

Notes for the Remarks of Justice Russell Juriansz at the ROUNDTABLE OF DIVERSITY ASSOCIATIONS, 2013 Soirée, November 28, 2013

I am absolutely delighted to join you and to be part of a roundtable discussing diversity. A roundtable is a wonderful mechanism for sharing experiences, concerns and ideas. So I look forward to a discussion with you later. At the moment, I am stuck upfront making a speech to you and that makes me uncomfortable for two reasons.

First, I question whether I have anything to say that you will find useful. Yes, I am a member of a minority because I have brown skin. But I was raised speaking English at home; I do not wear any religious dress; I appear to be physically intact; and I'm heterosexual. And I am old. So I wonder how relevant my life experience and the way I look at things is to people who are much younger or who may have quite different characteristics that place them in a minority group.

Second, diversity is a sensitive subject and there are a great many different ways of thinking about the issues it poses. I find that whenever I speak on diversity I offend someone. I can offend someone by saying something or by failing to say something.

Anyway, I accepted the invitation to speak tonight and I have tried to come up with some ideas that the different member associations of RODA might take up as common concerns.

First, I would venture that the members of all the associations perceive some lack of acceptance in certain circumstances. So certainly combating discrimination and prejudice is a common concern of all the associations here. That said, I think we should all recognize that not all of us face the same level of prejudice and disadvantage that others might. Here in Ontario, in current times, persons who are black encounter greater prejudice and disadvantage than others of us. We have to recognize that they face those challenges not only from Canadian society at large but also from within the other minority communities. The member associations of RODA can play a leadership role within the minority communities to reduce prejudicial attitudes in all of Canadian society and make our society free of discrimination.

In emphasizing societal attitudes faced by the black minority, I should not be taken to minimize the prejudice encountered by those in other minorities. When I was in high school in the early 1960s, the group that I remember suffering the greatest prejudice was the Italians who had recently immigrated. Before that, in grade school I remember some bad names that kids called each other. We did not know what those bad names meant. Now I know they were used against Eastern Europeans and Ukrainians who come to Canada. And certainly South Asians had their turn in being the bottom of the pile during the mid-70s and early 80s. [I am not suggesting discrimination is a rite of passage into Canadian society.]

Certainly combating discrimination and prejudice is a common concern of all the associations here.

I have some other concerns that RODA might consider addressing.

Most of us, I know not all, share immigration in our fairly recent family history.

One thing RODA might want to discuss is how the legal system treats immigrants. For example, immigrants may be at a disadvantage when their credibility and reliability is assessed at trial because they are unable to review their discovery or preliminary hearing transcripts. This is a disadvantage that is shared by illiterate persons as well.

RODA may wish to focus on ensuring there are enough and adequately skilled court interpreters. Just today our court heard two appeals in criminal cases where the ground of appeal had to do with the adequacy of the interpretation at trial.

Another issue is the difficulty immigrant lawyers face entering the profession here. I am not thinking here of the governing body's recertification requirements, but of how inflexibly the profession does things. For example, most large law firms have inflexible programs for hiring articling students from their summer programs. This way of doing things excludes law graduates from other countries who have immigrated. Can RODA encourage law firms to introduce a measure of flexibility in such programs?

Another common concern of all the member associations of RODA is undoubtedly the underrepresentation of your group on the bench. Being a judge is a wonderful combination of having interesting challenging work and contributing to the public interest. I encourage you to aspire to it, to develop impressive professional expertise, and to conduct yourselves ethically and civilly, so the makeup of the bench can change one appointment at a time.

Probably the biggest concern I hear repeatedly from younger persons who are minorities in the profession is that they need and want mentors. They generally have in mind mentors who are members of the same minority as they are. So for example some young South Asians have indicated to me they feel handicapped by the dearth of senior people in their firms. They understandably desire to be mentored by someone who has successfully made his or her way in the practice of law as a South Asian.

That's great. The member associations of RODA can do much to fill that perceived need. Participation in the various associations' activities here provides younger lawyers with opportunities to meet and interact with more senior persons in the profession who share the same group characteristic. This is probably one of the key contributions of the associations, and so I do not want to detract from that in what I say next.

My advice is not to have too limited a view of who might be a mentor to you.

Diversity is not a zero-sum game. You can enjoy socializing and interacting with persons who share your language, food, and culture, but that doesn't take away the slightest thing from your full integration in wider society. Your being members of RODA's associations does not detract from but adds to the richness of Canadian society. You can look inward and outward at the same time.

So I advise you to stay open to being mentored by senior people in your professional life who are not in your minority group. You are simply wrong if you believe that you cannot

have a close relationship with such senior people and they cannot or are unwilling to mentor you. In fact, it is in their interest to do so.

Mentoring is a two-way street. When you do good work for your more experienced and influential seniors, when you make them dependent on you, then they are happy to be a mentor to you. It is a matter of mutual self-interest. Mentors are not a fairy god-parents who are going to use their influence to help you because you look good. It is because you make them look good that they take an interest in you and use their influence to benefit you.

A good reason for accepting my advice is that, unfortunately, most of the minorities in RODA are underrepresented at the more senior levels of the profession. So the pool of potential influential mentors who share your group characteristic are underrepresented and the pool of those who do not share it will be overrepresented.

I should leave time for some questions. In closing, I want to repeat that organizing this Roundtable is a wonderful initiative and has a great deal of potential to make a difference. I want to congratulate those who have organized RODA and this evening.