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Addendum, Young Lawyers edition, April 2009

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National Magazine's Addendum – Young Lawyers Edition, April 2009

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The road back: from in-house law to private practice

By Emily White

It's a familiar scenario: a young lawyer perfects his or her skills at a private firm, then leaps—to an in-house role.

Much less common is the opposite path, back to private practice. Warren Smith of The Counsel Network says, "It's going to be more of a challenge for somebody who comes from an in-house background rather than a private practice background to make the transition to another private firm."

An early challenge is defining one's motivation for the change. "One of the questions that came up was, 'You're coming from a really comfortable background, and working really set hours. Why do you want to switch to a bigger firm with more hours and more work and more challenges?'" says Ann Behennah, who worked with the City of Calgary's law department before joining Bull, Housser & Tupper LLP in Vancouver.

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At the hiring interview, Behennah's stressed her desire for professional growth. While with the City of Calgary, she worked in planning law; upon joining BHT last July, she was able to expand her interest in municipal affairs to a practice that includes a variety of local governance, planning, and real estate issues. "I wanted to build my strengths up as a junior lawyer. In order to have as rich a practice as possible, I wanted to make sure I had as much exposure as I could early on."

It's a point worth emphasizing, says Smith, "for junior lawyers who want to go into private practice.

"My experience is that one of the more persuasive arguments—if you're genuine about it—is to say, 'I want to be good at my craft.' And that's not to say they've had a good or a bad experience in-house, but that they've recognized there are some limitations."

Mentoring is another aspect that in-house lawyers might choose to highlight, adds Carrie Heller of The Heller Group. "If you went in-house, and found yourself to be one of two lawyers, and that lawyer isn't in a position to be mentoring you sufficiently, that might make you stop and think that you should go into private practice, where there are many lawyers who are more senior, and who can offer mentorship."

In addition, it may be that your in-house experience has exposed you to a very broad range of tasks, and the firm may value that breadth. "Quite often, when you're junior and you're in-house," says Heller, "you might have been given a greater level of responsibility than you would have found as a junior in private practice in your first couple of years."

Such candidates "will have had responsibilities in the management of external counsel, and they've probably had more interaction with non-lawyers, so they have a good skill set in terms of the business side of things and relating with other departments," adds Warren Smith.

"One of the questions that came up was, 'You're coming from a really comfortable background, and working really set hours. Why do you want to switch to a bigger firm with more hours and more work and more challenges?'"

service."

There are certainly some bumps on the road from in-house to private practice. "You get used to the billable time challenge pretty quickly," says Borden. Other issues, however, such as the shifting range of clients, and very large offices, can take some time to adjust to. "I try to be very proactive in terms of connecting, and networking," says Behennah, referring to her move to a five-floor office, "and making sure I go to the young associates' functions. There are so many opportunities to take advantage of."

While there are opportunities to make this kind of transition, especially at the junior levels, there are caveats.

Be aware that a private firm might not understand the hours or responsibilities a lawyer has had in-house, says Heller. One in-house lawyer might have been part of a team of seventy people, while another might have spent their time as sole counsel.

And even if no one on the hiring committee asks about it, many lawyers at a private firm will be wondering whether someone with an in-house background will eventually return to an in-house environment. "That question is definitely going to be in the mix, and if I were in the interviewee's chair, I would be looking to address that right out of the gate," Smith says.



A lawyer seeking to make the transition from in-house to private practice has to be clear about the story they're telling, and about the strengths and skills they can bring to the new role they're seeking.



Bridging the great divide: Quebec lawyers should soon be able to practise law in France. But those who want the same ability to practise in other provinces face obstacles.

Look out below! The economy has started to affect lawyers—lawyers and recruiters tell us what associates can expect.

Mapping out e-discovery: Here's a five-point guide to help litigators navigate this treacherous new road of electronic discovery.

The risk of a rogue: Law firms are just as susceptible as any other business to a rogue employee. Here's how to minimize the risk.

Ethics: Botnets beware—the CBA has released ethical guidelines for new technology.

And more!

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A lawyer seeking to make the transition from in-house to private practice, in other words, has to be clear about the story they're telling, about why they want to make the switch, about their desire to remain in private practice, and about the strengths and skills they can bring to the new role they're seeking.

