

# FACL BC

FEDERATION OF ASIAN CANADIAN LAWYERS

## 2023 Bencher Candidate Statements on Diversity and Equity

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## Cariboo

### **Ben Levine**

#### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I have acted for very diverse sets of clients. I was the President of the Immigrant and Multi-Cultural Society of Prince George for 5 years. I was the recipient of the CBA's Equity and Diversity Award in 2013. While not necessarily legally related, I am the child of intermarriage and am married to a Philippine person and have many step-children who are Filipino. My one natural child is mixed race.

#### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

I believe a diverse bar and profession more generally is in the interests of the public and I will work closely with my fellow Benchers to promote diversity, and equity, in the profession, with a particular focus on increasing the participation of First Nations in all aspects of the profession.

#### **What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

As a first time Bencher (if elected), I will take guidance from more experienced allies of equity and diversity at the table and support goals and strategies that promote equity and diversity.

## Kamloops

**Kathy Kendall, K.C.**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

When I first came to Kamloops in 1985 there were 3 other women lawyers out of about 80 practitioners. Sexist and crude comments were common and considered humorous. After a few years, there were more women coming into the practice, mostly as articulated students or junior lawyers and I started organizing informal gatherings where we could share the frustrations and challenges of working in a male dominated profession. In 2011 I founded the Kamloops Women Lawyers Forum to formalize our networking and support work. I have volunteered with organizations that seek to advance equity, inclusion and diversity such as the Kamloops Sexual Assault and Counselling Centre, the Elizabeth Fry Society and the Law Foundation, as well as travelling to PDR Lao to do a professional development program with lawyers there through the CBA. In co-teaching Ethical Lawyering at the TRU Law School, I ensured that there was education about unconscious bias.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

While I believe the whole profession bears responsibility for equity, diversity and inclusion in the profession, I also believe the Law Society should lead by example. There are 30 action items in the Diversity Action Plan (2020). I would look for any progress made since the Action Plan was introduced and hold the Benchers accountable for making sure the action items were addressed.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

I would want to consult with equity seeking groups to see what type of accountability they would suggest. I would ensure that articulated students I met with were aware of the Equity Advisor and s. 6.3 of the Code.

## **Jay Michi**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am a cis-het white male. Besides living with a disability (severe arthritis, chronic pain) I am an immensely privileged person and I fully recognize that. I work at a small firm (6 lawyers) that until recently only had male lawyers and also only has lawyers who are white. I wish this was not the case. And as a partner I recognize that I am now in a position to change that.

During the beginning of the pandemic, I was asked by the Dean of TRU Law if I would take on a summer student. I said I would but that I was only interested in hiring someone from an equity-seeking group. I was fortunate to have her as a student for two summers before she returned to Alberta where I helped her connect with a friend's firm where she is now an associate. That was a small thing, but an important step.

I was a vocal proponent for change to the forms of address for Justices of the BC Supreme Court at the Court of Appeal. In January of 2021 I began to write about the need for gender-neutral terminology and then took the step of writing directly to the Chief Justices. The changes came into effect in November of 2021. I like to think this was a bigger step in my path of being an ally and collaborator, and that it did help make the courts, and by extension the profession a more inclusive space.

<https://www.castanet.net/news/BC/352080/Formal-terms-my-lord-my-lady-will-no-longer-be-used-to-address-B-C-judges-courts-say>

### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

There has been progress, albeit incremental at the Law Society and in the profession generally. That's an assumption. The last full scale report was completed in 2012, wherein it was observed that, while more than 25% of the population of BC belong to visible minorities, that fewer than 15% of lawyers belong to visible minorities.

The EDI Committee produced a work plan in 2020 which aimed to get up to date statistics. If that hasn't been done, then that must be a priority. One would expect the numbers have improved over the past decade. But it is essential that the bar is reflective of the diversity of the Province.

Whether I am elected or not, I am committed to working towards improvement. At least 25% of my firm should be comprised of lawyers from equity seeking groups.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

If elected, I am not sure whether I would be asked to sit on the EDI committee. But I would advocate that the entire bench table should be involved in this effort. A single Committee can't be expected to do all the work set out in the Workplan by themselves. Accountability is about having the difficult conversations and doing the work at the board level.

Thank you for giving me an opportunity to complete this survey and to reflect on my own position.

## Okanagan

**Michael Welsh, K.C.**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

Equity and diversity have formed part of both my professional and personal life. In my decades of practice I have had clients from many racial, ethnic, religious and cultural backgrounds who have enriched my understanding of the many cultures and customs in this world. I have also worked with lawyers from many backgrounds, and been principal to articulated students from abroad and from a South Asian background. Prior to my election as a Bencher in 2018, I was an Executive Committee member and eventually President of the CBABC. In those roles, I have been a part of promoting diversity in our profession, working with groups of lawyers from many communities, including the FACL, the Aboriginal Lawyers' Forum of the CBABC, the Canadian Association of Black Lawyers and SAGDA (the Sexual and Gender Diversity Alliance Section) of the CBABC to name a few. I have served on boards and committees with lawyers of almost every ethnic background, with lawyers of differing genders, including transgendered lawyers, and lawyers from many communities across this country.

In my personal life, members of my immediate family are Indigenous, and in my more extended family I have in-laws who are Filipino and Jamaican-Canadian.

What I have learned is that we are fortunate in this country to have a rich fabric of cultures and that there is no room for stereotyping. Each person is unique and we each add to the whole. For this reason, understanding every person's background is important. We are not isolated communities, especially with so many blended families and families with parents of different backgrounds, or adopted children from different backgrounds. I see this as a large leap forward for our society from the isolated and racially intolerant era in which I grew up, and hope, although we still face challenges to being an inclusive society, as can be seen from the current fears and intolerance of immigrants and refugees from Muslim countries, we will continue down that road.

**During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

I have served as a member of the Law Society Equity, Diversity and Inclusion Committee and in my term on that committee we issued our Diversity Action Plan in 2020. As part of the committee I advocated for intercultural competence training for our profession, improvements to our Code of Conduct discrimination and harassment provisions, and other improvements that

might help to support diversity in the legal profession. As a member of the Lawyer Education Advisory Committee I personally advocated for the introduction of the Indigenous Intercultural Course that is now mandatory for BC lawyers. I have been an active member of the Truth and Reconciliation Advisory Committee for the past two years in which we worked with our Indigenous Engagement in Regulatory Matters Taskforce to produce a report on how to make the Law Society and its practices more inclusive of Indigenous peoples, but also other minorities and equity seeking groups.

**What further improvements do you plan to implement with respect to equity and diversity in your next term as a Benchers, if re-elected?**

My overarching concern is how the potential single legal regulator that the government is contemplating will address issues of equity, diversity and inclusion. At present the Benchers comprise members from a wide cross-section of racial, ethnic, gender and sexual orientation backgrounds. We must ensure that a new regulator does not turn that into a form of tokenism in the appointment/election process, as the governors of a legal regulator must reflect the diversity of our profession and the public it serves. I will work with fellow Benchers to press this point to the government and to take steps to challenge any regulatory system that does not provide this. Along with ensuring the independence of the Bar and of the regulator, it is crucial.

