



ONTARIO
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Civil Litigation Newsletter

Unconscious Bias



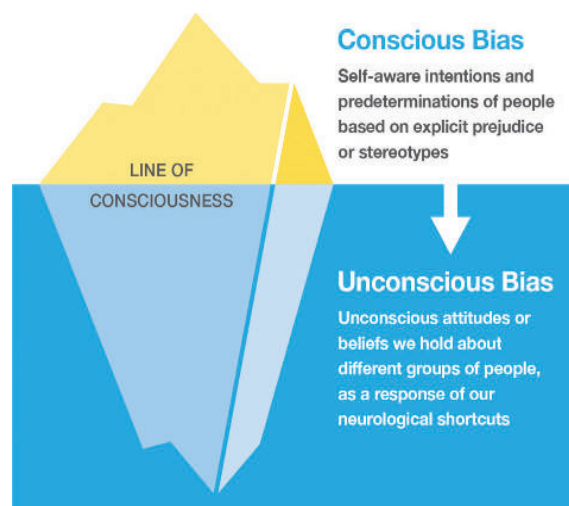
Message from the Editor

Adil Abdulla



For those who have never heard the term, unconscious bias is [defined](#) as “an unfair belief about a group of people that you are not aware of and that affects your behaviour and decisions”. It is not the same as racism – conscious bias – but it can have many of the same effects.

Unconscious bias takes many forms. Some are well-publicized. [Atrisha Lewis](#) explains that female and racialized lawyers are often misidentified as assistants or as the accused, and cites research showing that memos by racialized lawyers are sometimes judged as being worse than identical memos by white lawyers. [Jayashree Goswami](#) explains that she was treated differently because of her non-local accent. An article in the [American Bar Journal](#) cites research showing that lawyers whose names are harder to pronounce are less likely to be considered for partnership and the bench. [Adam Dodek](#) explains the harms caused by mispronouncing names. [Hadiya Roderique](#) describes a wide range of unconscious biases tied up in the concept of “fit” on Bay Street. These are all important points, and deserve further examination, but they are only the tip of the iceberg.



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This issue attempts to raise awareness of unconscious bias, and to broaden the conversation about what it can include.

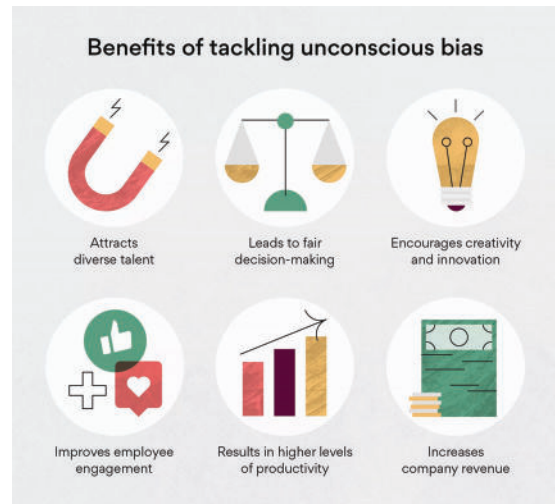
It starts with three interviews with brave lawyers who were willing to put their names forward: Solomon McKenzie, Nadia Zaman, and Alicia Windsor. They each provide real-life examples of unconscious bias, and how it affects the targets and those not directly targeted.

Next, there is an anonymous interview and four anonymous stories. Including anonymous content is unprecedented for this publication, so I want to explain why it is necessary.

In preparing this issue, I spoke to dozens of diverse lawyers. Every one of them had experienced unconscious bias at some point in their career, at the hands of clients, opposing counsel, partners at their own firms, court staff, and even the bench. But very few were willing to let those stories become public. There is a justified, abiding fear of reprisals – a fear that merely describing what one’s colleagues are doing will be seen as a breach of civility, rather than a learning opportunity. In that context, a promise of anonymity is often necessary to ensure that those stories are told, which in turn is necessary to breaking down this culture of silence.

