



Connecting Women in the Law

Spring 2012 Newsletter

Upcoming Events

WLF Education Day
“Power Negotiation and Communication Strategies for Women Lawyers”
 8:00 am to 3:00 pm
 Friday, May 4, 2012
 Four Seasons Hotel
 791 West Georgia Street
 Vancouver, British Columbia

WLF Annual General Meeting & Speakers’ Panel
“Demystifying the Role of In-House Counsel: Rewards and Challenges”
 Thursday, May 31, 2012
 Law Courts Inn
 Fifth Floor, 800 Smithe Street
 Vancouver, British Columbia



THE CANADIAN BAR ASSOCIATION
 British Columbia Branch

Remarks of the Chair

by Carol Anne Finch-Noyes



The retention of women in law remains a critical issue. A recent roundtable on “Advancement and Retention of Women in Professional Services” featured dialogue with women in senior positions from legal, human resources, accounting and communications fields: “Finding Balance: Women Say Goal More Attainable” (Financial Post, November 2011). Discussion focused on whether it is possible to be a mother and achieve career advancement. The panelists offered key insights for success which included: using technology to work flexible hours; finding supportive mentors; making time to network; and, speaking up about accomplishments. Kirby Chown, a former managing partner, stated that gender issues should be directly linked to a firm’s strategic plan and financial goals. In addition, she challenged the traditional legal model of hourly billing which promotes long work hours, as clients are now more interested in creative solutions, “not how long it took to get there.”

In this newsletter, the WLF highlights the Law Society of BC plan to launch the Justicia Program aimed at the retention and advancement of women lawyers. Justicia was initiated by the Law Society of Upper Canada in 2008, and extended to 2013, with over 55 large and medium-sized firms committed to

CBA Canadian Legal Conference 2012 in Vancouver

BC WLF Networking Reception

The BC WLF Reception will be held in conjunction with the CBA CLC, and will mark the beginning of the 10th year of the BC WLF which was formed in June 2003. The reception, to be held at the Fairmont Waterfront Hotel on Saturday, August 11, 4:00-6:00 pm, is open to WLF members, CLC registrants and invited guests. Watch for registration details.

National WLF CLC

The National Women Lawyers Forum and the Canadian Corporate Counsel Association are jointly presenting a 3-hour skills based workshop, with CPD credits, on "Strategies for Succeeding at Difficult Conversations". Diane A. Ross, a former litigator and Harvard-trained mediator, will facilitate this interactive program which will provide practical tools for managing difficult conversations including how to communicate effectively and keep dialogue productive when faced with conflict.

Plan to attend this CLC on August 13, 2012. http://www.cba.org/cba/Vancouver2012/pd/2_4.aspx



Diane A. Ross

adopting best practices. Both the Law Societies of BC and Ontario have developed programs which directly support women lawyers: in BC, the two-year pilot Maternity Leave Benefit Loan Program will be evaluated this year and in Ontario, the Parental Leave Assistance Program has been extended through 2012.

At the national level, the Equality Committee, Young Lawyers and the Women Lawyers Forum collaborated on the 2011 CBA submission that flexibility be introduced into federal Employment Insurance (EI) maternity and parental benefits for self-employed individuals and those employed in small businesses and professional sectors. Recommended changes would, in part, address the "disproportionate attrition" of women from legal practice by ensuring that "parents' businesses remain viable" while they are on leave. CBA advocacy has been successful: for example, following the CBA call to extend EI benefits, the Employment Insurance Act was changed in 2010 to allow self-employed persons to participate and to become eligible to claim "special benefits," including maternity, parental, sickness, and compassionate care benefits.

The Women Lawyers Forum was created to address the need for programs and resources to promote and enhance the stature and influence of women in the legal profession. While retention of women lawyers remains a significant issue, it is encouraging to know that the Law Society and the CBA are implementing relevant initiatives to support women lawyers.

A Great Woman as President of the CBA

by Pascale Pageau*

Last August, Trinda L. Ernst, QC took office as the 2011-2012 President of the CBA. Trinda was previously on the National WLF Executive on track to become Chair when she decided to run for President of the CBA instead. As a result she takes a keen interest in the WLF and our loss was the CBA's gain.