While we have come a long distance from law firm culture when I was called, there still remain elements of harassment and discrimination against women lawyers and lawyers from more diverse backgrounds. This is often part of that traditional law firm culture of sublimating all else to work for the firm. This has created a huge problem of mental health and addiction issues amongst lawyers. I am committed to continue our efforts toward a healthier profession where all lawyers can flourish and feel welcomed by the profession as a whole, and to ensure our Rules and Code of Conduct adequately address these areas.

## Vancouver

**Aleem Bharmal, K.C.**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

I have been a staunch advocate for equity, diversity and inclusion in the legal profession for decades. More specifically, I was Chair of the both the BC and National Canadian Bar Association EDI Committees (called Equality, then Equity & Diversity, and now EDI Committee) during my long tenure as a volunteer with the CBA, as well a member very early on of the Law Society Equity & Diversity Committee (as a volunteer lawyer, not as a Bencher). During my just completed term as CBABC President (2022-23), I chaired a number of Racial Justice Collective meetings and hosted dinners for this group as well (such a dinner was, in fact, my first official event as President). Advancing this issue, along with access to justice, have been two of my great passions as a lawyer.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

I will vigorously and vocally defend the progress the courts and profession are making in advancing EDI, including directions and guidelines regarding respecting the use of chosen pronouns and making workplaces more inclusive and accommodating.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

I will continue to work with the Law Society on developing best practice guidelines as well as advocate and work towards the introduction and development of mandatory educational materials.



## **Tanya Chamberlain**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

In my career, I have struggled as a female lawyer to find the accommodations I needed to be a mother and practising lawyer. I struggled to find role models and many times I wanted to quit practising law because I could not see a place for me. I did not see women with children sitting as Benchers when my children were young. Today the table is very different and Benchers reflect the diversity of British Columbia which is in the public interest. I want to be a role model for other lawyers to be able to have families and happy thriving practises. One of the main reasons I ran for Bencher is to make being a lawyer easier for all women and for all parents. I want women and men from every background to be able to see a role model and a path in the legal profession where they are included and accepted, so that they can prosper and thrive.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

I did not have the privilege of sitting on the Equity Diversity and Inclusion Committee or on the Indigenous Engagement in Regulatory Matters Task Force so I did not have the opportunity to work on policy matters directly relating to how to improve equity and diversity in the profession. My work was primarily on Access to Justice , Practice Standards and the Health and Justice Alliance. As a Bencher I supported proposals discussed about how to make legal education and the path to becoming a lawyer more accessible to minorities and people of modest means and how to ensure the legal profession reflects the diversity of BC because that is in the public interest. I am a mentor to young female lawyers from all backgrounds and I am fortunate to be able to do this work as a Bencher with the articulated student interviews.

### **What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

I hope to be able to increase access to justice for all British Columbians by identifying the barriers and then working on solutions. In particular, I want to identify the barriers minorities face accessing legal services. I advocate for a "triage hub" to help people with legal problems access the correct legal services and low and pro bono services. In creating such a hub, we could improve access to justice breaking down barriers, especially for marginalized people getting help for their legal problems.

## **Nikki Charlton**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

As a family law lawyer I have represented people of different cultures, ethnicities, genders, nationalities, ages, physical abilities, races, religious beliefs, and sexual orientations. I am mindful of conscious and unconscious biases relating to these differences, and have no difficulty speaking out if I believe these biases could negatively impact a case, client, or colleague. As a partner, I am actively involved in recruitment, and one of my own mandates is to ensure we are hiring associates and articling students with diverse backgrounds. I have been heartened to see diversity grow in this profession since I started, but I am mindful there is much more work to be done. As a woman, I am proud to say that Farris participates in the Justicia Project, which is aimed at retaining and advancing women in private practice, and my good friend and partner at the firm has been appointed the Diversity Officer for this initiative. I cannot fully understand the experience of my colleagues of colour and from further marginalized groups, however my own experience as a woman allows me to relate to the challenges they continue to face. For instance, I will never forget the moment when, as a young lawyer, I was in discoveries and opposing counsel dismissively called me "young lady" to forestall my objections. These encounters used to be all too common and I know my fellow lawyers continue to face others who dismiss them on the basis of their identity alone. I am committed to working against that.

### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

My first step will be to join committees, the mandate of which is to improve equity and diversity within the BC Bar in different ways. I will continue to speak out, and promote non-discriminatory practices that advance equal opportunity for lawyers of all backgrounds. I pride myself on being an open and welcoming person, and I know that as members of our bar get to know me, they will feel comfortable coming to me with their concerns and challenges—big or small. I know that if we do not support diverse members of our community, our profession will continue to be hampered by a lack of diversity, particularly in positions of power.

### **What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

Law firms must recognize that unconscious bias can result in inequitable hiring practices, and I would advocate for lawyers to be trained to recognize and correct any such instances of bias that may arise through the hiring process. This training would be mandatory. Given that this is my first time running for Bencher, I do not yet know the true scope of what must be done. However, you can be assured that I take concerns around equity and diversity seriously and will continue to exercise my power to improve equity and diversity in the legal profession.

## **Jennifer Chow, K.C.**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

As an outspoken spokesperson for Equality, Diversity and Inclusiveness (EDI) issues for many years, my journey began with the CBABC when I first joined the Women Lawyers Forum as an executive committee member. After that, my journey took me to the CBABC EDI committee where I began championing voluntary self-identification questions for CBABC membership forms. As a member/chair of the CBABC EDI committee, I also championed the idea of voluntary self-identification questions on the Law Society of BC's Annual Practice Declarations. The objective was to ensure that data on the demographics of the legal profession was collected and published so that we had a measure of historically disadvantaged/racialized groups in the hopes that the measure could help identify barriers within the legal profession to those groups. Without data, the idea of structural and other barriers would often be discussed in the abstract which did not assist in measuring or identifying improvements.

My journey then led me to becoming CBABC EDI committee chair where I was able to contribute to the Law Society of BC's June 2012 report: "Towards A More Representative Legal Profession as a guest committee member of the Law Society of BC's EDI committee. The next step was joining the CBABC Executive Committee as an EDI Representative. Eventually, in 2015-2016, I was honoured to become the first visible minority president of the CBABC. Although my year was focussed on newly proposed CBA governance structures, I also spoke at and championed events that promoted anti-racism and diversity issues. My anti-racism and diversity views extended past my past-presidency year (2016-17) and into my election as a Vancouver County bencher.

From its inception in 2011, I have supported FACL BC goals and spoken at various FACL BC events. I am impressed by all the accomplishments FACL BC has achieved since those early days and continues to achieve and am honoured to address FACL BC's members and I will continue to champion the views of racialized groups, persons with disabilities and the 2SLGBTQIA+ groups.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

As an elected bencher (2018 to present), I have sat on and chaired the Law Society of BC's EDI Committee to champion the publication of the voluntary self-identification answers and the Diversity Action Plan. In my other committees, I have maintained a commitment to promoting inclusiveness and diversity on issues including removing stigma related to mental health issues. I champion EDI goals when the opportunity arises at the bencher table and beyond, including for example, speaking at UBC's anti-racism event in 2021. The votes that I table at the bencher

table and various committees always reflect my focus on ensuring that the public interest is best reflected in a diverse legal profession and diverse voices at the bench table. I also bring that perspective to the Executive Committee which I joined this year and I hope to continue to champion EDI issues in all my work as a bench member. I hope to continue that work in the next bench member term.