Finally, there is an article from the [Federation of Asian Canadian Lawyers \(British Columbia\)](#) summarizing their extensive resources on unconscious bias. Other resources are available on the websites of the [Canadian Bar Association](#), the [American Bar Association](#), the [Law Society of Ontario](#), the [Law Society of Alberta](#), and the [Canadian Centre for Diversity and Inclusion](#). If anything in this issue has piqued your interest, please consider exploring those resources. It is incumbent on all of us to understand this problem, so that we can address it.

Finally, I’d like to thank the team that made this newsletter possible: Crystal Park, Emily Sinkins, Rachel Migicovsky, Ranjan Das, and Terrine Bird. Here’s hoping that your efforts will spark a broader conversation about unconscious bias.



INTERVIEW WITH

SOLOMON MCKENZIE

(Interview conducted in writing on July 25, 2022)

Q: What does unconscious bias mean to you?

A: Unconscious bias describes assumptions that we make about others that are subconscious, we are largely not aware that we are making these assumptions, or acting on them. This class of bias is distinct from overt discrimination, as an individual is often not acting on a deeply held animus towards any particular person or community. This class of bias can be particularly difficult to catch, because it's integrated with a lot of the unconscious beliefs that we use to navigate the social world. These assumptions allow us to navigate new situations based on similar experiences. Often we've been using these assumptions for decades. There are two typical ways this class of assumption can get us into trouble. First, is when they are based on information that is utterly divorced from reality, and when properly examined, are really just an expression of a broad stereotypes, crude caricatures, or actively discriminatory assumptions about individuals based on their identity. Second, is when we forget to see the person in front of us. Even if we're very astride of particular social or political issues, it's still important to check your broad assumptions about whether something that is salient to a community of a particular identity, is relevant or appropriate to ascribe to the actual living, breathing person in front of you.



Q: Can you share any specific examples of unconscious bias you experienced, or heard about, at any stage of the litigation process?

A: The classic one for many Black folks, which I've definitely had in some of my previous roles or from opposing counsel, is a baseline assumption that we're not that bright. Accordingly, any pause or mistake is taken as confirming the bias that I'm not that smart, while a colleague with different identities may be consistently given the benefit of the doubt. This type of reaction can be expressed in a couple of ways, such as an instant discrediting of ideas, a condescending explanation, or the loss of opportunities based on this perception.

Another pet peeve of mine, which comes up a lot in legal practice is the description of Black orators as “surprisingly well-spoken” or “articulate”, I feel like I’ve been haunted by the word articulate my whole life. Every person who is saying these compliments is genuinely trying to be warm, but they’re part of a larger tapestry of behaviour over a lifetime. It’s such specific wording that I’ve seen used for Black folks, and is often twinned with an intonation of slight surprise or wonder, that it clearly communicates “you’re surprisingly good at this versus my expectation of what someone like you should be capable of”.

Q: How do these incidents affect those who experience them? Does it have any effects on those who do not directly experience them, but only hear about them from others?

A: At the shallow end, it really just saps energy and focus. Especially in a high impact profession like law, you really can feel the effect of having to waste percentages of your brain-space navigating small reminders that folks are surprised you’re in a space.

At the medium depth end, I think it can really interfere with some important parts of the tutelage of junior lawyers. Juniors have a lot to learn, our career is an apprenticeship profession, and being able to readily admit lack of knowledge and have the benefit of the doubt is vital to us being able to flourish to our potential.

Having someone declare “you’re interchangeable and an outlier” honestly ruined the first half of what was meant to be a celebration

At the deep end it can really ruin an experience. I was at something that I was really excited for a couple of weeks ago, and someone very self-confidently walked up to me and greeted me with the name of a different racialized person. Normally I’d shrug it off, but it had been a long week, and my guard was down because it was after hours, and in the context of the event having someone declare “you’re interchangeable and an outlier” honestly ruined the first half of what was meant to be a celebration.

Q: How do you prepare for or respond to these incidents when they happen?