Now that Trinda is in the 'home stretch' of her term, we thought that it would be of great interest to ask for her reflections during her time as CBA President, as well as for any advice regarding leadership opportunities for women lawyers. We asked Pascale Pageau, National WLF Chair, to conduct an interview with Trinda.

PP: Trinda, I've had a chance to meet you on a couple of occasions since you became President of the CBA. You are doing an incredible job and I really admire you. What have you enjoyed the most so far in your term as CBA President?

Trinda: My role has given me an amazing opportunity to meet people





everywhere I go. I am visiting all of the branches across Canada where I've had the rare opportunity to meet with the CBA volunteers and discover that wherever we are, we all have the same interests, and face the same issues.

Among so many things I can speak of, there were two main highlights during my term. My first was speaking at the Supreme Court of Canada, where I had an incredible chance to participate in the swearing in of two new judges. This was a "once-in-a-lifetime" opportunity and I was really honored to play a role at that event. My second highlight was going to the International Bar Association meeting in Dubai during the first week of November. It was amazing – temperatures were warm (high 20s), and it was the first time in my life that I was in a desert in that part of the world. But, what surprised me the most was seeing how much respect the CBA has around the world. Even though we are smaller than the American Bar Association, the CBA has such a great reputation and we are really looked up to for ideas, advice and for our accomplishments. We are really lucky to have such a great association. I had to speak at one of the round tables on judicial independence and they made me feel like a queen, really honored, and really well respected.

PP: What advice would you give to women lawyers interested in becoming involved in the CBA or in other leadership positions within the profession?

Trinda: To get to the top or to get any leadership role, you need to step forward, to volunteer. It's easy to get involved and everyone can do it. First, get involved in CBA Sections and Conferences: e.g., the WLF, the solo/small firm conference and other sections. Go out and meet people. Come forward; get involved; get noticed. Do a great job inside that group. If there's a position available, try to fill it. Try to get on the executive, no matter how new you are to the profession. Acting as Secretary of a Section or a Conference helps you learn about the section and the larger organization. Often, nobody volunteers - be the person who comes forward; it will help you, as well as the association. Sometimes, to be in a leadership position all you need is to be in the right place, at the right time. So, if you raise your hand to volunteer, your chances of becoming successful are much higher. And, keep volunteering until you succeed.

PP: Do you have any views on how the CBA and WLF can best advance the retention of women lawyers in practice?

Trinda: We need to do more mentoring, and form more women's groups. That's what is so good about the WLF in every branch. They make connections amongst other women and they share

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Let Us Know

The CBA National WLF is one of the largest conferences within the CBA and many of its members are doing incredible things within their legal communities and beyond. These accomplishments reflect positively on the legal profession as a whole and on the contributions made by women lawyers across the country. The National WLF will be highlighting some of these achievements and triumphs in upcoming "Common Room" newsletters and on its website as a new feature - "What's She Up To?" As well, BC WLF newsletters will continue to feature "WLF Members: Achievements and Recognition." Let us know what WLF members in British Columbia have been up to lately. If you or a colleague you know has recently accepted a new position, appointment or award that should be recognized, please send it to the CBA BC WLF Chair, Carol Anne Finch-Noyes, at carolanne.finchnoyes@gov.bc.ca

Cover Photo L-R: CBABC President Sharon Matthews with CBA President Trinda Ernst, QC taken at the CBABC Provincial Council on March 10, 2012.

ideas on various subjects. To advance the retention of women lawyers in practice we have to implement changes. We have to engage those in authority in the process.

In the next 10-15 years, there's going to be a huge change when baby boomers start to retire and, with the increasing presence of women lawyers, the picture of the profession will go through a major metamorphosis. We need to be there and be prepared. The CBA gives us that opportunity to bring the senior lawyers and the younger lawyers together.

PP: Thank you very much Trinda for your time. This interview has given me a great opportunity to get to know you better, and I can say that I admire you even more.

** Pascale Pageau is Chair of the National Women Lawyers Forum.*

Senior Women Lawyers Dinner

The CBA BC WLF Senior Women Lawyers Dinner was held on January 11, 2012 at Le Gavroche Restaurant with special guest Suzanne Anton.