One of the key issues that arose over the past two years is the BC government's stated goal of establishing a single legal regulator to regulate lawyers, notary publics and licensed paralegals under one governance structure. In voting and speaking about the BC government's "Intention Paper" that sought views on a new "single legal regulator," I have been outspoken against reducing the current size of the Bench table and do not believe that a drastically reduced governance structure that reduces the representation of lawyers (e.g. diversity, geography and practice) will meet the goals of EDI. I support the views set out in FACL BC's Position Paper BC's Proposed Legal Professionals Regulatory Modernization and believe that we need to continue to champion those concerns with the BC government. I also spoke out on concerns over a governance structure with a drastically reduced number of lawyers in a tri-professional governance structure that has not yet been tried before in Canada, as far as I know. The Law Society of Ontario has a Law Society that regulates lawyers and licensed paralegals but not notary publics. We do not yet know what the BC government will propose in its new legislation (which may be introduced as early as next Spring), but we will need to carefully review the new structure to ensure that the public interest of an independent bar is maintained as well as access to justice.

**What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bench member, if re-elected?**

Assuming I am re-elected, I intend to stand firm on issues related to the proposed single legal regulator such as the size/composition of a newly structured governance board to ensure diversity of the legal profession, independence of the bar and access to justice. I have many concerns about the provincial government's proposed size reduction at the governance table that would be shared with notary publics and licensed paralegals. If re-elected, I would commit to ensuring that the protection of the public and the public interest is reflected in a competent, ethical legal profession with a governance structure that reflects diversity and promotes both the independence of the bar and access to justice goals. The next two years are critical in terms of the BC government's proposed "single legal regulator" and I am prepared to face that issue head on.

## Christina J. Cook

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

Equity and diversity has play a huge party in my legal career. I am First Nations (specifically a Status Indian) and historically we were statutorily excluded from the legal profession both under the *Indian Act*, and also under the LSBC's Rule 39 that was created in 1919 that stated that in order to be called to the Bar in BC you must be eligible to vote in provincial elections and Asian people and First Nations were specifically excluded from voting in these elections until 1949.

This historical exclusion still have ramifications today, were there are approx. 400 Indigenous lawyers out of a total lawyer population of 14,500+. While Indigenous people are overrepresented as clients in the legal system, we are underrepresented as counsel.

I have dedicated an extensive amount of time to working to increase the number of Indigenous lawyers, law students and judges. In 2009- 2010 while I was just an article student I founded the Aboriginal Lawyers Forum - to work to address the issues of the retention of Indigenous people within the law. Since its creation the ALF has grown into a large provincial-wide CBABC forum, that now has a dedicated seat on the CBABC Executive, the CBABC Judicial Advisory Council, CBABC Bartalk editorial committee, and the CBABC Equity and Diversity Committee. Additionally, through the ALF we host events, dinners, retreats, lunch & learns, mentoring programs and award both law student and article student scholarships.

In addition to my work on the ALF, I have also worked extensively with the national Canada Defence Lawyers and I am the past Chair of the CDL's Diversity & Inclusion Committee. As Chair and exec member of the CDL's D&I Committee I have presented on the topic of Culturally Competency for insurance defence lawyers, worked on a multi-year series on Cultural Competency, drafted D&I communications that were distributed to all members, and worked to publicly support the election of the Good Governance Coalition in Ontario which was in response to the "STOPSOP" slate of candidates.

Additionally, I have been a executive member of the Kamloops Women Lawyers Forum and the Manitoba Bar Association's Women Lawyers Forum. Working with the WLF has been so very rewarding and in 2023 I was awarded the Phillipa G Samworth Award for supporting the advancement of women in the law.

I have presented to the CLEBC on the issue of the need for inclusion of racial lawyers in the governance of the profession at the 2022 Aboriginal Law Conference. I am on the Law Foundation's Indigenous Advisory Council, and while I was at Intact Insurance for three years I created a national Indigenous employee group Team's chat, that connected the Indigenous

employees. I was also a founding member of Intact's national Indigenous Peoples Working Group and Intact Indigenous & Allies Employee Network.

In 2021 through the CBABC T&R Committee I drafted a proposal to provide free memberships to Indigenous law graduates and students, similar to the CLEBC's Indigenous inclusion program. In 2022 I was personally asked to engage with the Federal of Law Societies on their proposed National Code of Conduct, specifically on the issue of Indigenous cultural competency for all lawyers. In 2023 I have created the #Matriach Dinner, for Indigenous women lawyers, law students and judges. This is a reoccurring dinner that brings together Indigenous women from all practice areas to for networking and support.

I really believe as our clients and communities are diverse a diverse bar is much better suited to serve our clients and community; and it is with the greater inclusion of all voices that we will move closer to greater justice and access to justice.

**During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

I was elected in a recent by-election, but in the short time I have been a Bencher I have worked to raise my voice and perspective in both Bencher meetings and committee meetings. Often in these committee meetings my perspective will be different than my colleagues and will spur a discussion to issues that were not yet contemplated. I strongly believe that representation matters and diverse voices and perspectives within the governance of our profession matters.

**What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

I plan to continue to work to include greater inclusion of diverse voices in our profession, whether at LSBC committee appointments, external appointments and ensure that the governance of our profession includes diverse voices in all the decision making. I believe that the retention of diverse lawyers is important, as well as addressing and reducing systemic racism within the profession and unconscious bias.

## **Tim Delaney**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I was attracted to law because of my passion for social justice and civil liberties. Because of this passion, I have taken on many pro bono cases over the years to advance equity and diversity. Most notably I provided pro bono assistance to the BC Civil Liberties Association (through the late Joe Arvay) on the Little Sisters Bookstore challenge and I represented the BCCLA as an intervener in the Supreme Court of Canada in the 2001 Trinity Western University case.

### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

We passed many motions (which I have supported) to advance equity and diversity. For example, we created the Equity Ombudsperson Program; we agreed to implement changes recommended by the Indigenous Engagement in Regulatory Matters Task Force, to, amongst other things, reduce barriers; we amended the Code of Professional Conduct to, amongst other things, provide that lawyers are expected to not condone or be wilfully blind to workplace harassment. These are just a few since I became a Bencher one year ago.

### **What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

One particular issue that I believe strongly in and that concerns all who are equity-seeking, is how the Law Society in the past has treated people with mental health concerns. We have made tremendous advances in that regard (alot of credit goes to Brook Greenberg KC, and the other members of the Mental Health Task Force) in changing our approach but the key is always implementation. Last year the Mental Health Task Force, made several important recommendations. I want to make sure we are actually following up on, and implementing, the changes recommended. It is important we are supportive of those in the profession with mental health challenges.

## **Cheryl D'Sa**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am a first-generation Canadian. My dad was born in Goa, India and my mom was born in Nairobi, Kenya. They immigrated to Canada from Africa in 1971. Equity and diversity have not only been part of my journey in the profession, but in my whole life. I understand the challenges faced by visible minorities. I have experienced racism first-hand many times, and truly believe that representation in leadership is vital.

I was the first female visible minority president of the Vancouver Bar Association, in its over 125-year history. Although exciting, it was also somewhat disappointing that it took so long. Similarly, as a Bencher walking the halls of the LSBC, the framed photographs of previous presidents are a constant reminder that visible minorities did not always have a seat at the Bencher table.

