

FOLLOW-UP REPORT & SUMMARY NOTES: DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION

**FROM THE SEVENTH ANNUAL DEAN'S FORUM ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION
UNIVERSITY OF SASKATCHEWAN – COLLEGE OF LAW
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1. INTRODUCTION

This report summarises and compiles themes from the 7th Annual Meeting of the Dean’s Forum on Access to Justice and Dispute Resolution (the “Dean’s Forum”), which was held on March 13, 2019. It outlines the day’s agenda, the Diversity and Inclusion in the Legal Profession project, and the content of the meeting day’s discussions. Notes from the presentation given on this topic, a list of participants and small breakout groups, and the breakout group questions discussed in these groups are included in the Appendices.

2. SUMMARY OF AGENDA & POLICY DISCUSSION PAPERS

The Dean’s Forum focused on two topics: Diversity and Inclusion in the Legal Profession, and Meeting Saskatchewan’s Justice Needs with Technology. This document summarises the morning session of the meeting, which focused on the former topic. The policy paper on Diversity and Inclusion in the Legal Profession focused on barriers to the legal profession for female, LGBTQ, and Indigenous lawyers as well as how to foster an inclusive justice system by ensuring the legal profession is representative of Canadian society and thereby competent to meet its wide-ranging legal needs

The Dean’s Forum meeting began with a welcome and introductions to the Dean’s Forum topics and participants led by the Dean of the College of Law at the University of Saskatchewan, Martin Phillipson. Law students Zoe Johansen-Hill, Larissa Meredith-Flister, and Coleman Owen then presented their policy discussion paper to provide participants with context for the discussions that followed. In the next part of the meeting, participants were divided into five groups to engage in a breakout session focused on diversity and inclusion at private law firms in Saskatchewan.

Each breakout group was presented one of four fictional scenarios. The first two scenarios focused on Anne, a gay lawyer in a same-sex marriage. The third scenario presented the story of Natalie, an Indigenous law student. The fourth scenario focused on Robert, a transgender man

entering the legal profession. The scenarios presented can be found in Appendix A. The breakout sessions were based on the adaptive and transformative stances presented in *Transformative Scenario Planning*, by Adam Kahane. The questions posed to the small groups are found in Appendix B. The composition of the small groups is found in Appendix C.

Following the breakout sessions, participants reconvened to report back about the themes from the small group sessions and work toward building consensus around next steps. This large group session was facilitated by College of Law Professor, Michaela Keet. Further details about the morning agenda can be found in Appendix D.

3. COMMON THEMES THAT EMERGED FROM DISCUSSION

3.1. Education

A commonly arising theme was the **role of education for law students and lawyers on themes including bias, leadership, and cultural competence**. Participants identified that although there is intentional discrimination in the profession, many of the barriers are the result of uninformed practices and traditions. Educating on how structures can act as barriers to some while not others may be helpful in moving forward and speeding the pace of change.

A second priority for education was leadership training. Participants noted that people must be well-trained in business management. Offering practice management training to students may empower them as they enter the profession. One participant noted that new lawyers feel intense pressure to conform as they enter the profession and, as a result, they leave many of their values and aspirations behind as they enter the profession. Leadership training may empower new lawyers to resist this tendency and be willing to stand up for change. As was noted, the profession has long been relying on the “next generation” to create change but the existing structure does not embrace or empower new lawyers to do so.

3.2. Diversity and Inclusion as Core Competencies for 21st Century Professionals

Participants pointed out that while some individuals remain opposed to the idea of diversity and inclusion per se, it becomes more difficult to argue against such ideas if they are seen as core competencies required of lawyers.

Part of being a 21st century professional is understanding the importance of diversity. As one participant noted, “if an organization says ‘we should be queer-friendly’ some people will oppose that, but if instead the organization ties respect for LGBTQ lawyers back to the concept of professionalism, that is something that no one can argue against.” **Law schools have an important role to play in teaching students to be professionals who respect and further diversity and inclusion.** This can, for example, be done by teaching first year students about the historical issues faced by women, LGBTQ, and Indigenous students in their mandatory classes. **Teachings on diversity must continue during the CPLED program.** Further, **firms need to develop a broader notion of what a professional is.**

The standard must be higher than simply calling a professional one who does not commit fraud and does not steal from her clients; rather, professionalism and competency must include respect for coworkers and clients regardless of gender, sexual orientation, or race. **Diversity and inclusion must thus be seen as core components of professionalism.** There must be a meaningful set of rules or standards – core competencies, ethical behaviours, and professional requirements.