L to R: Linda Robertson, Carol Anne Finch-Noyes, Margaret Ostrowski, QC, Suzanne Anton and Nicole Byres

WLF Newsletter - Spring 2012 Edition

Editors: Janine F. Jones and Carol Anne Finch-Noyes

Editorial Board: Carol Anne Finch-Noyes, Linda Robertson, Nicole Byres, Janine F. Jones and Vanessa Gauthier

Contributors: Pascale Pageau, Jennifer Chow, Robyn Crisanti and Linda Robertson





Senior Women Lawyers Dinner Special Guest: Suzanne Anton

Sharon Matthews – Leaving her Mark on the Presidency of the CBA, BC Branch

by Jennifer Chow*

In a Legislative Assembly budget debate that took place on February 22, 2012, Sharon Matthews was quoted by MLA Bruce Ralston as saying “unfortunately, the status quo in the justice system right now is a crisis...”. This quote related to Sharon Matthews’ campaign to raise awareness and garner support with the public for reforms to legal aid and the justice system. Sharon was only halfway through her presidency at that time.

Possessing more energy than her beloved beagle Finnegan, Sharon has been a passionate spokesperson for the need for more public funding for legal aid and the justice system. Sharon has travelled throughout British Columbia utilizing any and all opportunities to get out the CBA, BC’s message. The fact that the province’s response (announcing a review of the justice system, plus filling 9 of the vacancies on the provincial court bench) falls short of Sharon’s and the CBA’s goals, does not detract from Sharon’s dedicated and articulate campaign. We can all be proud of how Sharon has, and continues to, advocate on behalf of our justice system as well as the poor and otherwise unrepresented citizens of our province. Her efforts reflect well on our profession.

As time consuming as these activities are, I have observed that Sharon also performs the other roles and obligations of the President with calm and good humour. Sharon believes that the legal profession could be more collegial, and

WLF Members: Achievements and Recognition

- Bencher Patricia Bond was appointed to the Provincial Court Bench, effective February 27, 2011, and will serve in Surrey.
- The following WLF members received 2011 Queen’s Counsel appointments: Bencher Rita C. Andreone, Maureen Lundell, and Mary Mouat.



Rita C. Andreone, QC

- The following WLF members were elected as Benchers: Jan Lindsay, QC was elected Second Vice President and Bencher (New Westminster). Benchers elected in Vancouver County include: Rita C. Andreone, QC, Thelma O’Grady, and Catherine Sas, QC; in Victoria, Kathryn Berge, QC; and, in Nanaimo, Nancy Merrill.
- Anne Stewart will be honoured, on May 14th, with the 2012 PEAK Award for Lifetime Achievement from the Association of Women in Finance.
- Anna Fung, QC was presented on April 12th with a 2012 UBC Law Alumni Award of Distinction.
- Jennifer Davenport was named Deputy Public Guardian and Trustee effective January 3, 2012.



Women Lawyers Forum – Kamloops

The Women Lawyers Forum-Kamloops hosted a Wine & Cheese reception and “Spring Cleaning” Event on Thursday, April 12, 2012 in support of the Kamloops Women’s Emergency Shelter and the Elizabeth Fry Community Closet. All those attending were asked to bring in any and all gently used household items and clothing to be donated to women through the above charities. In addition, upcoming CPD events will include sessions on adult guardianship and the new FLA, a view from the Bench and, a panel discussion on ethics and practice management.

On June 7, the AGM and annual BBQ will be hosted by Judge Stella Frame.

Women Lawyers Forum – Vancouver Island

For details regarding WLF Vancouver Island upcoming events please see the CBABC Section Events Calendar.



L to R: Linda Thomas (Co-Chair, WLF-Kamloops) and Krystle Gill (Chair, WLF-Vancouver Island) at the CBABC Provincial Council meeting on Saturday, December 10, 2011.

CBA National WLF Newsletter

The Common Room is available at www.cba.org/CBA/conf_women/women_lawyers/default.aspx.