I have and continue to be committed to advancing equity and diversity in the legal profession.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

I have been a Bencher since May 2020, and am seeking re-election for a third term. In both 2022 and 2023 I was fortunate to have been appointed the Chair of the Equity, Diversity and Inclusion (EDI) Advisory Committee of the LSBC.

As part of this Committee, we have worked on furthering the work of the Diversity Action Plan and the LSBC's Strategic Plan, among other initiatives. For example, as noted in my election statement, in the July Bencher meeting it was discussed that the EDI and Credentials Committees have been considering the issue of parental leave and return to practice. As a member of both Committees, I have brought my perspective to this work. Last year, the EDI Committee worked on the "On the Path to Equity for Women in Law Event", which was jointly presented by the International Association of Women Judges, the LSBC and the CBABC. I was proud to also be a speaker for the event.

I am the Bencher Representative on Justicia and have attended and participated in the meetings. Justicia, as set out on the LSBC site "is a voluntary program for law firms and provides model policies and best practices to retain and advance women lawyers in private practice." I have conducted numerous articulated student Bencher interviews and discussed equity and diversity with students who wanted advice on these issues. I have also taken calls from the profession specifically on the issues of equity and diversity.



In addition to my work as a Bencher this term, some of the initiatives I have committed time to include:

(1) Actively Participating in the Work of FACL BC

- I have participated in the work of FACL BC. This year I am a Mentor in FACL BC's formal mentoring program. I also recently attended as a Guest Mentor for the FACL BC's 5th Annual Ladies Social. In the Spring I was a Co-Moderator for FACL BC's Business Development Seminar in Celebration of International Women's Day. Earlier in October I also participated as a panelist for FACL BC's "Life of a Bencher: A Conversation with Our Current Benchers of Asian Descent". I was proud to support FACL BC's application for funding to the Law Foundation of BC for the documentary "But I Look Like a Lawyer" and my name appears in the end credits. Although this film premiered during my first term as a Bencher, I have and continue to encourage people to watch this film including during my presentation to high school students this year for the Justice Education Society (JES).

(2) Working Towards Retention of Women

- I have been very vocal about the need to retain women in the profession. This year I participated as a panelist in CBABC's WLF event "The Path to Pay Equity in the Legal Profession: Where are We Now?" I also participated as a panelist in the Hot Tips from Top Mentors WLF Fall Event. I am a long-time mentor in the CBABC WLF Program and this year won the Debra Van Ginkel, QC Mentorship Award for my work as a mentor to women lawyers. I have written for the Life in Law Blog, most recently in 2022. The Blog serves as a support for lawyers who self-identify as women, as they navigate the balance of life and law. This month, I was a guest speaker for the TLABC's Women Lawyers Retreat.

(3) Improving Mental Health in the Profession

- I am a member of the LSBC's Mental Health Task Force and during this Bencher term I have been a co-panelist for numerous courses/events centered around Mental Health in the Profession. This is of importance to equity and diversity, because the results of "The National Study on the Psychological Health Determinants of Legal Professionals in Canada" highlighted the intersectionality between the experiences of legal professionals who are members of equity seeking groups and mental health related issues.

(4) Community Outreach

- This year I was the keynote speaker for recent Allard Law accepted applicants. I have also been a guest speaker for elementary school students and high school students (in addition to the students I spoke to at JES). I strongly believe that community outreach as a visible minority Bencher is necessary to ensure that the next generation of lawyers represents the diversity of the BC population. I have also attended as many call ceremonies as my schedule has allowed, and following one ceremony had a newly-called lawyer tell me that it meant a lot to have a lawyer who looked like him sitting

with the Benchers. Having not had the same experience at my own call ceremony, conversations like this renew my commitment to advancing representation in the leadership of the profession.

(5) Sponsorships

- In addition to supporting the above initiatives with my time, my firm Narwal Litigation LLP was a sponsor for the Aboriginal Lawyers Forum Retreat in 2022, is a gold sponsor for this year's FACL BC Gala and is a sponsor for this year's Access to Justice Dinner, organized by LSLAP.

**What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

The work of the LSBC must focus on protection of the public. However, I do believe that the public is best served by a strong and healthy bar that represents the diversity of British Columbia. If re-elected, I will continue to advocate for initiatives that improve equity and diversity. However, it is important to recognize that as Benchers, we cannot individually implement an initiative for the LSBC. Rather, there is a process that requires staff work, Committee work and sometimes a vote from the Bencher table. Further, Benchers receive new Committee appointments each year. Sometimes, we are on the same Committees as the previous year but not always. Therefore, if I were to be re-elected again, I do not know whether I would have the same roles, but would continue to advance the interests of equity and diversity in any roles that I am assigned. In November 2023, I will be joining the FACL BC Advisory Committee and look forward to contributing to the important work of FACL BC.

## **Ravi Hira, K.C.**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

When called to the bar on July 13, 1982, I was one of a handful of Indo-Canadian, not to mention non-white lawyers at the British Columbia Bar. I do not recall anyone articling in downtown Vancouver who had my hue.

I was not kept on after articles at Davis & Co. I was fortunate that my father was able to call upon his contacts, developed through his 12 non-white years of practice at the British Columbia Bar, and garnered a contract position at the Surrey crown counsel office. At that time, I was the only other non-white member of the Crown counsel office in British Columbia.

I need to state that other than my position as a student at Davis & Co., I have not had a "job". Throughout my career, I have not have to file a T4. That is not a boast, rather a reflection of the times and lack of opportunities for non-white lawyers. Over the course of my six elected terms, 18 years, at CBA National and Provincial Council, I was the one of the first members of the CBA BC 1994 Multiculturalism Committee and then the 1996 Equality Committee. We developed equality policies for the Bar.

Over the course of five decades at the Bar, I have consistently asked Chief Justices, Chief Judges, and in, July 2023, even the Chief Justice of the United Kingdom, as to why they do not seek out and encourage and encourage visible minorities to apply for and become members of their Bench. As part of the social contract, members of society must have confidence in their institutions. Institutions that reflect society in gender confidence. Thus, it is very important that leaders encourage those who do not have the usual opportunities of birthright to seek these important positions.

In 1981, there were no visible minority Supreme or Court of Appeal judges. At the Provincial Court, we had two visible minority Judges, Judge Wong and Judge Romilly. Other than one Japanese Canadian, there were no visible minority partners in any downtown Vancouver large firms. In fact, I do not recall any visible minority associates in those firms. While the circumstances have improved, much more must be done. Having been at the Bar for almost 42 years, and a QC/KC for over 25 years, I believe that I have more to contribute to ensure that my profession, judiciary, and institutions are more reflective of my society. As a Bencher, I can assure you that, in addition to independence, I care deeply about equality.

### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

In addition to what I have stated above, I will continue to demand that the Bar and Bench be more reflective of British Columbia and Canada, as I have done for over 41 years.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

We need progress reports from the Law Society and the CBA regarding diversity and equality. Then, based on those statistics, we must identify areas in the practice of law and on the judiciary that require greater diversity and equality. With those areas identified, we must approach leadership to fill the gaps and ensure diversity and equality in our institutions. As noted above, I have been doing this for over 41 years.

## **James Struthers**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

Thank you to the FACL for inviting benchers to participate in this process. It is encouraging to see such an active bar association and in particular one that is promoting more participation in bencher elections which have historically had very low voter turnout. My thanks to Shanna, David and others at FACL for organizing this terrific initiative.