Says Smith: "There's a much greater onus on the individual to be able to articulate the work they did, and how their experience is going to be relevant or helpful to a private firm."

Emily White is a St. John's-based freelance writer.

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Employment and labour law: shelter in the storm?

By Ava Chisling

Sometimes thought to deal solely with "hiring and firing," employment and labour law is a broad, consistently evolving practice area. Those qualities are keys both to its appeal and the challenges it offers.

"Ten years ago, we could not have predicted how important privacy issues would become, and today we have several lawyers working exclusively in that area," says Paul D. McLean, a partner at Harris & Company in Vancouver, who practises management-side employment law. "Human rights cases are now more popular than they were even five years ago. And in the past year, the Supreme Court of Canada has taken an interest in employment matters." Paul Lalonde, a young lawyer at Emond Harnden in Ottawa, notes: "Employment and labour law attracts people because almost everybody is an employee. It affects everybody."

In times like these, labour and employment law also proves more stable than some other practice areas. "We are shielded from the downturn," says Lalonde. "When the economy is going well, everyone is hiring, when it goes down, we help people downsize, making sure they meet their legal requirements."

This area of law may affect everybody, but is it suited to everyone? There is a lot of litigation and arbitration. There are whistle-blowing cases, occupational health and safety cases, downsizing, bankruptcies, lockouts, walkouts and injunctions to contend with. On the management side, "you have to have the ability not to shy away from conflict," says MacLean, a past Chair of the British Columbia Employment Law Section.

"You have to be able to remove yourself from the work you do at the end of the day. You have to like what you do and be passionate about the work."

From a labour perspective, an ability to connect with people is key, according to Bijon Roy, who practises labour, employment, and human rights law at Raven, Cameron, Ballantyne & Yazbeck in Ottawa. "You really need to find out if you have a commitment to these kinds of issues. If you're going to come in and look at a file and say 'oh, this is another one of those termination cases,' I don't know how much fun you are going to have. But if it gets you worked up and steamed that someone has been terminated who was a long-serving productive loyal employee,



When the economy rebounds, many employment and labour lawyers will turn their focus back to the

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who was shown the door with nothing but the items on their desk in a cardboard box, then this is for you."

Knowing whether this is the right practice area for you is not always straightforward, even if you possess the required skills. Lalonde came to management-side employment and labour law by default. "My dad is a union worker, my uncles are union guys, and my mother worked in cafeterias, but I just couldn't find a job on the union side. So I came here. I now see things through the eyes of the employer, much more than I used to, and I realize there are good and bad clients on both sides."

For Roy, the road was equally curvy. After completing a Master's degree in Philosophy, he realized "the philosophy factory wasn't hiring," and entered law school. He was called to the bar in 2005 and today, he tends to get involved once his clients have already gone through some kind of process. "We do judicial review applications, whistle-blowing work and other free expression cases. On the employment side, we are now doing more severance package-related cases, and not surprisingly, more bankruptcy cases."

If the pros of employment and labour law include the fact that it is always evolving, there are some downsides to it as well.

"If it gets you worked up and steamed that someone has been terminated who was a long-serving productive loyal employee, who was shown the door with nothing but the items on their desk in a cardboard box, then this is for you."

Lalonde says client demands are the most difficult part of his practice. "I do a lot of union certification, so clients rightfully expect you to be at their beck and call. The timelines are extremely tight. You have two business days to respond, so you have to drop everything. And if you are late, the union can get certified." On the employee side, Roy says what shocks him most is the "pervasiveness of the damage experienced" in the workplace; dealing with the hurt is not always easy. "When things start going wrong, those who have been fired become very damaged individuals."

Says Lalonde: "For most people, it is a struggle when they start practicing. They think 'is this what I went to law school for? Can I do this forever?' And in the last few years, I realized that this is great and I really can see myself doing this forever." For Roy, aiding clients who are in distress as employees or former employees exerts a similarly strong pull. "[For my clients], there is helplessness. It's not always easy to say 'I got fired.' It is difficult on the ego, the family and on social relationships."

MacLean says the vast majority of his cases since October have been downsizing and corporate restructuring. "When times are good, people hire, so we draft employment agreements and we deal with best practices, bonuses, and so on. When times are bad, it is usually not good news when we pick up the phone."

"The toughest part," says MacLean, "is knowing that a lot of what we do has a serious impact on people's lives, especially in this economic climate."

