Launch

By Leah Seneviratne

On October 20, 2021, the WLF was pleased to host its Hot Tips from Top Mentors event at our annual Fall Launch. This year, we were privileged to hear the advice and thoughts from four established women lawyers, and one Justice of the Supreme Court of British Columbia.

Amy Fong, a leading lawyer in Intellectual Property law at McCarthy Tetrault, spoke about burn-out and how she manages to maintain balance between her work and life demands. She explained that one of her biggest regrets in her career was a time when she didn't say no to a client. When her health began to suffer from the increasing work demands, she realized that she needed to start saying no.



Amy provided great advice on how and when to say no: When should you say no? Assess whether you have time to take on a project without sacrificing the other valuable things in your life. How should you say no? Start with an expression of gratitude, then provide a clear and brief explanation. Finally, try to build your network by recommending someone else.

Tamara Napoleon, an Indigenous law expert from Miller Titerle and Company, discussed the “lifting up” concept and how her work serving on the boards of various educational and indigenous non-profit organizations helped her learn leadership skills, harness her confidence, and nourish her passion for social justice. Tamara explained how important it was to find time and energy to nourish other parts of herself and contribute to society, as well as humanize the law in a way that the contracts on her desks couldn't.

Jordana Cytrynbaum, a commercial litigator and partner at Whitelaw Twining, discussed the importance of trusting yourself. Jordana explained that many women tend to take on too much work or try to be the person their client wants them to be in order to prove themselves. However, these behaviours may not actually add value, but instead stunt your development. Trusting yourself also involves not automatically deferring to or mimicking senior lawyers, or assuming that just because someone is older, their perspective is more valuable than yours. Jordana also offered tips on managing doubts and impostor syndrome, which include preparing detailed outlines for yourself, and working through the roots of what is causing your fear.

Seema Lal, a commercial litigator and partner at Clyde & Co, explained how in most cases having the ability to network will be essential to building success in your career. This includes networking within the firm and with people who can provide you with personal support. Since networking does not come easily to many women lawyers, Seema explained that instead of starting by introducing yourself and telling someone where you work, try telling people what you do on a regular basis. As an example to generate a better discussion, instead of saying that you work in construction law, try saying something such as, “I assist contractors and owners with disputes involving construction contracts.”

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Madam Justice Marzari of the Supreme Court of BC ended the night by discussing the importance of being courageous when it comes to the advancement of justice, the law, and your community. Justice Marzari mentioned that the best lawyers don't obfuscate the difficult parts of their client's position in court, but rather they understand the weaknesses of their client's position and can articulate what it means. Justice Marzari explained that being courageous also means standing up to bullies once you have the privilege that comes with seniority in the bar, including naming and identifying inappropriate behaviour. Lastly, Justice Marzari advised us to be our authentic selves. This involves remembering that you are a source of your own strength and diminishing who you are diminishes your effectiveness as a lawyer.

Fall and winter can often be especially stressful seasons and it was rewarding to take the time at the Fall Launch to reflect upon what we want from our careers and how we can find balance in our lives while working towards our goals, whatever they may be. The WLF would like to give a big thank you to Amy Fong, Tamara Napoleon, Jordana Cytrynbaum, Seema Lal, and Madam Justice Marzari for a rewarding and inspiring night.

WLF Vancouver Island Update: Mandate in a Hat

By Kathleen Butler

The Vancouver Island WLF has a stated purpose of “providing opportunities for networking and meeting to discuss and learn about strategies and initiatives to improve satisfaction, survival and success of women lawyers in their careers.” While this mandate may sound lofty, it represents the potential value of a social section of the Canadian Bar Association.

What kind of opportunities are we to provide? Two, specifically. Opportunities for networking and meeting. Investopedia defines “networking” as the exchange of information and ideas among people with a common profession or special interest, usually in an informal social setting:

So, how do we break that mandate down and ensure that we are serving our purpose? Sometimes, with silly hats.

My favourite meeting so far was the Silly Hats Zoom meeting held slightly before we all contracted Zoom fatigue in the pandemic. We learned strategies and initiatives to improve our satisfaction, survival and success as women lawyers while wearing our silly hats. Surrounded by our colleagues in silly head gear, all baffled by a global pandemic, we were able to talk and connect with our guards lowered. The rest of the mandate followed naturally. Mission accomplished!