#### Defining DEI

First, I want to acknowledge the breadth and depth of diversity, equity and inclusion. Diversity encompasses not just diversity in race, gender and orientation, but also in job title, seniority, neurotype, age, experience, preference, mobility, ability, physical health, mental health, and beyond. A truly equitable and inclusive society must be equitable and inclusive for every corner of our cultural kaleidoscope.

Additionally, DEI initiatives must not only address inequity within our industry, but in society generally, in particular with respect to the role we play in access to justice. It is not enough that we advocate for equity and diversity within the legal profession, we must participate in addressing inequity and exclusion in society generally, though the two are linked.

#### My Involvement in DEI Initiatives

I feel fortunate to support DEI in a variety of ways (a) in my practice, (b) in my role as a founder and managing lawyer of a benefit company law firm, (c) as a supervising lawyer with Everyone Legal Clinic, (d) in participation in a variety of advocacy and reform initiatives, and (e) with a community of small firm and solo practitioner lawyers. I look forward to, if elected, continuing my involvement with DEI related initiatives as a bencher.

#### (a) In my legal practice

I provide corporate, commercial and real estate services to a client base primarily comprised of non-profits, charities and impact businesses, including Indigenous housing providers, other affordable housing providers, BIPOC and other minority owned businesses, and equity seeking organizations. My work directly impacts the fulfillment of charitable purposes (for charities), purposes (for non-profits), public interest objectives (for benefit companies, C3s, social enterprises and other impact enterprises), and socioeconomic outcomes for both our clients and their target beneficiaries.

Objectively, these legal services aren't headline worthy. We help clients through boring, cumbersome legal processes like financings, negotiating multipartite agreements, creating, structuring and operating organizations, supporting them through the legal issues they face, and assisting with funding administration. We do the boring, detail oriented and complex legal work

so our clients can continue delivering and growing their impact. macushlaw is a benefit company, which means that we ourselves have enumerated public interest aims along with profit, which aims we pursue, track and report on zealously. You can view our 2022 Annual Report here (<https://app.box.com/s/rfgrwo98lqdbcgpl0arb0rw1wqiigg8zs>).

As a benefit company, one of our public interest aims is delivering more affordable legal services and increasing socioeconomic equity. Our firm has adopted a formal tiered rate structure whereby persons or organizations providing material value to society, or persons experiencing inequity or vulnerability at the hands of it, pay lower rates. We also try and limit our overhead just to the most necessary and impactful expenditures, meaning that we can provide otherwise very costly legal services at lower rates without sacrificing quality of service.

We also try and provide services in a less formal, more accessible manner. Clients can often feel intimidated by the offices and stature of lawyers, and lawyers can often forget the bedside manner component of our very human endeavour. We try and speak in plain terms, dress more casually, and employ empathy in our practice to avoid the ‘marble foyer’ effect. We also have adopted both tech-forward practices as our default to assist in servicing remote and limited mobility clients while maintaining analog processes for clients less comfortable with technology. We also often provide low bono, pro bono, deferred rate and reduced rate contingency fee services to particularly vulnerable clients on an ad hoc basis such as Indigenous elders, refugees, single mothers, refugees and low SES citizens.

Additionally, when we present at conferences, we bring not only helpful presentation materials, but adopt a ‘tools over information’ approach to education, providing annotated precedents, links, application materials and beyond to attendees to maximize the benefit of our participation. I wake up everyday feeling good about whom we work for and what we do, and truly believe our services improve the outcomes for our clients and their constituents.

#### (b) Within macushlaw

DEI also permeates our firm’s structure and policies, which are designed intentionally, down to the studs, to provide more meaningful and sustainable careers for our lawyers in the hope will lower attrition rates and increase wellbeing outcomes for lawyers. We cannot meaningfully address the access to justice crisis if we continue to lose en masse those persons most capable of solving them.

We offer more sustainable targets (based on a 4-day work week), hybrid and work from home employment opportunities, competitive benefits and generous performance based bonuses, and meaningfully support our lawyers in building their dream practices, which we believe improve lawyer wellbeing and provide opportunities to persons less comfortable or less able to work in more traditional environments or more burdensome private practice workloads. To be fair, our lawyers are only eligible for their bonuses if they meet a community contribution target, however this stimulates hundreds of hours of community contribution in the form of policy and reform

advocacy, activism, fostering animals, acting as non-profit board members, acting as advocated for programs like the Atira Advocacy Program, providing pro bono services, and beyond.

I am the lowest paid (salary, dividends and other forms of remuneration and income from macushlaw and all related entities included) team member at our firm, staff included, to ensure that we continue to provide meaningful compensation and training to less representative groups as well as maintain significant public benefits while our firm grows.

We prioritize hiring of staff, lawyers and articulated students from less representative groups. We are also proud of the gender and ethnic diversity of our firm. Our lawyers, paraprofessionals and staff together are 90% female and 40% visible minority, which diversity we aim to maintain and prioritize as we grow.

#### (c) Through Everyone Legal Clinic

Access Pro Bono Society of British Columbia's Everyone Legal Clinic (ELC) is a paragon DEI solution for prospective lawyers and British Columbia's seeking affordable legal services alike.

macushlaw is a proud sponsor, and I am a proud volunteer supervising lawyer (we pay our sponsorship partially with in kind services), of the program, which provides articling clinicians significant additional training above PLTC to set them up for success as solo practitioners or in small firm environments, and unlike the Law Practice Program in Ontario, the clinicians do not pay out of pocket for the training course, and have the potential to earn significant fees during the articling year.

ELC helps meet unmet legal needs by offering services to persons which otherwise may not have accessed legal services due to cost prohibition, places clinicians in underserved communities and provides articling opportunities for students that either could not, or did not wish to, go the traditional articling route. I am proud to serve as a supervising lawyer along with a number of terrific practitioners and instructors involved with the program.

#### (d) Via advocacy and reform efforts

We also invest heavily in advocacy projects related to our practice areas. For example, we are working on a policy paper regarding the benefits of section 18(2) of the *Indian Act* as a more affordable and secure alternative to designation for on reserve member housing, and have been aggressively advocating for adoption of paperless and digital signature processes with the FNLRS and ILRS, which reform options could reduce the cost and complexity of developing housing, and dealing with land interests, on reserve. One of our lawyers successfully lobbied the CBIA to include contraceptives in the Lawyer's Financial insurance coverage.

Our articulated student is deeply involved in housing and homelessness issues for Indigenous women, girls and two-spirited persons by working for and volunteering with Indigenous housing organizations and writing books and articles on these issues to advance public policy. These are just a few of the ways myself and our team incorporate DEI seeking activities, paid and unpaid,

into our daily lives. We strongly support these initiatives culturally and with our performance based bonuses guarded by community contribution targets.