3.3. Leadership

Leadership emerged as a crucial point in promoting diversity and inclusion. **Leaders must create an environment in which people are safe and can flourish.** Leaders have to acknowledge that people are different, have to create a space where these differences are normalized – as put by one member, “it needs to be routine stuff that you have groups of people and you support them.”

Organizations should want their employees to be happy and productive. If lawyers work in a safe, welcoming place where they can be themselves, they will be more productive. **From a business standpoint, productivity will decrease if the work environment leads people to hide who they truly are.** Thus, it is important to let people self-identify and to create a comfortable, safe space. As put by another participant, “talent doesn’t look at gender barriers, sexual orientation.” **Managers must legitimize diversity and inclusion initiatives and indicate to their employees that those values are important to the organization.**

Firm leaders play a crucial role in setting organizational culture. They must take visible and active steps, and those steps need to be taken early. For example, the longer an LGBTQ lawyer is “in the closet,” the harder it is for that lawyer to come out. **Thus, it is important for firms to making articling student materials, recruitment information, and their website diversity friendly.** As put by a participant, “when the person walks in the firm they need to know right away that the firm is diversity friendly.”

In driving this type of organizational change, leaders must affirm the importance of diversity and inclusion. As noted by a participant, leaders need to “break down the barriers and hit people in the heart with stories and with education”. Part of the difficulty in breaking down barriers is the lack of understanding about how to respectfully discuss challenging topics, such as bias and privilege. **When leaders witness discriminatory behaviour, they must call it out.**

In the short term, participants recommended that organizational initiatives be run through a screen of inclusivity, diversity, and equity, to ensure that these initiatives do not reaffirm conscious and unconscious biases.

3.4. Support Groups

A key theme discussed in the breakout sessions in the importance of having support groups that are championed by the leadership of the organization – be it government, a private corporation, or a private law firm. A crucial point in establishing support groups for female, LGBTQ, and Indigenous lawyers is that the leaders of the organization be actively involved in the

groups. It is not enough for leadership to simply suggest to employees that they may join such groups; rather, **leaders must join these groups themselves**. If leaders are not members of equity-seeking groups themselves, they should join as allies to show their support. Leaders must reflect what the organization should be like and champion the values of diversity and inclusion.

3.5. Data Collection

It is key to manage the pace of change by collecting data and capturing progress in meaningful ways. **One needs baseline data to estimate where the legal profession in Saskatchewan is headed.**

It is key to look at the cycles in the legal profession. **If the profession ‘gets it right’ in the first five to ten years of a lawyer’s career path, retention rates will see a sharp rise.** More diversity at senior levels of leadership is needed, but those who drop out of the profession in the first five to ten years will never become senior partners or judges. **Data is needed to identify what is going wrong in that time frame.** For example, it must be established why women disproportionately leave private practice. While childbearing tends to occur in that time frame, data is needed to understand why females leave private firms at much higher rates than government and in-house counsel positions.

To the extent that firms worry about disclosing confidential information, one suggestion that emerged during group discussions is for the **Law Society of Saskatchewan to have a data sharing agreement and have the collection data from private firms done by third parties, so that while the overall numbers of female, LGBTQ, and Indigenous lawyers at different levels of private practice (e.g. associates, partners) are known, firm-specific details are kept confidential.**

3.6 Celebrating Progress

Recognizing the positive steps taken by organizations and individuals is an important way to build momentum moving forward. Some participants discussed how it could be valuable to

collect and recognize work currently being done and compiling it as a way to assess where we are and how to keep moving forward. A theme of our interviews and the day of the Forum was that we must dive into our feelings and ask: **what do diversity and inclusion *feel* like, not just what do diversity and inclusion *look* like.** We believe that sharing experiences of progress may help foster this type of dialogue in our professional culture.

Barriers to inclusion can be deeply entrenched and so using inspiration from the work and practices developed by others may be an important step to creating a faster pace of change than has historically been the case. This point was a key motivation identified by several participants in the room who noted that despite knowing this problem exists and wanting to address it for decades, there has been little profession-wide change over the years. The same barriers and disadvantages continue to persist.

This line of discussion resonated well with our Policy Discussion Paper and the theme of taking action to celebrate the important contributions of individuals from equity-seeking groups as a way to show support where barriers have been or are being broken down.