The CBA National WLF is seeking articles for its newsletters. If you would like to contribute, please contact news@cba.org.

that collegiality within the legal profession is enhanced when more lawyers volunteer in organizations such as the CBA, because lawyers have opportunities to form personal connections with other lawyers, and broaden their perspectives.

Among her many interests, Sharon shares the concerns raised by the Law Society of British Columbia regarding the advancement and retention of female lawyers. She says the ingrained culture of the legal profession needs to change – which requires that more women lawyers become benchers, managing partners and leaders.

Despite her full schedule, Sharon, a long time member and supporter of the Women Lawyers Forum, has made time to attend the BC WLF’s “Hot Tips from Hot Mentors” event and Potluck last Fall, an event held by the WLF-Vancouver Island in Nanaimo, and hosted a WLF Potluck, where Trinda Ernst, QC, President of the National CBA, was guest of honour.

Like most of us in the legal profession, Sharon admits that she has gone through periods when she felt overwhelmed by all of the demands on her. She says she finds energy from the support provided by her family, friends, law partners and mentors. Sharon prioritizes her time with her husband, Master Robert McDiarmid, and her parents and siblings. Her secret to keeping everything together during this hectic year? Sharon says it is a simple matter of putting a foot forward and taking one step at a time, and always viewing the glass as half-full, not half-empty. Sharon says that she was once advised, “If you’re any good, you’ll be found out.” Well Sharon, you have been “found out”!

** Jennifer Chow is the CBABC Equality & Diversity Representative.*

Justicia Project set to launch in BC - Law Society approves development of program to support women lawyers

*by Robyn Crisanti **

The Law Society of BC has approved a plan for 2012 to launch a program aimed at retaining and advancing women lawyers. The program is called Justicia, which means “justice” in Latin.

The Justicia Project, developed in 2008 by the Law Society of Upper Canada, was the first of its kind in the country. The Ontario project has brought together more than 50 firms committed to sharing best practices, developing resources and adopting programs to support women lawyers.

In BC, the issue of retaining women lawyers has long been on the radar of the Law Society, including the extensive work that went into creating the Society’s 2009 Report of the Retention of Women in Law Task Force. Since then, the Law Society of BC has done a feasibility assessment to investigate whether the Justicia program would be possible in BC. What the Law Society discovered during the feasibility study is that there is an appetite on the part of firms to do their part at keeping and advancing women lawyers. The law firms that we spoke with see





that it's good for women lawyers, good for the profession and good for business. And they were open to working with us to make a difference.

As a first step, the Law Society will implement a consultation and engagement plan in 2012. The first phase of the plan will focus on BC offices of national firms that are already participating in Justicia in Ontario. The second phase will aim at engaging regional firms.

The role of the Law Society is to bring firms together to share strategies and best practices. It will be up to firms to control whether, how and when they implement Justicia policies and initiatives.

"The Law Society remains committed to supporting the retention and advancement of women lawyers in this province," said president, Bruce LeRose, QC. "Women are leaving the profession in disproportionately higher numbers than men and this has far-reaching implications. Justicia has enjoyed significant support in Ontario and we believe it has the potential for lasting impact in this province as well."

Thelma O'Grady, chair of the Law Society's Equity and Diversity Advisory Committee, is also keen. "Justicia is an incredible opportunity for firms to join together on this important issue. I am confident that BC law firms will jump on board with the same enthusiasm seen in Ontario."

The expected outcome for 2012 is to have a number of firms collectively consider initiatives aimed at retaining and advancing women in private practice. Lawyers or law firms with questions about Justicia or how to participate should contact Susanna Tam at stam@lsbc.org.

** Robyn Crisanti is the Manager, Communications and Public Relations for the Law Society of British Columbia.*

...And the Women Lawyers Still Leave



by **Linda K. Robertson***

A conversation I often have with partners (both male and female) goes like this. The partner tells me, "We bend over backwards to help our women associates by accommodating lengthy maternity leaves; putting on programs to help them develop business; holding events for potential female clients and allow some women to work reduced hours. But it makes no difference – the women lawyers still leave."

These partners are correct. Despite these programs, the women lawyers still leave. They leave because these programs do not address the deeper reasons why women leave private practice either voluntarily or, are dismissed by firms who do not see many women as potential partners. The deeper reasons require an understanding of the gender bias inherent both in law firm structures and in the often unconscious attitudes of senior lawyers.