Ava Chisling is a media lawyer in private practice and a longtime editor.

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Young Lawyers Barometer: finding balance in personal and professional life

By Sarah Klinger
Chair, CBA young Lawyers

Finding the balance between professional and personal life has been an ongoing challenge for the legal profession. Many young lawyers are often faced with difficult choices between the demands of their chosen career and the growing responsibilities of starting and raising families.

At its planning meeting in 2007, the Young Lawyers-CBA identified work/life balance as a top priority for its members. While young lawyers rate the notion of work/life balance very highly, the challenge for the CBA is to look at the issue from two perspectives – young lawyers who are experiencing the challenge and more senior members of the profession – including managing partners – who are in a position to help them. Added to the mix is the recent downturn in the economy, and while work life balance issues may not be at the forefront right now, they are likely to re-emerge once the economy improves.

The CBA is moving ahead with a new initiative to address the issues facing both young lawyers and law firms. The project begins with an inventory of the current literature and resources. This step is underway and, once completed, the inventory will be posted at cba.org. The research portion of the project comes next and involves focus testing of young lawyers and one-on-one interviews with a sample group of managing partners and/or professional development or associate issues partners. This qualitative portion of the research will inform the debate by identifying key areas of concern.

Once the issues have been identified by the focus groups and interviews, a survey of a broader cross-section of lawyers will be undertaken to validate the ideas and concerns identified by the smaller groups. This quantitative portion of the research will identify needs and gaps and form the basis for determining deliverables.

Based on the results of the research, the final step is the identification and creation of products and services to meet the profession's needs both for young lawyers and the firms they work in.

Podcast: How to take the nightmare out of networking

With Pippa Blakemore, Strategic Business Partner, The PEP Partnership LLP, Reading, UK Interviewed by Sarah Klinger, Chair, Young Lawyers-CBA, Victoria. This 29 minute podcast offers young lawyers useful tips on how to navigate the sometimes daunting world of networking.

Produced by Young Lawyers – CBA, it discusses the importance of creating relationships and provides advice on how to start that process at a fictional wine and cheese function.

The podcast is available [on the CBA's website](#).

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Developing your practice

By Kendyl Taylor Hanks

Developing a successful practice requires long-term planning and a candid look at where you are now and where you want to be down the road. Here are the basic, but critical, aspects of successful practice development.

1. Avocation as vocation. Be candid with yourself about your personality and your skills. Are you outgoing or an introvert? Are you a strong writer, a whiz with numbers, or a successful negotiator? Assess how your personality and skills fit within your field, and be honest about whether it's a good match. Playing to your strengths and your personality will make you shine.

As a general rule, if you love what you do, you will be good at it. Clients and partners can tell the difference between a happy lawyer who is enthusiastic about her work and a miserable one (which one would you prefer to work with?). Be honest about your desires and priorities, and whether your firm is the right place to fulfill them.

2. Mentors. Sometimes the best mentors are found outside the firm, or they don't practice law at all. Choose wisely. Not all good lawyers are good mentors, and not all good mentors are superstar lawyers. Ultimately, you should go with your instinct.

Your mentor must be someone who can help you achieve your goals and who will give candid advice and constructive criticism. Ideally, your mentor will be a source of business for you.



Take the initiative, and don't be afraid to approach someone about being a mentor. Most will be flattered by your interest. But don't expect wisdom automatically to flow your way—to get the most out of the relationship, you must be an active "mentee."

3. Reputation. Identify opportunities to build a reputation in the relevant market. Bar organizations, professional and trade groups, pro bono organizations, and social networks that have relevance to your chosen practice area are great starts. Choose groups in which you would enjoy being involved to increase the chances that you will be.

Be prepared to spend time (non-billable, alas) building your reputation. Take pro bono cases in your field, volunteer to write articles, speak on topics of interest, and serve as a leader of bar organizations and substantive committees. Become an expert in something. Pitch it as a CLE program. Make your articles available on your website. You will develop a reputation as someone with a special expertise, and the calls will follow. And remember that a good reputation is hard to build but easy to lose; guard it jealously.

4. Clients. Keeping your existing clients happy is a significant component of practice development. Provide the best and most cost-effective client service possible. Be proactive, responsive, and prompt. Learn about your clients, their businesses, and the legal services they require. Follow the latest developments in their industries (try Google alerts for this purpose). Send updates to clients when you hear about a legal development or lawsuit that might interest them, whether or not you are currently working on their files.

