

Status Report CDL's Diversity & Inclusion Committee – June 2023

The Canadian Defence Lawyers (CDL) Diversity & Inclusion (D&I) Committee was established in 2018 and quickly became a valuable tool for promoting and recognizing the importance of D&I within CDL member firms, as part of CDL programming, and within the profession at large. In the years since its inception, the size of this steering committee dramatically increased, with representatives from across Canada, in various legal settings including in-house counsel, private practice and government. This growth has allowed for targeted community involvement, promotion of D&I ideals, and expanded awareness of the importance of D&I initiatives throughout CDL membership and beyond.

The Chair/Vice-Chair(s) are appointed from the CDL Board and/or membership and the members are appointed by the Committee Chair. Our 2022/2023 Chair is Teresa-Anne Martin (Toronto), Ministry of the Attorney General – Crown Law Civil. Vice Chairs are: Teri Liu (Toronto), Dutton Brock LLP and Amanda McBride (Toronto) McBride & Shields.

The committee mandate and duties are:

- To ensure a culture of diversity and inclusion is supported and encouraged throughout CDL programming and public submissions.
- Provide cross-representation on CLE Committee, CDL Women's Caucus, Young Lawyer Committee, and In-house Counsel Committee.
- Ensure issues of community interest are shared with CDL membership.

The committee meets regularly throughout the year.

Programs

The CDL D&I committee has created exclusive programming appealing to a national audience on D&I issues. The committee has also developed joint programs with other CDL committees to further expand its reach. These programs have proven to be immensely popular and have the additional benefit of recruiting more members to the D&I committee.

These are some of our committee's programs:

1) Diversity and Inclusion at the Law Society – June 15, 2022

- Panel discussion with benchers from Nova Scotia, Ontario, and Alberta, reviewing diversity and inclusion initiatives, challenges, and future direction at the regulatory level across the country
- Speakers: Megan Shortreed, Morgan Manzer, Jamie Vacon, Sanjiv Parmar
- Moderator: Teresa-Anne Martin

- Attendance: 52

2) Indigenous Cultural Competency for Insurance Defence Lawyers – November 3, 2022

- Our second program on Indigenous cultural competency
- Speaker: Len Pierre, Len Pierre Consulting, Surrey BC
- Moderator: Christina Cook, Intact Insurance, Vancouver
- Attendance: 88

3) Black Cultural Competency Webinar – April 5, 2023

- Addressing systemic anti-Black racism and discrimination in the justice system
- Speakers: Nana Yanful, Legal Director, Black Legal Action Centre & Piera Savage Staff Lawyer, Black Legal Action Centre
- Moderator: Suzanne Clarke, CDL Member, Zarek Taylor Grossman Hanrahan LLP
- Attendance: 136

In January 2023, CDL launched a fundraising drive, in order to provide EDI (Equity, Diversity and Inclusion) programming to members at no cost. To date we have received contributions from **Snowden Law, Zuber & Co., CBM Lawyers, Dutton Brock, Sound Law, Evans Philp, Blaney McMurtry, Bertschi Orth, Sullivan Festeryga** raising a total of **\$9500**. All of our programs from the past year remain available on CDL's website and are accessible to members at no cost.

Future Programming

We continue to discuss ways our cultural competency programs can be expanded and are discussing other programs we can bring to our members.

Additionally, and in support of and respect for our Indigenous peoples, CDL includes a land acknowledgement during the introduction of CLE programs and has done so since 2018. Here is a sample of the land acknowledgement we have been using for virtual programs:

It is customary to acknowledge the traditional territories or ancestral lands of Indigenous peoples in Canada. As we are meeting virtually, I would like to

respectfully acknowledge that the Indigenous peoples are the traditional stewards of the lands where each of us attends this conference today

The CDL website hosts a list of cultural competencies resources available to members and the public.

Committee Development

Members of the CDL D&I Committee are drawn from across the country and represent a cross-section of the CDL membership. Committee members are encouraged to share their stories and experiences to help develop program content for the broader membership. The Diversity & Inclusion committee meets the last Thursday of the month. A number of sub committees are formed to deal with specific planning initiatives.

CDL Promotion of D&I Issues

CDL has used its robust email and social media platform to further promote D&I through recognition programs marking Black History Month (February), Asian Heritage Month (May), Pride Month (June), Indigenous History Month (June), Hispanic Heritage Month (October), Women's History Month (October) and Islamic Heritage Month (October). These promotions highlight the achievements of CDL members and the legal community as a whole, with features of historical figures, current practicing CDL lawyers, community events, notable CLEs and other resources for members to pursue their own learning. A number of commemorative emails have been sent out in these months of 2022 and 2023.

Diversity and Inclusion at the Law Society

One of the biggest issues our committee was focused on this year was diversity and inclusion at law societies across the country. This year we saw a concerted effort in Alberta and Ontario to attempt to roll back diversity and inclusion initiatives. In February 2023, a motion at the Law Society of Alberta to remove continuing professional education, including an Indigenous cultural competency course was brought forward. CDL issued a statement urging members in Alberta to vote against the motion. The motion was defeated by a 75% to 25% margin.

In the most recent Ontario benchers election, a slate of benchers under the banner Full Stop, ran with the express purpose of rolling back diversity and inclusion initiatives at the law society. Members of this slate openly described these initiatives as "wacky wokeism." The D&I committee created a sub-committee, comprised of members from the Diversity and Inclusion Committee, Women's Caucus and Young Lawyers Committee in order to make recommendations to the CDL Board. Our sub-committee recommended that the CDL Board endorse the Bencher Good Governance Coalition. The BGGC are a group of lawyers dedicated to the principals of good governance at the law society; the group recognized the seriousness of the fiduciary duties' benchers owe to the profession and public. We felt that this group aligned with CDLs stated values and were best positioned to ensure that the law society would be governed by competent professionals. Members of the BGGC were elected in a sweep during the last election.

Since the election two members of the BGGC have been appointed to the bench and Jacqueline Horvat was appointed as Treasurer. As a result, the next three highest vote getters, who were all members of the Full Stop slate have been appointed as benchers. While those numbers are not high enough to derail the business of the Law Society, it is a reminder that we should remain vigilant about diversity and inclusion initiatives at the regulatory level.

We are very proud of the fact that CDL was one of the first organizations to endorse the BGGC. Subsequent to our endorsement, other groups including OTLA, and the Criminal Law Lawyers Association also endorsed the BGGC.

Diversity and inclusion at the law society will remain an ongoing issue across the country. CDL can and should remain engaged with these issues, as it has the potential to affect members across the country.

Next Steps & Going Forward

The CDL D&I Committee is committed to continuing its education and advocacy efforts on diversity, inclusion, and reconciliation efforts within the insurance defence bar. We are grateful to the support and encouragement of the CDL members, executives, law firms and governance for our efforts. In particular, our presentations and initiatives have been so well received by our membership. As we continue to undertake these diversity, inclusion, and reconciliation efforts we hope for the continued support and participation of the CDL membership.