WLF Outreach Event in Surrey

One of the objects of the WLF is to provide a forum for networking. Each year, we hold at least one networking event that is more accessible to lawyers from outside Vancouver. In order to encourage participation and to spread the word about the CBA and the WLF's goals and activities, this event was open to non-WLF and non-CBA members.

This year's Outreach networking event was held on April 18, 2012 and was hosted by Tara Britnell at the offices of Hamilton, Duncan, Armstrong & Stewart in Surrey.

Approximately 22 guests enjoyed the opportunity to meet new acquaintances and old friends over delicious appetizers. Our thanks to Tara and her law firm for their assistance in organizing the event.

Get Connected!

Forum membership is open to CBA members only. For membership information call the BC Branch of the Canadian Bar Association at (604) 687-3404, toll free in BC at 1 888 687-3404, or visit cba.org/BC for a Section enrolment form.

We hope you will make the Forum your meeting place of choice!

Write Us

Are you interested in writing an article for the WLF Newsletter or do you have any comments or feedback?

If so, please contact the CBABC WLF Marketing and Communications Committee Co-Chairs, Janine F. Jones and Vanessa Gauthier.



CBA BC WLF Spring Potluck

This event, open to WLF members only, was held on March 8, 2012 at the home of Sharon Matthews (CBABC President) with special guest, Trinda Ernst, QC (CBA President).



L to R: Johanna Stein, Carla Forth, and Parveen Karsan



L to R: Mary Jane Wilson, Margaret Mereigh, Jennifer Chow, Linda Robertson and Jan Lindsay, QC

This bias can be held by women as well as by men. Since women have had to adapt to a largely male workplace in order to succeed, many women have unconsciously adopted similar attitudes as their male colleagues. Most partners feel no conscious discrimination against women. They abhor clearly biased practices such as sexual harassment or a reluctance to hire female articling students or associates.

However, bias against any group whether it is women or people from a different cultural background or sexual orientation is often unconscious and requires educating ourselves about our hidden beliefs and how this belief shows up in our actions. If you wish to test yourself for bias through implicit associations, try the fascinating tests for gender associations and other sorts of unconscious associations with various groups at <https://implicit.harvard.edu/implicit/demo/>

An excellent discussion of these systemic biases can be found in an article by the prolific writer Ida Abbott (www.idaabbott.com/publications/articles) titled, "How Political Dynamics Undermine Gender Balance in Law Firm Leadership and What Your Firm Must Do About It."

To cite but one example from Abbott's article, many people see the defining qualities of women leaders as "taking care" behaviors while male defining qualities are seen as "taking charge" behaviors. "Taking care" includes being friendly, sensitive and compassionate and having strong interpersonal skills. "Taking charge" characteristics include being ambitious, assertive, competitive and action-oriented. The "taking charge" male characteristics are usually associated with leadership. While men are perceived as "natural" leaders, when women demonstrate these same "taking charge" characteristics they are not seen as natural leaders but as harsh, aggressive and uncaring. The women's behavior contradicts people's expectations of how women should behave.

Programs like those described at the beginning of this column will get women in the door and are valuable for that reason. But however well meaning these programs are, the women lawyers will still leave. Einstein said, "We can't solve problems by using the same kind of thinking we used when we created them". When we open our minds to a new way of thinking about how women can contribute to a firm's success, we also open the door to stronger firms better positioned to address the future needs of clients.

** Linda Robertson, National WLF Secretary-Treasurer and a Past Chair of the BC WLF, writes a column at Slaw.ca on issues regarding the retention of women lawyers in private practice. The full version of this article first appeared at Slaw.ca on March 29, 2012.*

BC WLF Mentoring Program

The WLF Mentoring Program, which has matched over 800 lawyers in 8 years, commenced the 9th year by hosting an Orientation Luncheon at the Law Courts Inn on January 31. Newly matched pairs were provided with an orientation, as well as a review of expectations for the mentor/mentee relationship. On April 24, the Mentoring Potluck was held at a WLF Executive member's home, which provided an informal setting for the pairs to meet.