Developing new clients is not just for partners! Clients want smart, enthusiastic lawyers to do their work. Keep track of colleagues who go in-house or move to other firms. Everyone has conflicts and refers out clients. And everyone likes to send those clients to good lawyers who also happen to be friends. Do your best to steer referrals to your contacts, and they will do the same for you.

5. Economics. Understand where your practice fits into the firm's economics and how your career trajectory corresponds with the firm's business plan. Your practice must be valuable (however that's measured). The more compatible the value of your practice is with the culture, structure and future of your firm, the faster your practice will grow, and the more rewarding it will be.

Know your market and be flexible. Your market may include a few clients or many. It may include government agencies, large businesses or individuals. It will vary depending on your geographic location, the size of your law firm and the local and national economies. It may change from year to year. Pay attention to it, understand it and respond to it. If your practice is not flexible because it is highly specialized or dependent on one partner or one client, think about your backup plan should either disappear.

Kendyl Taylor Hanks is an attorney with Haynes and Boone, LLP in New York City. She can be contacted at kendyl.hanks@haynesboone.com. This article was first published in *The Young Lawyer*, 2008, 13:3, p. 3. Copyright 2008© by the American Bar Association. Reproduced with permission.

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Be prepared to spend time building your reputation. Speak on topics of interest, and serve as a leader of bar organizations. Become an expert in something. Pitch it as a CLE program.

Need referrals? Experienced lawyers can provide a lifeline

By Michael Hassell

When I decided to open a law practice, one of the most frequently asked questions was: how are you going to find clients?

I now have approximately 10 closed files and 25 active files. Of the active files, 50 percent were referred by other lawyers. These tend to be the more interesting and

lucrative files.

One of the great things about this profession is how helpful experienced lawyers are in assisting new lawyers. I am grateful. The lawyers I've met have been extremely encouraging and supportive, and they've made themselves available to answer questions on a moment's notice.

One of my answers to the question about how I would find clients was that I would talk to busy lawyers practising on their own or in a small firm environment. I didn't know how to find clients directly or how clients would find me. What I did know is that clients can probably find established lawyers. And so can I.

I sent out a template lawyer networking letter to various sole practitioners and lawyers in small firms near where I set up my office.

About one week after sending the letter (with a business card attached), I follow up with a telephone call to the lawyer. When I call, I ask for a brief meeting to introduce myself and learn about their practice. Many lawyers have reacted very positively to this phone call. It has truly been fun running around meeting lawyers and learning about their practices.

After the meeting, I always follow up with a thank you note. As a result, not only have I been able to get to know the lawyers in my geographical area, but I've had fun and taken on new clients.

The reference in the letter to "referrals are respected" means that I do not steal clients and that I return them to the referring lawyer at the end of the matter. Along with a big thank you.

Michael Hassell, who was called to the Ontario bar in September 2008, recently opened a solo practice in Toronto. His primary focus is civil litigation. This article originally appeared as a guest blog post on Bo Arfai's blog [Solo in Ontario: Criminal Practice](#). Reproduced with permission. [Click here](#) to read the original blog post and template letter.

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A sign of the times: handling career transition

By Anna Conrad and Beth Lieurance

It's a reality today: that firm you thought you would retire from may be gone or restructured tomorrow. Are you ready to look for other work? Are you positioned to begin the job search again? Have you done any thinking about what you would do if faced with the chance to transition your career?

Lawyers can't afford to take an "ignore it and it will go away" or "that won't happen to me" attitude. However, the more talent, knowledge, and experience you have, the more successful you can be in handling a disruption in your career. You can apply your background in much more creative ways to move into another profession, take on a different practice area, go in-house for a company, or open your own firm. Whatever approach you choose, there are some things to consider while you are still employed or as you begin your career transition.

Networking

Studies show that up to 80 per cent of positions are filled on a "who you know" basis through active networking. We believe this figure is conservative when it comes to the practice of law. Cultivating relationships with professionals both inside and outside your firm will provide you with a list of contacts to find other work. Staying visible in your area of practice, industry associations, and community will pay off in the long run, both to continue to develop your skills and to ensure you have a solid network of resources when you need it.