(e) Through BCSOS

I also helped found BCSOS (BC Small Firm or Solo Practitioner Society), a community group and Slack workspace for small firm and solo practitioner lawyers. Our group is nearly 300 lawyers strong and we provide general emotional and community support to one another, but also share precedents, best practices, discuss compliance and practice management, and workshop substantive issues on a no names basis. We also discuss legal tech and even host tech sessions to show other members how we are using technology to improve our practices. Small firm and solo practitioner lawyers face a number of barriers and market inequities which can exacerbate mental health issues, access to justice outcomes, and attrition rates. Myself and the co-founders wanted to create a safe and supportive space for those experiencing the challenges of operating in small law.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

(a) Why Stand for Election

Operating a tech forward, equity seeking benefit company law firm has furnished me with a particular set of skills and experiences which I feel compelled to employ to support the LSBC's efforts to modernize and move forward. I am aware of the immense time commitment of elected benchers and am prepared for, and excited to, commit my time and energy to this important post in large part due to my passion for creating a more equitable, sustainable and contributory profession.

(b) Change Requires Collective Action

The role of bencher is collaborative. While we may each have individual ideas, preferences, goals and opinions, change at the bencher level results from collaboration rather than individual action. If elected, I would look to learn from and support the ideas and advocacy efforts of other benchers in addition to advocating to address the issues below.

(c) Diversity and Attrition Within the Legal Profession

The LSBC notes only 14.4% of practicing lawyers are visible minorities, as opposed both to about 30% of our total population and about 33% of working university graduates, indicating that minority underrepresentation in the legal profession is not related to lack of access to education. Only 2.6% of our profession identify as Indigenous, compared with about 5% of the British Columbian population. Only 3.5% of the bar is comprised of persons with a disability verses 15% of British Columbians. Additionally, the attrition rate of women is almost double that of men in the BC bar. We know from the CBA report that articulated students, junior calls and those belonging to minority groups are more likely to experience psychological distress, substance abuse and mental illness than others. These data points clearly indicate that we have work to do to make our profession more diverse, more equitable and more inclusive.



#### (c) Building On Foundations

The LSBC's staff and current and former benchers have built an immensely valuable foundation of data, materials, knowledge and capability. The 2020 Diversity Action Plan was prepared diligently by a diverse set of current and former benchers and though many of its action items have either been commenced or completed, however there is work to do to assist with implementation. I would be happy to support ongoing review, update and implementation of the DAP if I am selected for the EDI Committee. Additionally, the LSBC recently amended the code and rules to create a new, specialized practice advisor role. This important role and related educational components, materials, resources and roles could be further developed and expanded in accordance with the DAP.

#### (d) Digital Signatures

While most departments of the LSBC already accept digital signatures, the enrollment department requires physical wet signatures on enrollment and PLTC related documents, along with a physical passport photo. These requirements are archaic, adversely impact the environment, and add both cost and time to the enrollment process. Importantly, these processes favour urban articling students and can delay application processing for remote articling students. Analog processes can be maintained as an option for those less comfortable with technology. This could help improve DEI outcomes for articulated students that are remote, rural or experiencing mobility challenges.

#### (e) Client Identification and Verification

Our current allowable identification and verification tools adversely impact persons with mobility challenges and persons living in remote communities. Broadening our permitted verification methods to permit a remote verification option are important for ensuring remote and mobility limited clients continue to be able to access legal services. These rules are also complicated and overbroad, triggering hours worth of administrative obligations and significant compliance risk even where the risk of money laundering or terrorist financing is very low and in relation to limited scope, pro bono or low bono legal services. These complex and cumbersome rules, in my view, demotivate provision of these important access to justice seeking legal services. I would advocate for a number of minor revisions to the rules which might remove these barriers and lighten our compliance loads without adversely impacting the public protection component of our CIV rules which I believe are worth bringing to the Federation of Canadian Law Societies to implement Canada wide. This could help DEI outcomes by reducing barriers to access to justice and making it easier for lawyers to meet A2J needs.

#### (f) Encouraging Mentorship

The 'problem' of meaningful mentorship in the legal profession is immensely complex. Senior lawyers have few motivators to participate in these processes, what meaningful mentorship really is doesn't seem to be well understood, and expectations are not always aligned between mentors and mentees. I see some potential positive value in generating a meaningful mentorship guide for lawyers as a first step. Similar guides have been created with great effect in a variety of other arenas. I was also pleasantly surprised by the CPD credits available for

mentorship, and by corollary, surprised at the lack of knowledge about this CPD credit option in the bar. Perhaps this initiative could be better promoted to the legal community to promote more mentorship within the bar. I would advocate for exploring research and implementation of policies and practices that could stimulate meaningful mentorship within the BC bar.

#### (g) Encouraging Pro bono/Low Bono Services

I truly believe that continuing to support, and perhaps increasing funding for, Everyone Legal Clinic is a proximate, efficient and effective way of positively impact DEI outcomes in BC, within and beyond the BC Bar. Additionally, promoting and celebrating those persons and organizations making a profound difference in the pro bono, low bono, legal aid and limited scope services sector would encourage others to do the same in their practices. Though we are proud to promote pro bono and low bono services within macushlaw, I understand the many issues that could arise in a mandatory pro bono policy bar wide. While absent data that this type of policy works, and works well, I do not support a mandatory pro bono policy, I do support exploring other options such as reduced licensure or indemnity fees for lawyers making the biggest impact in society, and increasing licensure or indemnity fees for those that provide little to no limited scope, pro bono or low bono services. However, I am in support of increasing licensure fees and increasing funding to organizations meeting unmet legal needs, and potentially creating a reduced licensure fee option for early call solo and small firm lawyers as well as lawyers meeting a minimum pro bono target annually. Significant research and careful policy design would be required to implement such a significant change. I am interested in exploring what other jurisdictions have done to promote pro bono and low bono legal services, and which options might be worth exploring here in BC.

#### (h) Indigenous Diversity

In particular, given the historical and ongoing role of law in the host of atrocities committed by settlers and colonial governments against Indigenous persons, I would advocate strongly for prioritizing increase of Indigenous representation in the bar. There is a growing tide within Indigenous communities, governments, businesses and organizations to obtain legal services from Indigenous lawyers, and the needs of these clients far outweigh the capacity of the existing Indigenous legal bar.

### **What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

In October 2022, the Federation of Law Societies of Canada introduced an updated Model Code of Professional Conduct expanding on and amending the language and commentary of Rule 6.1. As a benchler partially responsible for disciplinary matters I would ensure these rules are applied consistently and fairly. I believe that misconduct with a demonstrable connection to racism, sexism, or another form of discrimination deserve more severe reprisal to discourage similar conduct.

That said, psychological research indicates that fear of reprisal and punishment are less effective and motivating desired behaviour than shaping and positive reinforcement. Shaping can come in the form of continued education and awareness and celebrating leaders in the DEI space. I would advocate strongly for maintenance and growth of these initiatives.

The Equity Advisor's mediation program appears a promising method of addressing equity issues in a faster, more collaborative, more positive, less formal and less threatening manner than traditional disciplinary procedures. I would advocate for expansion of the Equity Advisor's role and increased communication to the bar respecting this valuable service provided by the LSBC. I also want macushlaw to be an example of how benefit company law firms can generate significant public benefits, including DEI benefits, and that formally embedding public interest aims can increase, rather than hinder, profitability by providing better working environments, client experience and continually earning social license. I truly believe the market, though not always efficient, is the best motivator, and modern game theory posits that efficient markets arise from market actors doing both what is best for themselves and for others.

Finally, I look forward to learning from my fellow benchers with more litigation and administrative law experience respecting effective modes of fostering accountability, and reviewing the underlying research supporting these methods.