A: I don’t think there’s one answer to this, and it all depends on context. I try and use humour, while being as warm as possible. No one is perfect, I’ve definitely made assumptions and rightfully been given feedback over it – and I try and use the experience of being given feedback as a lesson and a guidance for my own behaviour. I know that Canadians tend to be very conflict adverse – but I think providing feedback is really an act of compassionate engagement, rather than conflict. I think it’s a pretty profound act of courage and vulnerability to stand up for yourself if there’s an aspect of your humanity that’s being overlooked, and when I’ve been given feedback in the past I appreciate that the person giving me that feedback is spending emotional and mental energy to help me grow as a person. Of course engaging is not right in every situation and context, and making sure that you’re talking to someone who is capable or willing to hear what you have to say is important.

Q: What types of things should we be doing, or what can we do to proactively address unconscious bias?

A: There's excellent unconscious bias training that folks can take, and I tend to particularly urge folks who think they're enmeshed in a Diversity and Inclusion work to engage with these types of training, because I think there are teachables for everyone in these. However, I think that a lot can be learned by actually listening carefully to what folks are telling you. Often, I find, people have been very expressive about what they wanted to be called, how they want to be treated and how they identify. Taking a beat not to let your snap judgement prevail, and just listening to what the person who is standing in front of you is actually saying, can take you a long way.



INTERVIEW WITH

NADIA ZAMAN



(Interview conducted in writing on January 3, 2023)

Q: What does unconscious bias mean to you?

A: Unconscious bias to me means unknowingly letting stereotypes and prejudices affect your

decision making to the detriment of the other individual(s) you are biased against.

Unconscious bias can be even toward individuals who share the same characteristics as you. For example, a brown male can experience unconscious bias toward another brown male.

Unconscious bias is pervasive. But until we acknowledge that it is, and take proactive steps toward raising awareness and shifting our mindset, the situation will not magically improve.

Q: Can you share any specific examples of unconscious bias you have experienced, or heard about, at any stage of the litigation process?

A: One of the common examples of unconscious bias that I have experienced (and I am sure other coloured female litigators have as well) is the assumption that a woman of colour is not going to be as competent as a white, male lawyer.

I still remember a call I had with a potential new client during my earlier years as an employment lawyer. She called me to discuss her workplace situation and wanted to book a consultation with me. I listened to her, expressed that I was sorry to hear about her situation, and explained our process. She advised me that she was given the names of two individuals, and that she had reached out to the other person first as she thought he would be “tougher” as a white, male lawyer. I could hardly believe what I was hearing since she was openly admitting that she had acted on a stereotype. She further explained that after speaking with me she decided she would rather

have me as her lawyer as I listened to her concerns and empathized with her, while the other lawyer was short and curt with her. I think she thought this was supposed to be a compliment for me – it was quite a bold learning lesson.

In a similar vein, I had another potential client ask me during a strategy session whether I would be “as aggressive as a male lawyer” during the litigation process. The potential client was an elderly, brown male himself. He perceived male lawyers to be more aggressive than female lawyers, and had the belief that being aggressive as a litigator was a sign of competence.

Finally, several women of colour in the bar have told me that others have mistaken them as receptionists, interpreters, or assistants, as opposed to counsel on a file.



Q: How do these incidents affect those who experience them? Does it have any effects on those who do not directly experience them, but only hear about them from others?

A: These incidents can be extremely demoralizing not only for those who experience them, but also for those who hear about them from others, especially if they have shared characteristics. They are meant to make you feel lesser than, like you do not belong in the profession. Those who experience these incidents have to work twice as hard to be simply viewed as competent.

Q: How do you prepare for or respond to these incidents when they happen?

A: Breathe. Know that this not a reflection on you or your competence, but rather the other person’s ignorance. It is very easy to fall into the trap of “well, maybe I should have done X”. The reality is that these situations occur because of stereotypes, bias, ignorance, and discrimination. We cannot change the circumstances overnight but we can continue to do quality work and let our work speak for itself.

And when appropriate, you can respond with something along the lines of “could you please explain how that is relevant?” I have used it before and the person was immediately faced with the absurdity of their own assumptions.