4. MOVING FORWARD

In our Policy Discussion Paper, we set out 3 recommendations:

1. **That the Law Society of Saskatchewan collect data on the percentage of female, LGBTQ, and Indigenous lawyers at each firm, divided by associate and partnership positions;**
2. **That the Canadian Bar Association and the Law Society of Saskatchewan create a recognition program for firms that meet a certain threshold of female, LGBTQ, and Indigenous lawyers; and**
3. **That the University of Saskatchewan, College of Law incorporate content for first year students on the historical issues faced by women and LGBTQ people,**

and that it continue to build upon its efforts to educate students on Indigenous peoples, laws, and the history of colonization.

Throughout the day, the above themes, in relation to our recommendations arose particularly in the areas of education and mentorship. Participants discussed how educating students and lawyers on how to be competent leaders and mentors is important. One participant mentioned that there is a **link between mentorship and leadership**. After the day, we maintain that these three recommendations will be worthwhile pursuits moving forward.

In response to these themes, **we created a syllabus on diversity and inclusion** (found in Appendix D) containing modules which could be extracted and incorporated into law courses, as well as educational sessions for lawyers. These modules focus on themes discussed above, including: leadership, professionalism, and bias, as well as historical education on where we have come from so that current and future leaders understand the circumstances of the past and how those inform the realities of today.

Although we had limited time on the day of the Forum to delineate the next logistical steps for addressing this issue, a strong theme of **individual and collective reflection** emerged. We hope that this theme will continue to resonate and build moving forward. We think that **taking the issue personally** and reflecting on how our own behaviours, personally and organizationally, contribute to or even create barriers for others is an important component of change. **Blaming individuals, blaming society, or relying on future generations has not proven to create the changes necessary.**

In our view, one next step may be to define leadership. How do we teach students and lawyers to be competent leaders? What does leadership mean? Upon making that assessment, the modules we developed in our syllabus may then be adapted and implemented into educational courses. Another initial step may be to begin to collecting experiences of positive work being done and best practices. If we **develop a new standard of professionalism and sense of accountability to each other**, it may go a long way in creating the cultural changes which are so important in this area.

We believe that in a province growing in diversity, as Saskatchewan is, change will soon become a necessity as well as a moral and ethical concern. The legitimacy of the legal profession and the trust the public can put in it will be damaged if the profession is unable to retain diverse individuals so as to reflect the population it serves.

We hope that the theme of reflection will inspire participants to take a step back and consider the policies and traditions that the profession currently follows. **Legal professionals have the ability to shape the culture of the profession and to make it more accommodating and open for everyone in it.** If everyone takes accountability to mentor those who need a helping hand, to recognize the strides that are made, and to **challenge those procedures, beliefs, and preferences that act as barriers to inclusion**, both the profession and the public will benefit.

Appendix A: Breakout Session Scenarios

Scenario 1 – Anne (LGBTQ)

Anne is a law student who is gay and married to another woman. She goes for an articling interview with a law firm in Saskatoon. During the interview, the law firm asks her what her husband does. She replies that she is married to a woman. The interviewers stop asking Anne questions that relate to her abilities as a law student and instead start asking personal questions that would not commonly be asked, such as how Anne’s parents reacted to her coming out as gay. After the interview, Anne withdraws her application to that firm.

After this experience, Anne worries that she should stay “in the closet” when interviewing with other firms. She gets hired for articling at a different firm. No one at the firm knows she is gay. The lawyers at the firm assume Anne is straight and single, and sometimes joke about setting her up with an eligible bachelor. The stress of legal practice is compounded by Anne’s worry that she constantly needs to hide who she truly is.

Scenario 2 – Anne (LGBTQ)

Anne is a married gay woman. She is a senior associate on track to become partner at a Saskatoon firm. The firm is very happy with Anne’s billable hours - for several years in a row, Anne has exceeded the firm’s billable hour targets by more than her male counterparts. The firm has stated that if she continues to bill that much, she will make partner “very soon”. Prior to the announcement that Anne would become partner soon, she and her wife had undergone an in-vitro fertilization process. Anne is now pregnant.

The firm has no formal policy on parental leave and its effects on partnership. Anne doesn’t know what to do. She tells a partner at the firm that she is concerned that if she goes on maternity leave she won’t make partner. The partner tells Anne that she has to make a decision.

Anne goes on a six-month maternity leave. At the end of her maternity leave, the partner position is filled by Mark, an associate who had consistently billed less than Anne but had never taken time off to take care of his kids. In explaining its decision, the firm stated that it had taken the average hours billed by Anne and Mark over the past three years. In that average, the firm included the six months Anne was on maternity leave.

