

Submission #2

My experience in the legal professions is that the legal profession does not understand what it means to be a person that identifies as BIPOC. This project itself, to me, reflects a lack of understanding of what being BIPOC in the legal profession is like because you want us to express our concerns in 750 words. Our experiences, at least my experience cannot be adequately expressed in 750 words.

Since I cannot express my full experience, I will focus on only one small issue: the subtle discrimination that occurs in the legal system.

Subtle bias is something that exists in the legal system, and what makes it worse than blatant bias is that you can never be sure if the legal system is operating objectively.

If there is blatant discrimination, it can be identified and called out. But what is more insidious is bias that might be bias, but cannot be proven as bias.

As a lawyer with a number of years of experience, I have learned that some lawyers are extremely duplicitous. They say one thing in private amongst other lawyers, when their true selves come out, but then in public portray a politically correct persona. Because this duplicity is common, a person can never know 100% if their case or their client's case is being treated in an independent and objective manner.

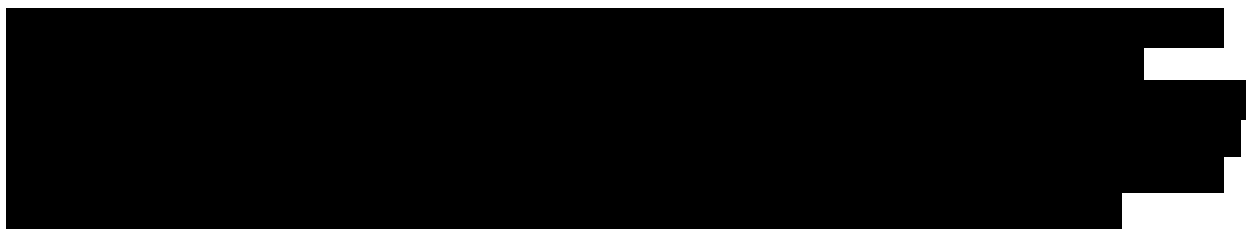
The other problem is that lawyers are generally of high intelligence. You cannot pass law school and the articling process without being intelligent. Therefore, lawyers or judges that might hold biases are smart enough not to blatantly express those biases. As a result, the biases remain mostly hidden.

The other problem is that when biases of individuals are known, most people in the legal community will not raise the issue of the biases because doing so will result in consequences.

I was told by a senior lawyer that their firm believed that certain Judges were biased against women. Therefore, the firm would utilize male lawyers when those "biased" judges were presiding over cases with a female lawyer. Therefore, this firm had a belief, that was strong enough that they took steps to mitigate the harm, but took no formal steps to address the issue.

My concern from this is that there are Judges that might be biased against women and I do not know which Judges are biased and which are not. This leads me to extrapolate that if some Judges are sexist, that there is a good chance that some Judges are racist too.

I do not need to speculate that some Judges are racist as I was told by a Judge that he believed that some of his peers were racist, based on his informal discussions with these other Judges. As a BIPOC, it is frightening to know that some of the people that make decisions in my cases might be racist towards me or to my clients.



Every time I have court on the 5th floor in the Edmonton Court of Queen's Bench, I am surrounded by pictures that remind me that I and my clients are different from those who are deciding our cases. The 5th floor is full of pictures of Justices of the Court of Appeal. They are almost all white men.

When I look at a picture of the members of the Judicial Council, who are either Provincial Chief Justices or Provincial Associate Chief Justices, I do not see a single BIPOC.

I read comments in news articles criticizing Judges for comments that are insensitive to women or visible minorities or both. When those Judges are hearing your case and your clients is from that group, it is difficult to have confidence that you and your client are being treated fairly.

This only touches the surface, but I have used my 750 words.