Q: What types of things should we be doing, or what can we do to proactively address unconscious bias?

A: Unconscious bias training should be the norm, not the exception. We can all benefit from such training so we can proactively address it once and for all. We also need more diverse litigators in senior management positions – change the face of leadership. It will take time for a massive shift in how people perceive, communicate with and/or behave toward diverse litigators, but we need to take the necessary steps forward.

INTERVIEW WITH

ALICIA WINDSOR

(Interview conducted by Adil Abdulla ("AA") and Crystal Park ("CP") on April 13, 2023)

AA: Thank you for joining the OBA civil litigation section. Can you tell us about your path through the legal profession?

AW: I'm originally from Florida, and was called to the Florida bar in 2007. I interned at the United Nations, clerked for the Chief Judge of the Third District Court of Appeal, and got an LLM. I worked as a public defender, trying a wide variety of cases, including first degree premeditated murder. Then I moved into civil litigation at a national firm. In 2016, I decided to move to Canada. I wrote the NCA exams, passed the Ontario bar exam, and was called to the Ontario bar in 2017. I landed in Ontario in 2018, by which time I had been practicing for 11 years.

When I arrived, it was like I was starting my career over. I probably applied for 150, maybe 200 jobs. Many of them were for one or two year calls. For two and a half years, I got no interviews. Recruiters refused to put me forward, even for jobs for new calls.

AA: Did you get any explanations for not getting an interview?

AW: I did. Some of the things I heard were "You should not have come here." "You ruined your career by coming to Canada." "If your career in Florida was so good, why did you come here?"



For some entry level positions, I was told that they couldn't hire me because I didn't article. Or that they needed somebody who could hit the ground running, and they didn't have the time to train me on the differences between American and Canadian law.

AA: That brings us to unconscious bias. People assumed that you did not understand Canadian law because you were trained abroad.

[Note to readers: To be called in a Canadian jurisdiction, internationally trained lawyers must pass [NCA assessments](#), and then pass the licensing requirements for that jurisdiction. For Ontario, the latter includes passing the barrister

and solicitor exams and articling. The articling requirement can be waived by the LSO, but only if the candidate shows that they have sufficient comparable experience.]

CP: Were the firms aware that you had proven that you had comparable experience?

AW: Some of them did. Recruiters are certainly educated enough to know that internationally trained lawyers have to prove their substantive knowledge. But some still told me to “sanitize” my resume by getting a Canadian LLM. I already had an LLM, was called to the Ontario bar, and had 11 years of experience, so more substantive learning was so not necessary.

And it’s so easy to adapt to Ontario procedure. 95% of the rules are the same. We use almost the exact same terms. I don’t know all the rule numbers, but if you tell me what the rule is called, I’ve already encountered it. The biggest differences are court processes, which differ from court to court within Ontario. Those you have to figure out all the time.

AA: In that way, refusing to hire internationally trained lawyers is like refusing to consider an Ottawa lawyer because they are not aware of the peculiarities of the Toronto courthouse.

CP: We’ve touched on unconscious bias in hiring. Do you have examples of unconscious bias during the litigation process?

AW: I get comments like, “We don’t do things like that here.” This happens even when I’ve spoken to Ontario-trained partners and confirmed that what I’m proposing is fine and within the Rules. People will do whatever they can to gain a tactical advantage.

Also, a lot of internationally trained lawyers get “compliments” like, “You’re from country X? Your English is great.” And they’re from countries whose entire legal system and education system is in English. It’s these little reminders that you don’t belong and that you’ll never belong because you’re not one of us.

AA: When you hear comments like that, how do you respond?

AW: I try to be collegial, especially when the comment comes from a lack of education. I usually take the opportunity to explain that I’ve tried a case like this, or Florida has a similar rule, or the small differences between jurisdictions do not prevent me from understanding Canadian law.

In response to the comments directed to internationally trained lawyers who contact me, I mentor them in confidence and on navigating a profession that doesn’t seem to want us here.

AA: Do you have any thoughts on what we can do to make the profession more understanding or accommodating?