Also remember to use your position now to help those in your professional network whenever you can. Reciprocity will move you more quickly to the front of the line with your network when you need help in return.

A contingency plan

Maintain a written "marketing plan" that captures your accomplishments and successes and create a 30-second elevator speech that summarizes (2-3 sentences each) who you are and what you are looking for. Create at least two elevator speeches: one for those in the legal profession and another for those outside the profession.

Record information about companies and firms that you are coming in contact with that you would like to target in the future if your circumstances change. Take advantage of company-sponsored development opportunities to keep your skills current and to develop new skills that will serve you in the future.

Take the time to do an assessment of your "must haves" in the event you find yourself job hunting in the future. What are your ideal work preferences? What job(s) would fit your lifestyle? What is your target compensation package? What industries and locations would you consider? What kinds of jobs are you qualified for and/or interested in? What do you need to do or know to increase your skills to get the job you want?

Keep your eye on opportunities

If there are some warning signs that your company, firm, or job may be in jeopardy, it's not too early to watch for openings that fit with the plan you have designed for your next move. Consider sources such as executive recruiters (about 15 per cent of job openings are filled through executive search firms) and the job search internet sites (under 10 per cent of positions are filled through this source). One way to increase the effectiveness of internet sources is to identify the companies and firms hiring and to network with key contacts in those organizations, checking their websites weekly for open positions.

Uncover your passions

Before you take the next step in your career, make sure it will take you in the direction you really want to go. Remember, you may not be the same person you were the first day of law school. Your interests and your motivations may have changed. Think about what gets you excited and what makes you feel alive. If possible, hire a coach to help guide you; the path may be there, but it may be hard for you to see by yourself.

Given the turmoil in the economy and business world, staying with one company or firm until retirement is probably no longer a viable goal. As with any talent you have developed in your career, finding ways to manage your career through transition will be a skill that will serve you well for now and the future.

Anna Conrad is President of Impact Leadership Solutions. She works with law firms as a coach and facilitator, delivering programs that emphasize leadership, interpersonal communication, corporate culture change, teamwork, and personal accountability. **Beth Lieurance**, a Principal with Impact Leadership, is the former Vice President of Human Resources for Comcast Cable. She has considerable experience in guiding human capital and strategy decisions.



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Can a new constitution empower Nepal's women lawyers?

By **Chelsea Temple Jones**

When Antara Singh walked into a Kathmandu law firm inquiring about internship

opportunities, about a dozen men looked up from their paperwork to share a laugh. "You have a lot of problems for yourself," one of them told Singh, 22, a final-year law student at the Kathmandu School of Law. "How come you want to handle other people's problems?"

Normally articulate, and well-versed on her favourite topic, international law, Singh didn't know how to answer. "The male law students, in terms of grades, are far behind me, but they can easily communicate with the men at the law firms, because it's all men," she recalls in a recent interview.

Finding her way in a male-dominated legal profession, Singh says she feels "a bit awkward." And her experience is common, suggests joint research by the Nepal Bar Association and the Canadian Bar Association, which has been supporting improvements to Nepal's legal system through an ongoing program of assistance. The research found that one of the greatest barriers for women lawyers in the South Asian country is gender bias in the hiring process.

This year, there's cause for some optimism in a new report designed to promote inclusion of women in the justice system. *Equality for Women in the New Nepal: A Report on the Promotion of Women in the Legal Profession and Constitution Making Process* is scheduled to be released in May, as Nepal begins to draft its latest constitution.

Singh says she'll be more empowered to defend herself after ratification of the constitution, complete with equity provisions. One third of the legislators drafting this constitution are women – a first in Nepal, where the four previous constitutions were written by male legislators.

Yet, for all the promise in these developments, Canadian lawyer Sheri Meyerhoffer questions the strength of women's voices under patriarchal politics.



Antara Singh, a final-year law student at the Kathmandu School of Law. Gender bias remains a significant barrier in Nepal's legal profession.

Meyerhoffer has been working between Canada and Nepal for two years as the CBA's Nepal project director, training law professionals on process, consensus building, and consultation as ways of working within the country's newfound democracy. Two recent highlights include visits by eight international legal experts to Nepal and the production of a training manual on democracy, complete with 99 recommendations for Nepal's new constitution based on interviews with over one thousand NBA members.

