

## **Milé Komlen**

I am wearing two hats today, one as the Chair of the Equity Advisory Group with the Law Society of Upper Canada and one as the Chair of the Sexual Orientation and Gender Identity Conference (“SOGIC”), which is a section of the Ontario Bar Association.

I’ll talk a little bit about the Equity Advisory Group first. We serve as an advisory council to benchers at the Law Society, and we are comprised of 11 individual members from equality seeking groups, and 11 organizational members that represent various organizations from equality seeking communities. We advise and provide consultations to benchers, particularly the Equity and Aboriginal Issues Committee of Convocation and we are often asked to provide our feedback and input on access to justice issues, practice oriented issues, issues relating to the elimination of barriers for equality seeking groups within the legal profession, so it is a very unique construct, a very interesting group that is asked to comment on these issues and essentially advise the profession on whether it is meeting its commitment to equity and diversity.

I am going to come back to that in a moment because we have to take a little bit of credit for implementing the demographic question on the Members Annual Report from the Law Society that’s coming out next year. I will talk a little bit about SOGIC as well, the Sexual Orientation and Gender Identity Section of the Ontario Bar Association. We are on par with other practice groups such as Feminist Legal Analysis section, the Indigenous Bar Association and the Equal Opportunities section of the OBA.

We are also part of the National SOGIC organization, which is run by the Canadian Bar Association and has provincial members, Ontario being one of the members of National SOGIC. But in Ontario at any given time we have about 40 to 60 members of the OBA who are members of our section and I can tell you there are a lot more gay/lesbian lawyers than 40 to 60 because we see them at the Pride receptions that the Law Society hosts every June. We have over 300 people that attend that reception. On our unofficial list we have 220 members across the province that aren’t necessarily members of the practice association within the OBA. So it raises the question as to what sorts of barriers, even in terms of membership, LGBT lawyers are facing in order to become members of a group that the OBA has provided as an outlet for those issues. We struggle with the issue of relevance with regard to SOGIC and whether it continues to provide important information for members. Now that same sex marriage is legal in Canada, some would say that the big fight has been won and now that we have that, what else is there to fight for? But of course, we are dealing with issues now of same sex divorce, family law issues, the corollary issues that would come with marriage, or the breakdown thereof.

We are also looking at immigration issues, such as when other countries don’t accept same sex marriage or marriages among individuals who marry Canadians, and how that interplays between jurisdictions. Also trans issues, gender identity issues, and whether those are protected grounds of discrimination under the Ontario Human Rights Code or Canadian Human Rights Act. Those are issues that we are able to advocate for and on behalf of members, but more importantly we also play a role with regard to global

leadership on LGBT issues in other countries, countries where being homosexual can still get you the noose, or result in the death penalty. I think in terms of the global advocacy that the OBA does, it's a crucial component if we are talking about human rights issues in a number of different countries, particularly in terms of taking that leadership stance.

I am going to talk a little bit about the Members Annual Report at the Law Society, and how crucial it is that we finally have the demographic question included in this Report. Arlene mentioned at the outset why it has taken so long for any Law Society to have the demographic question in the Members Annual Report, and it has indeed been a long struggle. The question was tabled before Convocation a little over 10 years ago and at that time, the issue was voted down because many benchers felt that having a demographic question on the annual report was a little too personal; people may not have wanted to disclose whether they were a member of an identified group and might feel uncomfortable with regard to the confidentiality of self-disclosing. So it was a challenge to get Convocation to even think about it.

At the Equity Advisory Group we have been lobbying the bencher committees to recommend the implementation of demographic questions because we really do need to know who comprises the members of the legal, or what is the diversity within our profession. I think a lot of things have changed since about a decade ago when we first asked the question. Statistics Canada information became available and Stats Can data, census data, revealed that 9.2% of the legal profession in Canada was comprised of "visible" or "racialized" minorities. We also discovered that the Aboriginal representation within the legal profession is a little over 1% - 1.5%. So that means that 90% of the legal profession is "white". When you think about the disproportion of our multicultural society in terms of the representation of our legal profession, it raises some significant questions as to whether we are creating or reinforcing barriers to entry to our profession. More importantly it raises social justice issues, access to justice issues, whether we are servicing the various communities that we interact with. In Ontario alone they are anticipating, whether it is not already the case, that visible minorities or racialized communities will represent over 50% of the population in Ontario within a few years. So if 90% of the profession is white, that raises the question of whether we are able to reflect the communities in which we live and work. Those numbers don't represent other communities, such as persons with disabilities, members of the LGBT community, the diversity within religions or religious populations, so as we look more and more to who comprises the legal professions, it is going to be important to find out what those demographic questions on the Members Annual Report reveal.

The question after that is what do we do with that information? So if we find out that the legal profession is maybe a bit more representative or reflective of Ontario's society, what then do we do with that information? We are already seeing the formation of a number of different groups: lawyer affinity groups or lawyer identity groups. Arlene mentioned that there were the diversity program participants, so you have organizations like the Canadian Association of Black Lawyers, the Hispanic Ontario Lawyers Association, Women's Law Association of Ontario, the Arab Canadian Lawyers Association, the Muslim Canadian Lawyers Association, the Federation of Asian

Canadian Lawyers, there are even Greek and Portuguese Lawyers Associations, the Indigenous Bar Association as well, so these organizations are charging ahead with or without the OBA, with or without the Law Society. They are recognizing that there needs to be a responsiveness, and that there needs to be some advocacy on their behalf, for issues such as mentoring, issues surrounding retention of these members in private practice and where they land in terms of their employment in the legal profession.

I am going to suggest and maybe this is a segue into the broader discussion about what we can do as a profession, or certainly as a Bar Association in terms of integrating, including the different communities that make up our profession, and look towards a similar advisory type model on diversity issues and equity issues at the Ontario Bar Association. We have the example the Equity Advisory Group that advises the Law Society on equality seeking groups and diversity equity issues. We have the equal opportunities section of the OBA that has shouldered a lot of that work and certainly ties in with national organizations at the Canadian Bar Association, but I think there is a greater role that these lawyer organizations can play, certainly housing organizations such as the ones I mentioned within the broader structure of the OBA, and certainly in an advisory capacity, being able to field or forward specific concerns that those organizations have in representing their members. So with that, I will turn it back to Arlene and maybe we can have a bit of a strategy discussion about how to move these issues forward.