AW: Education about the NCA process would be helpful. There should also be an onus on people who are hiring for big firms to know about that process. The LSO and the major bar associations should be creating resources and CPD for Canadian-trained lawyers to learn about the perspective of internationally trained lawyers. There are so many amazing internationally trained lawyers who are so much smarter than me and so skilled, who have worked at amazing places around the world. By discounting them, firms are missing out on their ideas and expertise. It’s just bad for business, and the legal community is missing out on an amazing resource.

AA: That’s a great place to end. Thank you so much for your time, and for sharing your experience with the OBA civil litigation section, and for continuing the conversation.

ANONYMOUS

(Interview conducted on January 29, 2023)

Q: Thank you for joining the OBA civil litigation section. You've opted to remain anonymous, so I won't say much about your background. The only points relevant to understanding this interview are that you are a mid-career South/East Asian woman.

What does unconscious bias mean to you, and when might it arise during the litigation process?

A: Unconscious bias is a preconceived notion or stereotype that people have that they're unaware of. It's a judgment that forms in their mind when they meet someone, before they get a chance to know them. In the context of litigation, it can arise in all stages of litigation, from the first conversation with a client or first interaction with other lawyers. When you join a firm, it can manifest in the files or assignments you get, or opportunities to go to events.

Q: Can you share any specific examples of unconscious bias you have experienced, or heard about?

A: A: It comes up in my day-to-day. For example, people assume that I am more mellow, more docile, under-spoken, or not

very assertive, all because I am an Asian woman. So when I'm handling files where the lawyer on the other side is known for being abrasive or unreasonable, senior lawyers sometimes assume that I'm unable to stand my ground. And when I act as assertive as any other lawyer, I get called aggressive. Many lawyers have reached out to me, especially new calls, complaining about the same issues.

We also have to deal with the assumption that we're assistants, or clerks, or students. Opposing counsel ask whether we are actually counsel of record, or just filling in. Even judges sometimes ask to confirm that I am, indeed, the lawyer arguing a motion, and not a student or junior there to observe.

Q: How do these incidents affect those who experience them? Does it have any effects on those who do not directly experience them, but only hear about them from others?

A: It can affect the opportunities the person gets, the files they are able work on, or networking opportunities available to them, both of which can really impact someone's career, especially over time. The effect can also extend beyond the person with the unconscious bias.

For example, if a person with an unconscious bias is evaluating you, and their evaluation is affected by the unconscious bias, then it might affect the opinions of you held by people who have not interacted with you but read the evaluation.

You can also be affected by knowing that it is happening to colleagues. If unconscious biases manifests towards someone else, you wonder whether those people are applying the same biases to you. It makes you more cautious.

Q: How do you prepare for or respond to these incidents when they happen?

A: For me, I proactively exhibit confidence. I feel the need to prepare more and prove that I am capable. You have to look for opportunities and take a bit more initiative.

Once unconscious bias manifests, for instance, if I'm being called aggressive, I just stay extra calm and rationalize my approach. I explain that any litigator in my position would take this approach, and I'm just representing my client without getting heated. If someone assumes I'm an assistant or a paralegal or a student, I just calmly let them know that I'm a lawyer.

Q: What types of things should we be doing, or what can we do to proactively address unconscious bias?

A: Diversity training helps, but it's only one tool. The most important part is just having these conversations and raising awareness of the problem. If you identify these biases and stereotypes and how they exhibit, people can recognize them when they happen and then stop.

Q: That's a great place to end. Thank you so much for your time, and for sharing your experience with the OBA civil litigation section, and for continuing the conversation.

It can affect the opportunities the person gets, the files they are able to work on, or networking opportunities available to them



Anti-Indigenous Bias

Anti-Indigenous bias is pervasive and particularly in Northern Ontario. For example, I remember being at the OCJ in Kapuskasing as an out of town Crown. I was standing at the podium and there was an accused being belligerent and badgering the registrar. I interrupted and told him to sit down and wait for his matter to be called on the list. As he walked away, he said, “You send them to law school for free and they come back all uppity.” It was very loud. Everyone froze momentarily but no one said anything.