Sincerely, thank you again for the opportunity to participate in this terrific process. I would be happy to hear from FACL members about their views and ideas respecting DEI. Please do not hesitate to email me ([james@macushlaw.ca](mailto:james@macushlaw.ca)) if you would like to share them.

## **John Turner**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

When I was in a position to hire students and associates working in a large firm I always hired visible minority candidates or women, given my life long commitment to inclusion and my view that everyone deserves a chance.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

Make sure to encourage young people from diverse communities to run and be involved in our profession and the Law Society

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

Require all firms and those in a position to hire and advance employees to demonstrate they have a commitment to inclusion

## **Kevin Brian Westell**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

Equity and diversity have played a significant role in my legal journey in various meaningful ways. I consider myself fortunate to practice law in Vancouver, where I encounter daily opportunities to collaborate with clients and colleagues from diverse backgrounds. Throughout my career, I've made a conscious effort to attentively listen to the unique experiences and challenges of those with backgrounds different from my own.

In recent years, I've taken proactive steps to promote and enhance equity and diversity. In 2020, I pursued education on equity and diversity issues by participating in Trans-Competent Legal Training and Intersectional Anti-Oppression Training led by Adrienne Smith. During the same year, I engaged in Anti-Racism Leadership Coaching under the guidance of the renowned expert, Mckensie Mack.

I also served as a member of the organizing committee for the "Confronting Racism in the Criminal Justice System: Identifying racism at every stage of the process" conference, a free CLEBC Virtual Conference held on June 2, 2020. The primary aim of this course was to shed light on the impact of racism on our criminal justice system and provide valuable insights from qualified presenters, many of whom were from racialized backgrounds.

Additionally, in 2021, I initiated the "Kevin B. Westell IBPOC Award in Law" to recognize outstanding domestic J.D. students who identify as Indigenous, Black, or people of color. Preference is given to students who have excelled in the field of criminal justice. I have continued to support and maintain this scholarship since its inception.

I have also participated as a recurring guest lecturer for students at the Allard (UBC Law) Indigenous Legal Clinic for many years. My goal is to assist them in delivering high-quality legal services to their indigent and indigenous clientele.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

As Bencher I have promoted and endorsed projects and practices that promote equity and diversity within the bar. I have endorsed and promoted the indigenous intercultural course, supported the EDI-related initiatives of the "Indigenous Engagement in Regulatory Matters Task Force", the "Equity, Diversity and Inclusion Advisory Committee", and the "Truth and Reconciliation Advisory Committee" and also participated directly in the work of the "Access to Justice Advisory Committee".

**What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

In addition to continuing to promote equity and diversity in the ways that I have in the past and continuing to educate myself in this area, I intend to take advantage of every opportunity that's offered to me in these regards. One issue that deeply concerns me is the government's plan to create a new single regulator for lawyers, paralegals, notaries and, in doing so, radically change the size and nature of the board of directors. The current method has been successful in bringing about the thoroughly diverse board that the Law Society enjoys and benefits from today. The government's apparent plan to shrink and reorganize the board may very likely decrease the chances of a diverse and representative board coming into effect again. If re-elected, I will continue to make it my priority to voice those concerns around the Bencher table and work toward continued diversity and inclusion with respect to the regulator.

## **Gaynor C. Yeung**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am an Asian female litigator, called in 1996. I graduated from law school at a time when certain firms were known to limit the hiring of racialized minorities. Over a career of nearly 30 years, I have seen that talent is distributed across all demographics, but opportunity is not. I have seen the power of mentoring and support in diluting the effects of systemic shortcomings. For this reason, I have had a long-standing commitment to mentoring young lawyers, so that their merit is amplified and rewarded by opportunity. EDI is not a recent concept to me; it is embedded into my value system. And in my every professional capacity, I aim to advance the principles of EDI.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

I asked to serve on the Law Society's EDI committee upon first joining the Bencher table and am now the vice chair. During my time on the committee, I have worked on and/or supported implementing initiatives to:

- Reduce barriers to lawyers returning to practice after an absence (which disproportionately impact women);
- Reduce barriers facing practitioners with physical disabilities;
- Update the Code of Professional Conduct for British Columbia to include provisions addressing discrimination; and,
- Identify initiatives that can support lawyers from equity deserving groups in light of the National Study on the Psychological Health Determinants of Legal Professionals in Canada.

### **What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

If re-elected, I will continue working to deliver on EDI initiatives per the Law Society of BC's Strategic Plan.

## Victoria

### **Peter Dominic Ameeral**

#### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am a first generation Canadian; both my parents immigrated from Trinidad. As a young law student, I was quite aware of the lack of diversity in our profession - particularly here in the west. I have frequently been one of the only diverse faces in the classroom, the boardroom or the courtroom. I have lived the sad realities disclosed in "but I was wearing a suit", a burden particularly galling at those times when I encountered barriers working WITH law enforcement. Throughout my career, I have endeavoured to amplify my voice and make room for others like me and with other diverse identities. For my part, as a student I was an active member of the Black Law Students Association of Canada; now as a lawyer, I am a member and mentor with the Canadian Association of Black Lawyers. Within my organization, I have volunteered and served as the inaugural deputy chair of the Ministry of Attorney General's Diversity and Inclusion Committee. During my term and since, I helped establish the terms of reference for that committee and found initiatives that would press the government's Legal Services Branch to work towards best practices of attracting and retaining public servants who reflect the diversity of the public we serve.

#### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

My presence at the Benchers table will be a visible reminder of how the governing body for the Law Society should reflect the community it serves and protects, but merely showing up is not enough. On a direct, personal level, I have two key goals in this area as a benchers. First, I'd like to serve on the committee responsible for taking stock of progress and updating our goals on equity, diversity and inclusion. While recent reports show some progress, some initiatives have gone too long without public facing review. Second, and more specifically, I'd like to focus on the role of education for both existing and aspiring lawyers. I'd like to review and take stock of the impact of the mandatory indigenous training the whole profession was required to take by the end of this year. I would like to take what we have learned to refine ongoing indigenous related training, so that is not a one-time bubble experience. I would also like to encourage the use of what we learned from that model to study how encouraging similar training about other areas of diversity can support inclusion and access to justice for other diverse groups. Finally, one of the most important things to me is finding ways to enhance awareness and create space for those of visible and invisible diversabilities, such as the neuro-divergent or atypical.



**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

I would like to see a mandatory requirement (not a common/habitual practice) for at least a bi-annual public report on diversity initiatives to be included in the annual report. I would also like the Law Society to communicate with the court and other justice system access points to determine how the access to justice initiatives of the Law Society are playing out in the real world to reduce inequities for diverse members of the population.

## **Aron Bookman**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am from the United States having gone to University at UC Irvine and law School at UCLA. Before that, I grew up in neighborhoods and school systems which ranged from ethnically diverse to primarily white. Throughout, I was one of only a few Jewish students until High School and University. I recall detailed discussions about Affirmative Action starting in first year law school. I am now observing corollaries to those policies in Canada particularly with First Nations. I agree with these policies though it arguably made it more difficult for me to access certain positions in academia and the profession. At our firm, we strive for racial, ethnic, religious, LGBTQ and gender diversity.