This is not just any island, and not just any forum. This is the Women Lawyers Forum of Vancouver Island! By blooming where planted, we, as a group, provide unique colour within a much larger garden.



Threading Equality Through the Law: The Legacy of the Honourable Justice Rosalie Abella

by Grace Cleveland

The CBA WLF Leadership Online Symposium took place virtually on October 7 and 14, 2021. The symposium honoured Justice Rosalie Silberman Abella's career and vital contributions to constitutional and human rights law, administrative law, and family law, as well as marked the occasion of her recent retirement from the Supreme Court of Canada.

The first session was "Rights in Real Life: Justice Abella's Legacy in Constitutional and Human Rights Law." This session was presented by Carissima Mathen of the University of Ottawa's Faculty of Law, Pam Hrick, the Executive Director and General Counsel at LEAF, as well as Reakash Walters of Addario Law Group.

The panel analyzed Justice Abella's decisions in cases such as *Fraser v Canada*, *Daniels v Canada* and *Mikisew Cree First Nation v Canada*, as well as her compelling conclusions in *Equality in Employment: A Royal Commission Report*. After these cases were analyzed, the panel had a passionate discussion on the ways in which Justice Abella has shaped our national understanding of substantive equality and human rights.

The session that followed was "Gold Standard: The Role of Deference in Justice Abella's Approach to Administrative Law" featuring the Honourable Justice Anne L. Mactavish of the Federal Court of Appeal, Paul Daly of the University of Ottawa's Faculty of Law, and Raji Mangat of West Coast LEAF, with facilitator Ewa Krajewska of Borden Ladner Gervais. These panelists combined their academic perspectives with hands-on experience adjudicating in court and tribunal settings to explore cases including *Doré v Barreau du Québec*, *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador*, and *Canada (Minister of Citizenship and Immigration) v Vavilov*. This session highlighted Justice Abella's role in developing the Canadian approach to judicial review, her dedication to defending deference, and the connections between administrative law and access to justice.

Day one ended with a virtual networking event during which the Cecilia I. Johnstone Award was presented to the 2021 recipient, Jacqueline St. Hill QC, by previous award recipient Patricia Lane QC. Ms. Hill shared her personal experiences as a black woman lawyer, reflected on her career in criminal justice, and spoke to the support she has enjoyed from other women lawyers, especially through the WLF. Ms. Hill further spoke about the work she has done and continues to do to promote and advance the stature of women in the legal profession.



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The second day of the symposium began with, “Weaving a Safety Net: Justice Abella’s Impact on Family Law.” Panelists Robert Lecky of McGill University, Robynne Kazina of Taylor McCaffrey LLP, the Honourable Associate Chief Justice Eva Petras of the Superior Court of Québec, and moderator Shelley Hounsell-Gray QC of Blackburn Law considered Justice Abella’s fundamental impact in the areas of property division, the rights of children, and spousal support. Justice Abella made a surprise appearance and added her thoughts to this fascinating dialogue.

The keynote session, “Threading Equality Through the Law: A Look Back and a Look Ahead” followed next, and featured Justice Abella herself in a candid conversation with Kathleen Mahoney of the University of Calgary. The two longtime friends traded their thoughts on topics such as the current state of human rights in Canada and internationally, what rule of law means (and what it does not), and Justice Abella’s lifelong legacy, judicially and otherwise.

The symposium concluded with “Rebellious Lawyering & Movement Judging: Imagining New Futures.” The winner of the 2021 CBA WLF *Writing Her In* essay contest, Alexandra Tamiko Da Dalt, provided commentary on her winning essay “Rebellious Lawyering and Ontario Sex Workers During COVID-19” alongside 2020 contest winner Samantha Peters. The two discussed their pedagogical and activist-informed approaches to law and lawyering with moderator Jennifer Taylor, who included questions from the audience and links to community-based organizations that the speakers support in their day-to-day lives. It was a truly inspiring end to an inspiring conference!

Thank you to all of the speakers, moderators, and CBA staff and volunteers for their hard work in making the event such a success. Thank you also to Justice Abella for her lifetime commitment to justice and for being so open and honest with the commentary provided during this 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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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.