Scenario 3 – Natalie (Indigenous)

Natalie is an Indigenous woman finishing her final year of a degree in political science. She had previously received a Bachelor's in Fine Arts and has hosted her own community art shows. She has an extensive background with music and spent five years playing violin for the Saskatoon Youth Orchestra.

Natalie will attend the College of Law in the fall. She has been invited to participate in the Native Law Centre Summer Program at the University of Saskatchewan. Here she will meet other Indigenous law students from across Canada. This experience provides her with hope for her future as a lawyer.

When September comes and Natalie meets the rest of her class, she will be glad to see the diversity represented. In class, however, she will begin to notice that whenever the topic turns to Indigenous peoples, eyes turn towards her; both instructors and fellow students will expect her to have opinions to share. When she does share, she will be told that her views are not objective because she is Indigenous.

Like all students, Natalie will participate in a course in Aboriginal people and the law. There, she will learn about intercultural competency, conflict resolution, human rights, and anti-racism. She will listen to her classmates question the role of the course and the efficacy of Indigenous-styles of teachings, and watch as they emerge believing themselves now to be culturally competent.

At networking events, Natalie finds that she has very little to talk about with many lawyers. The conversations she joins will often be on the topic of sports and athletics. When asked about her own interests, Natalie will talk about her art and her music, but this will not engage many people. She will try to talk about sports like others do, but that has never been a big part of Natalie's life.

During an interview for a summer position with a firm, Natalie is asked when she plans to have children. When she tells of how she worked her way through school by selling her art, the interviewer is surprised and says, "I thought the government paid for all of you to go to college."

Natalie will article with Jacob, an older white man. When Natalie attends court with Jacob, she will be mistaken for his client. When she is at court alone, she is asked to step back into the gallery until her matter comes up. While Jacob is an excellent mentor, he will not understand the specific challenges that Natalie faces as an Indigenous woman.

Scenario 4 – Robert (Transgender)

Robert is a transgender man. He acted as a branch manager of a national bank for eight years and then quit his job to transition. While undergoing these changes, Robert decided to return to school to study law.

At orientation, other students are uncertain of Robert's gender. They hear him introduce himself as Robert but are unsure how to approach him in fear of doing something wrong.

Robert is now looking to find an articling position. All the companies he previously worked with knew him as Samantha. Additionally, his transcripts still state his gender as female.

Robert has been asked for an interview for an articling position with a firm in Regina. The interview is done by phone. The interviewer is confused by Robert's tone of voice and asks repeatedly whether it is Robert who is on the phone and the interview does not go well. Robert is misgendered in the rejection e-mail.

Robert obtains a second interview from a firm in Saskatoon. This interview is done in person and goes smoothly. After the interview, the firm asks for references and documentation, including his transcripts. Robert is forced to explain that he is transgender so that these background checks can be completed. Robert gets the job.

Robert has begun work at this firm. They know he is transgender as a result of the background check. Robert is asked to use the unisex washroom. The interviewer, aware of his transition, misgenders him at the office in front of other co-workers. Robert does not know how to deal with this situation or who he can talk to at the firm for assistance. He is unsure whether he can continue working at the firm but fears going through the hiring process again.

Appendix B: Questions Posed to Participants

Group Discussion

This character's story is fictional, but there is nothing untruthful or unrealistic about it. The scenario was written based on research and consultations. It combines a multitude of experiences. It is fully consistent with stories that you might hear talking to someone in the same position.

Now that we have established what a possible future could look like, we need to ask what this scenario says about what we can – and what we must – do. The conclusions that we draw here may be about actions that need to be taken to adapt to things that we cannot change, or they may be about actions to influence the things we can change. Maybe we're just left with things to think about. These actions may be individual, or they may be collective. We are not coming up with prescriptions, only with possibilities.

It is important to distinguish certainties from uncertainties. What can this group control and what is beyond control? What are the limits of our authority? Where can we make changes? Let's take responsibility for our own roles in the justice system and avoid blaming others. We will try to keep this thought exercise within the confines of the organizations represented in this small group.

First, we will take the **adaptive** stance, where we assume that we cannot change the systems we are a part of, and therefore we must accept it and adapt to it. The second stance is **transformative**, where we assume that we can change the system and therefore we must try to do so with courage.