### **If elected, what steps will you take to improve equity and diversity within the BC Bar?**

I have not considered this issue specifically because the focus has been on the issue of self regulation of our profession. However, having thought about it in the context of Truth and Reconciliation and the broader questions (particularly as a Jewish man who has concluded that I am an ethnic minority given what is occurring in the world right now), the two issues (self regulation and improving equity and diversity) are intertwined. I am concerned that one of the reasons the Provincial Government has determined that it ought to regulate our profession is concern to the effect that the Law Society is not doing enough to provide access to justice and in turn address equity and diversity issues. While I have no particular plan in mind, it is my goal to carry on the Truth and Reconciliation work and I am concerned about what voice lawyers and the Law Society will have as world events seem to polarize people more clearly everyday.

### **What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

As I set out above, it seems to me that the Province is holding the Bar accountable by moving away from self-regulation. If we want to maintain self-regulation and/or have a greater say in what this regulation will look like, we will have to be more willing to engage with the Government as to its concerns as to access to justice and likely be open to ways in which we can compel private law firms in particular to adopt racial and diversity policies and adhere to same. I know that at my firm we have taken steps towards encouraging First Nations applicants. Perhaps this needs to be a broader consideration.

## Westminster County

**Narindar S. Kang, K.C.**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

The 31 years (and counting) journey continues towards equality in all its forms; i.e. social and political equality. I began my practice in 1991, and the profession was by far more exclusionary than inclusionary. (I was told by a BCSC Judge once "Sit down boy - It's my Courtroom, not yours", prompting me as a nervous new call lawyer to bring a motion for apprehension of bias, with a resultant mistrial given the poisoning of the Courtroom. 'Has much changed?' is a pertinent question. I recognized inequities in the governance of our profession and in the legal-justice system early. I served in the mid-90s on the Systemic Bias Subcommittee and the Multiculturalism Committees of the LSBC. Lip service over time turned to some tentative steps taken, but the journey continues.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

- Drawing upon my 32 years of legal experience (including my quasi-judicial experience from 2002 to 2007) in immigration and refugee advocacy, to give voice to those who historically and presently have been marginalized and silenced;
- To advocate for more LSBC institutional focus upon the existential threat of the climate crisis and its direct deleterious impacts, with a focus on proactive rather than reactive policy;
- To continue to bend the arc of history towards a more inclusive form of access to justice, and to the administration of justice, by the LSBC in governance of its members;
- Drawing upon my experience serving upon the Systemic Bias Subcommittee of the LSBC in the 1990s, to advocate for a long-overdue move away from the sedate pace of attaining equity and equality, not only in the larger society, but also at the LSBC itself. (We can do better);
- To support Members in what is to many a very stressful profession in a more holistic and sensitive way;
- To assess the present structure of the 25 elected Benchers (with 13 elected from the County of Vancouver and 3 from the County of Westminster) and inform LSBC Members whether there is, as one lawyer colleague put it, inadvertent gerrymandering. After all, more and more lawyers live and practice south of the Fraser River in the Lower Mainland and perhaps we ought to examine if our governing structure reflects that trend;
- To bring a humanitarian and compassionate focus to those lawyers who need peer-to-peer support, whatever their struggles may be; and,
- In sum, to enhance cultural sensitivity in a LSBC that is to be commended for its evolution in inclusivity to date, while still challenged to do more.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

As described in my response above, it is our self-governing constituted body (the LSBC) that ought to lead by example. If the LSBC is not held accountable to TRULY (and not in lip service) progress equity and diversity, then the larger Bar cannot be held accountable. Those who are governed (us) cannot be held accountable unless the governing body is itself accountable, on the same standard, if not a higher standard, applicable to its' members. Thank you.

## **Jaspreet Singh Malik**

**In what ways have equity and diversity been a part of your journey in the legal profession?**

As a racialized lawyer, I have seen the systemic barriers that exist in the legal system.

**If elected, what steps will you take to improve equity and diversity within the BC Bar?**

We need more lawyers from varied backgrounds. Many racialized and minority students leave Canada to study abroad and then have a hard time finding articles. We need to find pathways to include those students into the profession.

**What measures will you use to ensure the Bar is held accountable to progressing equity and diversity?**

The first part is ensuring minority voices are at the benchers table. It is not enough to advocate for equity and diversity if there is little or none at the benchers table. Every step the benchers take should be about building a strong, vibrant and diverse bar. There is not a single step but equity and diversity should be considered in every step.

## **Gurminder Sandhu**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

Throughout my career, I have focused on giving back to our diverse communities. I believe in equity and diversity in all its forms. I have volunteered for legal advocacy groups, pro bono organizations and worked to improve access to justice. It's only by working in these organizations that I truly appreciated that we have to continue working on increasing diversity in our legal profession and in positions of influence in our communities.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

Over the past two years, I was a member of the Equality and Diversity Committee of the Law Society. In this capacity, I supported and advocated for reducing barriers to the return of practice of lawyers who became caregivers. I have also advocated for our legal organizations to have greater diversity in all its forms, including racialized and geographic diversity in appointments. I also volunteered with Amicus Curiae, an organization that provides legal services to the public.

### **What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

I intend to continue advocating for greater equity and diversity so that appointments to various bodies and organizations can proportionally reflect and represent our communities. I intend to support similar initiatives taken by other Benchers. We have come a long way, but we still have work to do. With your support, I hope to continue in these efforts.

## **Tom Spraggs**

### **In what ways have equity and diversity been a part of your journey in the legal profession?**

I am constant in my belief that diversity is about seeking out the voices and experiences of those who don't have the power to make others listen and supporting them to have a platform for their voices to be heard, considered and included. I've been doing that by committing to reconciliation and learning as much as I can about the Indigenous journey. I chose a career in law because it has the power to help and be of service to others, which should be done in the spirit of helping disadvantaged and marginalized communities. A fair system only works when that fairness applies to everyone. It's this sort of thinking that informs my work in the legal profession every day.

### **During your previous term as a Bencher, how have you worked towards improving equity and diversity within the BC Bar?**

As a Bencher, there are a number of useful ways to improve equity and diversity. Having had the privilege of serving on the IERM (Indigenous Engagement in Regulatory Matters) task force, the journey of listening is something that can be applied to every area of work. Listening means actively seeking to understand what has been done or what should have been done to avoid harm. In the case of the work at the IERM, that means accepting differences with a view that a common future based on respect for differences is better than a divided past. Cultural competency is an example of how to make that work. The work ahead will require Benchers to support the staff to be appropriately uncomfortable with conventional ways of doing things for the benefit of advancing the cause of equity and diversity implementation.

### **What further improvements do you plan to implement with respect to equity and diversity in your next term as a Bencher, if re-elected?**

Efforts to improve equity and diversity must be ongoing. During my last term, I was grateful to be appointed to the IERM (Indigenous Engagement in Regulatory Matters) task force, which arose from the awareness of shortcomings in the complaints and discipline process for some in our Society. Serving on this task force helped me gain a better realization of how much work remains to be done to ensure everyone, no matter their background, has an opportunity to make their voice heard in the legal profession. For the Law Society to be truly representative of the Province it serves, it is vital we have a conversation about making the society (and its elections) more open and welcoming to women, people of colour, and members of equity-seeking groups. It is important to look at elements of the process that might serve as a barrier to those wishing to put their name forward and discuss how we can proactively ensure candidates from equity-seeking groups feel comfortable putting their name forward for election. This is a conversation that must happen.