For another example, a racialized colleague of mine was in Timmins. She arrived late one evening and checked into a hotel wearing comfortable, casual clothes for her flight. The hotel had two wings. One wing was like any regular hotel; the other wing was in bad shape with no working elevator and ripped carpets. She was placed in the latter wing.

The next morning, while wearing a suit for court, she requested to be moved. A new person was at the front desk and told her that it had been a mistake to put her in the “Indian wing”. This type of segregation is common in northern communities where certain areas of a town are more for Indigenous people and others are more for non-Indigenous people. But the segregation and discrimination at this hotel was blatant and shocking.

Judges can also be affected. I’ve read a transcript of a hearing in front of an Indigenous judge, where counsel behaved incredibly disrespectful to her. They badgered her, condescended to her, and repeatedly told her that she didn’t understand or know the law while she was thoughtful, patient and professional. I have never seen or heard of any counsel engaging in that kind of behavior with a white male judge.

"We live in a society where there is not only a general bias towards White skin and against Black skin, but [...] where there is general favorability towards lighter skin and against darker skin."



Dr. Matthew S. Harrison
Clinical Assistant and Professor of Industrial and Organizational Psychology
University of Georgia

The White Wave in Brampton

I used to litigate regularly in the Superior Court in Brampton where there is a visible divide between the clientele, which is predominantly racialized, and counsel, who are predominately white. Walking into a courtroom where persons in the gallery are "of colour" to the front of the courtroom where counsel are predominantly white can feel like pushing against a "white wave." One that has a difficult time perceiving racialized persons as lawyers. For example, being mistaken as a court interpreter in the courthouse was such a common occurrence for me that it was a running joke in my office. It did not matter if I was wearing a suit or if I was fully robed. Once, when fully robed, court staff grabbed my arm in the hallway and said, "We need a Mandarin interpreter in courtroom [X]."



Being Overlooked and Insubordination

I am senior counsel and have grey hairs but I am frequently mistaken for junior counsel or treated like junior counsel despite my seniority.

For example, when counsel are introducing themselves, opposing counsel will often approach my junior first, particularly if he is a white male, mistaking him as the senior counsel. Even if my name is listed first on the factum, I will often be overlooked as senior counsel both in the courtroom and out of it.

There are also many little things that add up. Like when you're in a room full of counsel and somebody constantly interrupts you, and only you, effectively preventing you from participating. Or someone directly asks you a question and before you can respond, another counsel, even a more junior counsel, jumps in to answer. I have also had juniors, always men, call clients directly even after I gave them explicit instructions never to do so without asking for my permission first. Once a junior even drafted a letter in my name, and sent it out to everyone for comments, without running it by me first. Another junior had to be told to fill out a counsel slip for me, and did it grudgingly, and refused to help carry my litigation bags to court. I have also had juniors who always give excellent quality work to my white male colleagues, inexplicably give me bad quality work that I am expected to receive without complaint.

I believe these behaviours are based on unconscious bias and implicit assumptions about who has power in the legal profession. They see a racialized female and assume that she can't be making strategic decisions, especially in a room full of white men. That she can't be important enough to be worth making a good impression on or worth networking with. That getting a reference from her is less important because it won't carry as much weight.

In a profession where seniority means something, it does not always favour senior, racialized female counsel.

Ageism bias



More than half of workers believe that age discrimination begins when they enter their 50s

Source: Built In



Beauty bias



Research shows that attractive people are more likely to gain interviews and job offers than their less attractive counterparts

Source: National Library of Medicine



Bias Against Sole Practitioners

Unconscious bias in law is most pronounced in the presence of power differentials. One of the least understood power differentials is the one between sole practitioners and larger firms. There is such a large emphasis from law school onwards to gravitate towards large firms, which creates assumptions about the quality of lawyers in those large firms and those that are not. The LSO surveys of practice settings also confirm that there is a disproportionate number of racialized lawyers in sole practice, and that this is gender skewed towards racialized men. The biases against sole practitioners can intersect with other biases.