Step 1: The Adaptive Stance

The adaptive stance. Think of this as a five-year plan. The main idea is to get at what can be done right now. Think of this with an internal focus - the culture of the organization rather than service delivery. Ask:

- What can be done within the scope of your organization's current programs and mandate?
- If this scenario occurred, what would I or my organization have to do to survive and thrive?
- What opportunities or threats present themselves?
- Which of our strengths or weaknesses would be important?

Step 2: The Transformative Stance - 20 minutes (recommended)

Next, we enter the transformative stance. Think of this as a thirty-year plan. We are not so limited by the situations that we find ourselves to be in. The goal is to see the ways in which we are contributing (or not) to what is happening in the present so that we can contribute to what could happen in the future. Ask:

- Which futures are better for me and my organization or community? Which futures do I want? Which do I want to avoid?
- What is my role in what is happening and in what could happen? What is my responsibility? What does the future need of me?

Step 3: The Reflective Stage - 10 minutes (recommended)

Sit back and think about what we have come up with here. The main idea here is for you think in broad terms about the issues were raised in the above scenario and what their role in addressing those issues is. Ask yourselves these questions from the perspective of either an individual, an organization, or a profession. It's up to you to choose the perspective you want.

- What is happening in the world that could have an impact on us?
- What impact do we want to have on the world?

Take a silent minute to think about these questions. What thoughts have you arrived at?

Appendix C: Discussion Groups

Group 1 - Scenario 2 (Anne – LGBTQ)

- **Facilitator:** Heather Heavin, College of Law – Associate Dean, Research and Graduate Studies
- **Recorder:** Zoe Johansen-Hill, College of Law – Student
- Glen Gardner, Q.C., Deputy Minister of Justice and Deputy Attorney General
- Meredith Maloof, Wiyasiwewin Mikiwahp Native Law Centre – Manager & Legal Editor, Publications
- Craig Goebel, Legal Aid Saskatchewan – Chief Executive Officer

Group 2 – Scenario 4 (Robert – Transgender)

- **Facilitator:** Charmaine Panko, Representative of the Dispute Resolution Sector
- **Recorder:** Allyse Cruise, College of Law – Student
- Chief Judge Plemel, Saskatchewan Provincial Court
- Chantelle Johnson, CLASSIC – Executive Director
- Scott Harron, Ministry of Justice – Strategic Lead
- Foluke Laosebikan, Law Society of Saskatchewan – Bencher & Chair of Equity and Access Committee

Group 3 – Scenario 3 (Natalie – Indigenous)

- **Facilitator:** Leah Howie, Law Reform Commission of Saskatchewan – Director
- **Recorder:** Coleman Owen, College of Law – Student
- Sarah Buhler, College of Law - Associate Professor
- Jaime Lavallee, College of Law – Assistant Professor
- Shannon Williams, Ministry of Justice – Executive Assistant to the Deputy Minister
- Gerry Tegart, Q.C., Law Society of Saskatchewan – Bencher

Group 4 – Scenario 1 (Anne – LGBTQ)

- **Facilitator:** Michaela Keet, College of Law – Professor & Faculty Liaison to the Dean’s Forum
- **Recorder:** Larissa Meredith-Flister, College of Law – Student
- Evert van Olst, Q.C., Law Foundation of Saskatchewan – Member
- Kylie Head, Q.C., Ministry of Justice, Innovation Division – Assistant Deputy Attorney General
- Tim Brown, Q.C., Law Society of Saskatchewan – Executive Director
- Martin Phillipson, College of Law – Dean

Group 5 – Scenario 3 (Natalie – Indigenous)

- **Facilitator:** Melanie Hodges Neufeld, Law Society of Saskatchewan – Director of Legal Resources
- **Recorder:** Jianna Rieder & Melissa Craig, College of Law – Students
- Nicholas Cann, Q.C., Canadian Bar Association – President
- Stacy Muller, Ministry of Justice Dispute Resolution Office – Director
- Justice Konkin, Court of Queen’s Bench

Appendix D: Forum Morning Agenda

TOPIC 1	DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION
9:20-9:45	Presentation <i>Zoe Johansen-Hill, Larissa Meredith-Flister, Coleman Owen, Dean's Forum Students</i>
9:45-10:45	Assigned Small Group Discussion <i>Facilitators: Heather Heavin, Leah Howie, Melanie Hodges Neufeld, Michaela Keet, Charmaine Panko</i>
10:45-11:00	Morning Coffee Break (provided outside of doors of Main Boardroom)
11:00-11:20	Large Group Discussion: Reporting Back <i>Facilitators: Dean's Forum Students</i>
11:20-12:15	Large Group Discussion: Next Steps <i>Facilitator: Michaela Keet</i>

Appendix E: Course Syllabus / Modules

COURSE SYLLABUS / MODULES – DIVERSITY & INCLUSION IN THE LEGAL PROFESSION

DISCLAIMER: We welcome widespread use of this syllabus and the modules within it, but ask that we are attributed as its source. In the interest of tracking its impact, please notify the Dean’s Forum Course Instructor, Brea Lowenberger at b.lowenberger@usask.ca if you use this content.

