

## Submission #17

I hope this information is utilized for the purpose it is intended, and we are able to discuss these issues openly, and work towards change in the Judicial system in Alberta and across the Country. I am a lawyer practicing in the area of family law. I have a foreign law degree and a master's in law from a top tier University in the United States. While I was not born and raised in North America, English is my first language, and I have lived and worked in North America (United States and Canada) for over 15 years. Notwithstanding my background, my first experience as a professional as it relates to implicit or explicit racial bias happened in Alberta, when I started practicing law. This is really unfortunate.

Discrimination or bias cuts across every level in the Judicial system in Alberta. From the lack of diversity at the bench (every level of court), to the immediate disregard, and lack of respect showed when appearing on matters. I would mention some of the issues and the experiences that I personally witnessed over the years, and I would also refer to other experiences as related to my friends and colleagues with similar background.

I believe in the spirit of inclusivity; it is important that Judges and justices look at the names of lawyers with unfamiliar pronunciation or spelling and attempt to pronounce it correctly or even ask how it is pronounced. This is simple courtesy and respect for another person's culture. I acknowledge a few Justices go out of their way to pronounce counsel's name correctly, and I appreciate that.

Over time, I have been called names not even remotely close to what my name sounds like, even though my last name contains 3 vowels. As a diverse bar with people of different cultures and backgrounds, making an effort indicates the person matters, I respect your culture, and you are accepted here.

Court appearances: Appearing before certain justices can be quite challenging. Even more where the opposing counsel is a senior lawyer or of a caucasian descent. While this is not always the case, for some Justices, for some this automatically means the other counsel is smarter, will make a better argument and in fact will likely proffer a more meaningful resolution. As a result, the opposing side does not need to make much effort. Hence, you are treated with bias before you open your mouth. You are shut down before your submissions are complete. If you have a thicker accent, some justices pretend to hear what you have said, and then make a ruling totally unexpected. I have heard counsel on the other side of certain matters tell me, "wow, I was not expecting that", or "that is way better than what we anticipated or "we did not even ask for that". In most cases, your colleagues can tell that you have been dealt a different card as a result of your origin. This can be embarrassing, and it may take a toll on your self-confidence if you are already struggling to find yourself in a place that seems to want to beat you down at every opportunity. This is not to say everyone is the same, as I have had dealings with some very fine Judges and Justices, and senior colleagues. They are fair, thorough, and respectful.

Impact on clients: Who wants to retain or maintain a lawyer that the justice does not accord respect in court? While I have not had a similar experience, I have heard about other people's experiences as it relates to how they are treated by the Justice or Judge affects continuous representation on the file. For example, someone got fired following a court proceeding, because the justice spoke down at them, demeaned them for their accent, and lack of understanding of what they said or how they said it. In this particular instance a client told her lawyer "if it wasn't for your accent, we would not have lost, I am getting a new lawyer". I have

heard a Justice tell a Legal Aid client in their counsel's presence that "it is unfortunate you do not have choice of counsel; well I wish you the best". In another instance, a client told their counsel they did not know things were still this way in 2020". These types of statements affect the businesses of minority lawyers, and overall mental wellbeing. I find this interesting given most people have an accent. I lived in the states for a few years, and an average person thought the Canadian had an accent as well. Nonetheless, as a lawyer with a foreign education or different ethnic background, you learn to listen and understand what is being spoken to you albeit challenging sometimes. You learn to pronounce names, words etc. so the average person can understand. However, the same courtesy is not given to us.

Law Organizations or groups: It has come to the attention of many minority lawyers that certain groups, that are meant to help you develop career wise or provide mentorship to you are not opened to everyone. The prerequisite for joining will vary from person to person. The LRCY for example lacks diversity in its organization. However, on their website it states they are not accepting applications for the roster. Some senior lawyers insist that counsel for children representation be selected from the group solely, and the court would agree in most cases. More transparency and openness in the process would show a desire to include other people that look different and provide an equal opportunity for everyone.