As a sole practitioner, on numerous occasions, improper behaviour against me appeared to be informed by assumptions, misunderstandings, and even deeply held prejudices by lawyers operating in a larger firm. For example, on one particularly contentious file, the lawyer on the other side was consistently rude, abrasive, and abrupt. I brought in a white lawyer at a larger firm and, as expected, the lawyer on the other side changed. He made no personal attacks against the new lawyer, and even communicated personal attacks about me to this lawyer. Ultimately, that hurt his client. Having put his inflammatory and entirely improper comments in writing, and fearing that they would end up in a court record, his client had to settle the issue.



Additional Resources on Unconscious Bias

Sandy Lun & Fiona Wong, on behalf of the Federation of Asian Canadian Lawyers (British Columbia) Society

The Federation of Asian Canadian Lawyers (British Columbia) Society (“FACL BC”) is a diverse coalition of Asian Canadian legal professionals working to promote equity, justice, and opportunity for Asian Canadian legal professionals and the wider community. FACL BC has a long history of advocating for racialized lawyers and law students, and speaking out against unconscious bias. If you are interested in learning more about the subject, consider listening or watching the resources listed below.

Podcast

Two years ago, FACL BC launched its own podcast on [Spotify](#) and [Apple](#). The podcast created a space for legal professionals, community members, and individuals with law-adjacent careers to come together to share their personal experiences about the legal profession, including how each guest faced unconscious bias in their daily practices. Our podcast’s Asian Litigator Series in particular sheds light on the Asian-Canadian civil litigator experience. In [Season 1 Episode 3](#), we interviewed Nerissa Yan, who was recently named one of the Top 25 Most Influential Lawyers in Canada in the Young Influencer Category for 2020. Nerissa is a founding partner and civil litigator at Yan Muirhead LLP. In that episode, we discussed Nerissa’s challenges of immigrating to Canada as an adult from China, having to adapt to Western culture, and learning English as a second language. Specifically, Nerissa mentioned an incident where a partner of her former law firm reprimanded a client for asking that a lawyer who was more proficient in English be assigned in Nerissa’s place.





In Season 1 and 2 of our podcast, guest host Chilwin Cheng, principal of Ascendion Law, conducted a series of interviews that highlighted unconscious bias.

Season 1

Episode 4: February Mini Series Featuring Kevin Loo, K.C.

In this episode, Chilwin Cheng interviewed Kevin Loo, who has since been appointed Justice Loo of the Supreme Court of British Columbia. At the time, Justice Loo was an experienced trial and appellate lawyer and was a partner at Nathanson, Schachter & Thompson LLP, a litigation boutique firm in Vancouver. Prior to his appointment to the bench, Justice Loo regularly appeared as counsel in the B.C. Supreme Court and Court of Appeal, the Supreme Court of the Northwest Territories, the Federal Court, and various administrative tribunals.

Episode 5: February Mini Series with Brian Cheng

Chilwin Cheng's guest in this episode was Brian Cheng, a shareholder at Owen Bird with a focus on commercial litigation and insurance defence. Brian has appeared in the Provincial Court, Supreme Court, and Court of Appeal. He is also licensed to practice in Washington, where he has appeared before the District Court, Superior Court, and the Court of Appeals.



In addition to his practice, Brian volunteers as a supervising lawyer through UBC's Law Students' Legal Advice Program and as a clinician lawyer with Access Pro Bono. He is a member of the board of the Lawyers Inn Society (the Law Courts Inn).

Episode 6: February Mini Series with Miranda Lam

Chilwin Cheng's guest in this episode was Miranda Lam. At the time, Miranda was a partner in McCarthy Tetrault's Litigation Group, the Retail Sector Lead in the firm's national Retail and Consumer Markets Group, and a core member of the Mining and Technology Groups. Miranda resolved complex disputes and is a highly regarded trusted business advisor to private and public enterprises. A skilled litigator, she was recognized for her strategic thinking and business-oriented problem-solving approach to all disputes. Miranda was also the chair of McCarthy's National Gender Equality Action Group, as part of their Inclusion Now priority.