Course Description

This syllabus of inclusion and diversity contains modules which can be extracted and incorporated into course plans and lesson plans across the law school curriculum, as well as CPLED and Continuing Professional Development sessions for lawyers.

Course Overview

This “course” includes a range of learning goals identified at the Seventh Annual Dean’s Forum on Access to Justice and Dispute Resolution. A key theme emerging at the Forum was the role of education in the future of the legal profession. The pressure of young lawyers to conform during their early years of practice rather than bringing in their own sense of leadership is problematic.

This course aims to develop competencies in leadership and professionalism with an eye to access to justice, reconciliation, and diversity and inclusion. It also includes historical lessons on the law that inform the socioeconomic conditions of today. These lessons demonstrate that what may seem to be objective is actually influenced by historical, socioeconomic, and cultural circumstances that disadvantage some while advantaging others.

Learning Outcomes

By the completion of this course, students will be expected to:

1. Understand professionalism as including cultural competence and a sense of accountability for the public’s legal health.
2. Understand the legal system’s interaction with historical and ongoing socioeconomic conditions for women, Indigenous, and LGBTQ individuals.
3. Critically reflect on the culture of the profession and its ability to serve the public equally, including the capacity for self-reflection on internal biases.
4. Understand the difference between conscious and unconscious bias. Evaluate and reflect on one’s personal biases and how they affect preference and legal practice.

Land Acknowledgement

As we gather here today, we acknowledge we are on Treaty Six Territory and the Homeland of the Métis. We pay our respect to the First Nation and Métis ancestors of this place and reaffirm our relationship with one another. We recognize that in the course of your studies you will spend time learning in other traditional territories and Métis homelands. We wish you safe, productive and respectful encounters in these places.

Class Schedule

Topic	Module	Description
1	Leadership	<p>A focus on encouraging leadership, rather than the typical model of conformity. These may include topics of practical management skills on the business side of practicing law as well as more theoretical discussions on the meaning of leadership and not being a bystander.</p> <p>Topics:</p> <ul style="list-style-type: none"> ● Empowerment for young lawyers; ● Taking responsibility for the culture and inclusivity of the profession; ● Self-reflection and critically analyzing one’s environment; and ● “With great power comes great responsibility” – why leadership among lawyers is crucial to access to justice.
2	Professionalism	<p>A focus on the idea that professionalism in the legal profession includes a view to promoting and advancing inclusion. The legitimacy of the legal profession is harmed where it does not represent the population it serves. Embracing difference and standing up for change ought to be viewed as important components of professionalism.</p> <p>Topics:</p> <ul style="list-style-type: none"> ● How access to justice, reconciliation, and diversity and inclusion are tied to professionalism; ● Responsibility and accountability in the context of self-regulation; ● How to incorporate the public interest into individual and firm-wide practice; ● Seeing lawyers as public service providers; and ● Building capacity to create and embrace change.
3	Bias	<p>A focus on internal bias and the effects of bias on the legal profession and its ability to serve clients.</p> <p>Topics:</p> <ul style="list-style-type: none"> ● Take an internal bias test. Evaluate one’s biases and reflect on the ways bias has influenced one’s behaviours and preferences; and ● How do biases influence what one considers to be objectively true? How does bias impact law and its accessibility and influence?

4	Women & the Law – Women owning Property	<p>A focus on the laws that granted married women with the same legal rights as men in terms of entering agreements and owning property and the discriminatory practices predating such laws.</p> <p>Notable legislation/cases/events: <i>Married Women's Property Act</i>: gave married women same legal rights as men, which allowed women to enter into legal agreements and buy property (enacted in Ontario, 1984; Manitoba, 1900; followed shortly after by rest of provinces and territories; Quebec, 1964).</p>
5	Women & the Law – Women as Persons	<p>A focus on women gaining “persons” status under the <i>British North America Act, 1867</i> (“<i>BNA Act</i>”).</p> <p>Notable legislation/cases/events: Privy Council Persons case (1929): decided the word “person” in itself was not clear, and would be better understood if the <i>BNA Act</i> was given a wider interpretation. Therefore, if the law was to exclude women specifically, it should have been clearly stated in the <i>BNA Act</i>.</p>
6	Women & the Law – Voting Rights	<p>A focus on the gradual progression giving women the right to vote in provincial and federal elections.</p> <p>Notable legislation/cases/events: Legislation in Manitoba, Saskatchewan, and Alberta in 1916 giving women the right to vote in provincial elections. Legislation in BC and Ontario in 1917 giving women the right to vote in provincial elections. <i>War-time Elections Act</i>, which gave women in the military and those who had male relatives fighting in World War I the right to vote. Federal legislation in 1918 giving all Caucasian women the right to vote in federal elections. Quebec legislation in 1940 giving women right to vote in provincial elections. North West Territories legislation in 1951 giving women right to vote. Indigenous women (and men) not given a no-strings-attached right to vote until 1960. In 1960, Indigenous Canadians were no longer required to give up their treaty rights and renounce their status under the <i>Indian Act</i> in order to qualify to vote.</p>
7	Women & the Law – Fair Employment	<p>A focus on the major steps toward equality between women and men in the workforce.</p> <p>Notable cases/legislation/events: <i>Fair Employment Practices Act</i> (Ontario, 1951), aimed to eliminate discrimination by implementing fines and creating a complaints system. <i>Female Employees Fair Remuneration Act</i> (Ontario, 1951), was designed to provide women with equal pay for work of equal value. Rest of provinces and territories soon followed Ontario’s lead in adopting similar acts. <i>Canada Fair Employment Practices Act</i> (Federal, 1953), which applied to the civil service. <i>Female Employees Equal Pay Act</i> (Federal, 1956), which made wage discrimination based on sex against the law. <i>Employment Equity Act</i> (Federal, 1986), required federally regulated employers to identify and eliminate unnecessary barriers that limit employment opportunities.</p>

8	Women & the Law – Women and Violence	<p>A focus on historical prevalence of violence against women, including laws surrounding sexual assault and rape.</p> <p>Notable cases/legislation/events: Double standard in the Criminal Code laws on rape was brought to attention in 1970s and 1980s. The Criminal Code permitted questions as to the victims, but not the accused's, previous sexual history and encouraged defence counsel to argue that women had consented to sexual intercourse. Criminal Code amendments in 1982 addressed the situation where the victim of sexual assault was effectively put on trial along with accused and the concept of rape was replaced with sexual assault and violence. Bill C-127 in 1983 made sexual assault (and rape) within marriage a crime. Prior to this, marital rape was unknown, not because it never happened but because it was not against the law. Changes to Criminal Code in 1990 clarified consent issues</p>
9	Women & the Law – Equality Rights	<p>A focus on women's constitutional right to equality.</p> <p>Notable cases/legislation/events: <i>Canadian Charter of Rights and Freedoms (Charter)</i> (adopted 1982) established the constitutional right to equality. Section 15 (enacted 1985) ensures the equal protection and benefit of the law "without discrimination [...] based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Section 28 (enacted 1985) guarantees that all rights covered in the <i>Charter</i> apply equally to men and women.</p>
10	Women & the Law – Where we are now and Where do we go next	<p>A focus on where we are today in terms of women's rights and areas of inequality that are still prevalent in today's society. A particular focus on the history of women in the legal profession, the inequity that still exists in the legal profession today, and tools to increase the retention of women in the legal profession.</p> <p>Key focus points: difficulties of current court system to adequately provide justice for sexual assault survivors; retention of women in the law profession; women in leadership roles; societal barriers to advancement of women in the workplace; parental leave.</p>
11	LGBTQ & the Law - Criminality	<p>A focus on the criminality of same-sex sexual activity under the law.</p> <p>Notable cases/legislation/events: Criminalization of same-sex sexual activities between consenting adults was considered crimes in Canada prior to 1969. Prior to 1861, homosexuality was considered "the abominable act of buggery" (sodomy) and was punishable by death. In 1881 the law was modernized slightly, with the sentence being reduced to imprisonment for a period of 10 years to life. Amendments to Criminal Code in 1948 and 1961 further criminalized homosexuality through the categories of "criminal sexual psychopath" and "dangerous sexual offender", which encompassed anyone "who is likely to commit another sexual offence", thus criminalizing any gay person who was not celibate. In 1969, the Canadian government passed an omnibus bill</p>