Episode 7: Conversation with Lisa Fong, K.C. on Gender and Asian Representation

In this episode, Chilwin Cheng interviewed Lisa Fong, K.C. Chilwin and Lisa discussed her upbringing with immigrant parents, Asian representation in the legal profession, judicial diversity, her appointment as Queen's Counsel (now King's Counsel), and the contested topic of whether potstickers or steamed soup dumplings are better. King's Counsel is an honorary title in B.C. that recognizes a lawyer's exceptional merit and contribution to the legal profession.

Season 2

Episode 20: Asian Litigators Series with Rose-Mary Liu Basham, K.C.

In this podcast mini-series, Chilwin Cheng interviewed Rose-Mary Liu Basham, K.C., founder of Basham Law. Rose-Mary discussed her experience as an Asian woman litigator, tracing her journey from when she was first called to the Bar in 1977. Rose-Mary shared her stories in the courtroom over the last four decades and imparted wisdom on how to be a good lawyer regardless of one's race and gender.

Episode 21: Asian Litigators Series with Miranda Lam

In this episode, Chilwin Cheng invited long-time friend Miranda Lam onto FACL BC's podcast again, one year later. She shared with us her exciting (and surprising) transition from being a litigation partner and retail sector lead at McCarthy Tétraut for more than a decade, to becoming the Chief Legal Officer and Senior Director of Business Development at Acuitas Therapeutics Inc. Miranda recounted her unforgettable experiences at a National Asian Pacific American Bar Association (NAPABA) conference, and reminded leaders in the legal field to "send the elevator down" to support each other.

Chilwin and Miranda also discussed how her past experience as a litigator served her in her new in-house role, and Miranda left FACL BC's listeners once more with great words of wisdom and inspiration.

Episode 22: Asian Litigators Series with Kevin Loo, K.C.

Guest host Chilwin Cheng sat down with Kevin Loo, K.C., one year later, to discuss his Queen's Counsel (now King's Counsel) appointment in 2021. In this episode, Kevin shared with us his thoughts on becoming Queen's Counsel and family history, including how his great uncle, Andrew Joe, was the first Chinese Canadian to be admitted to the British Columbia bar in 1953. Kevin also briefly discussed his Uncle Andrew's advocacy efforts on behalf of Asian Canadians in Chinatown, where among many things, he fought for the right for local butchers to hang *char siu* in their storefront windows.

Documentary

To further the dialogue on unconscious bias that Black, Indigenous, and People of Colour ("BIPOC") litigators face, FACL BC premiered its documentary [But I Look Like a Lawyer](#) ("BILLAL") in 2021, which shares stories of the discrimination, stereotyping, and bias experienced by members of the Pan-Asian legal community. These instances included senior white male lawyers in an elevator asking a judicial clerk for the Court of Appeal about her heritage. The senior white male lawyers subsequently made remarks exoticizing Asian women to another judicial clerk while he was being racially profiled by court sheriffs who proceeded to aggressively interrogate the clerk with their hands on their belts and weapons suspecting that he was a terrorist.

The documentary aims to increase intercultural awareness and competency, and to surface the complexity of the historical, socio-economic and colonial aspects of these real lived experiences. FACL BC wishes to highlight and bring renewed attention to the [But I Was Wearing a Suit documentary](#) (and its [Part II](#)), spearheaded by a group of leaders in the Indigenous legal community, including Justice Ardith (Walpetko We'dalx) Walkem, who generously provided guidance for FACL BC's initiative. BILLAL won the 2021 Clawbies Award for Best Innovative Project and was recently selected to screen at the [Vancouver Asian Film Festival](#). Since then, FACL BC continues to promote the documentary to dozens of law firms, Law Societies, and legal organizations in an effort to raise awareness about and reduce the unconscious bias that BIPOC litigators face.

We welcome you to [join us as a member](#) or attend any of our [upcoming events](#) below. If you are based in Ontario, we also invite you to join our friends at FACL Ontario [here](#).



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