		decriminalizing private sexual acts between two consenting individuals over the age of 21.
12	LGBTQ & the Law – History and Human Rights Codes	<p>A focus on the history of discrimination that LGBTQ people have faced following decriminalization and on provincial and territorial human rights codes aimed at targeting discrimination against LGBTQ people.</p> <p>Notable cases/legislation/events: Quebec (1977) amended provincial charter of human rights to include sexual orientation as prohibited ground for discrimination. Ontario (1986) added sexual orientation to its Human Rights Code, with Manitoba and the Yukon following suit in 1987. In 1980s, though LGBTQ rights were advancing, gays and lesbians still faced discrimination, including ongoing police harassment. Most notably the Toronto bathhouse raids, which saw gay men arrested in bathhouses and charged with being found in a bawdy-house, which police defined as being any location where “indecent acts” took place. In 1998, the SCC in <i>Vriend v Alberta</i>, [1998] 1 SCR 493, ruled that human rights legislation must be considered to cover sexual orientation.</p>
13	LGBTQ & the Law – Charter and same-sex marriage	<p>A focus on LGBTQ peoples’ constitutional right to equality.</p> <p>Notable cases/legislation/events: <i>Canadian Charter of Rights and Freedoms (Charter)</i> (adopted 1982) established the constitutional right to equality. Section 15 (enacted 1985) ensures the equal protection and benefit of the law “without discrimination [...] based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” <i>Egan v Canada</i>, [1995] 2 SCR 513, where the SCC held that sexual orientation, even though not an enumerated ground under section 15, constitutes an equivalent ground on which claims of discrimination may be based. In 1999, the SCC ruled in <i>M v H</i> that same-sex couples must be afforded same rights as opposite-sex couples in common-law relationship. In Bill C-23 (2000), the federal government brought federal statutes into line with the <i>M v H</i> ruling. The enactment of the <i>Civil Marriage Act</i> in 2005 marked a milestone in sexual orientation equality rights, by allowing same-sex couples to be married anywhere in Canada. In 2005, Canada became the fourth country worldwide to legalize same-sex marriage.</p>
14	LGBTQ & the Law – Where we are now and Where do we go next	<p>A focus on where we are today in terms of LGBTQ rights and areas of inequality that are still prevalent in today’s society. A particular focus on the history of LGBTQ in the legal profession, the inequity that still exists in the legal profession today, and tools to increase the retention of LGBTQ individuals in the legal profession.</p> <p>Key focus points: promoting being “out” at work; struggles that transgender individuals face; inclusion of gender identity in human rights codes; changing gender on official documents without gender reassignment surgery.</p>

15	Indigenous Law	<p>A focus on Indigenous laws and legal processes. What are the Indigenous laws and processes in said area of law and how do these interact with the common law system?</p> <p>Topics:</p> <ul style="list-style-type: none"> ● Indigenous laws – function and effect; ● Colonization – colonial laws have and continue to interfere with or recognize Indigenous laws or processes; and ● Making space in the law for reconciliation through Indigenous law.
16	Indigenous Peoples & the Law – Assimilation Policies	<p>A focus on the history of cultural genocide against Canada's Indigenous peoples and examines the many ways that the settler population has sought to eradicate Indigenous ways of living. There will be a particular focus on the methods that have been explicitly endorsed by the British and Canadian governments.</p> <p>Notable Events: This module might place emphasis on the history of residential schools and on the 1960s Scoop as the two most well-known and well-studied incidences of cultural genocide. This module could also examine the history of the <i>Indian Act</i> and the way in which Indigenous people were required to sacrifice their status in order to participate in society.</p>
17	Indigenous Peoples & the Law – Reconciliation	<p>A focus on reconciliation: what it is, why we need it, and how to accomplish it. It will first define reconciliation, decolonization, and indigenization and explain their interconnectedness. Then it will take a brief look at the history of Indigenous people in Canada to show what needs to be reconciled. Finally, this module will look at the responses to this need and discuss what must still be done.</p>
18	Indigenous Peoples & the Law – Where we are now and Where do we go next	<p>A focus on where Canada is today in terms of Indigenous people and the areas of inequality that are still prevalent. Depending on the audience, this module could include material establishing firmly that discrimination towards Indigenous people is still very much present; this could be done through storytelling or by having the audience view the Continuing Legal Education Society of BC's mini-documentary, <i>But I Was Wearing A Suit</i>. This module would also look at the Truth and Reconciliation Commission's <i>Calls to Action</i> and discuss further what still needs to be done and where we hope to be by following the calls to action.</p>