In a country where only one in 12 legal professionals are women, Meyerhoffer believes it's critical that more policy-making positions be filled by qualified women. "If you don't put a specific focus on women, it won't naturally happen," she says. In response to that need, Meyerhoffer and her colleagues teamed up with the NBA to organize the country's first ever conference for women lawyers, on Feb. 7 and 8 of this year.

About half of the expected 175 delegates turned out. Strikes in the western regions of the country made travel dangerous for some, and flooding in the east blocked roads.

At least one delegate couldn't get permission from her husband to attend. The attendees – lawyers, judges, and other law veterans – shared stories from different regions. Some women had supportive fathers and husbands who gave them permission to complete law school, while others saw injustice in their communities and defied their families to pursue law.

"There was anger there," says Meyerhoffer. "There was palpable anger coming from women towards their society, which I don't think they're given many opportunities to express."

The delegates emphasized the need to look beyond the coming-into-law of equality provisions to viable strategies for their implementation.

"In the past, they've focused totally on the constitution to the exclusion of everything else, then they've fallen flat on their face, and no one has any confidence in anything."



Sheri Meyerhoffer of the

Historically, European and Indian lawyers have written Nepal's constitutions predominantly. Nepal began producing its own lawyers around 1952, with the establishment of Pradhan Nyayalaya, the country's first high court.

A decade later, a woman became certified to practise law for the first time. Nepal saw its first female judge by 1969, and a handful of women have since emerged as legal advocates.

Meyerhoffer says it is the job of lawyers to represent the needs of women in their communities by setting precedence in their own practices. Equality laws must be implemented, she says, and discriminatory laws must be voided.

"The women in Nepal need to make men more responsible for creating a situation where they're going to have a chance...and that's not going to be easy."

Only 31 of Nepal's 67 districts are home to female lawyers. Most conference speakers adamantly stressed the need to overcome tradition – they want young women lawyers to receive training at par with their male counterparts. Currently, sons are far more likely than daughters to be sent overseas to earn foreign law degrees, which are perceived to be more prestigious than local degrees.

Singh, volunteering at the conference as a translator, noted: "The family is supposed to rear the girls in a very protective way, but for the boys, it's like setting them free... so they can be independent."

As an only child, Singh's parents encourage her to study law, but she can't convince them to let her leave the country for her master's degree. She has reached a marriageable age by Nepali standards, and they're trying to find her a Nepali groom.

If she marries a foreign man, current laws say her husband could never have legal citizenship in Nepal. Yet, any Nepali man can legally and legitimately bring a foreign wife to Nepal.

As Singh sees it, the problem is two-fold. "Since laws are discriminating, it does not encourage people to think broadly. And because the society is still patriarchal, people do not allow the law to be changed."

If she has constitutional rights on her side the next time she walks into a law firm asking for an internship, Singh says she'll probably still be "laughed out." The difference will be in her ability to speak up.

"I would ask them, 'If you are the advocates of equality in the court, does this behaviour suit your profession? If we're going to apply constitutional equal rights, we need to practise them right here.'

CBA has been working with colleagues to provide training to legal professionals in Nepal on process, consensus building, and consultation as ways of working within the country's newfound democracy.



The Canadian Bar Association, which has been supporting improvements to Nepal's legal system through an ongoing program of assistance, teamed up with the Nepal Bar Association to organize the country's first-ever conference for women lawyers, Feb. 7-8, 2009.

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CBA advocacy: parental leave for self-employed lawyers

The recent federal budget contains a promise by the government to create an expert

panel on EI and parental leave, a development welcomed by the Canadian Bar Association, which has been working to bring maternity and parental leave benefits for the self-employed to the forefront of the government agenda.

Last fall, the CBA commissioned an economic report by Dr. Richard Shillington on the issue and presented it to the Minister of Human Resources and Skills Development, the Hon. Diane Finley. Dr. Shillington recently spoke about employment insurance before the Standing Committee on the Status of Women. Appearing in his own capacity on Feb. 26, Dr. Shillington encouraged the members of the committee to look at the findings of his report for the CBA.

The report's estimated total cost of providing such benefits to self-employed Canadians, either by adopting a Quebec-type program nationally or simply by extending Employment Insurance maternity and parental leave benefits, demonstrates that it is an affordable way to ensure that all working parents can spend time with their new child during critical stages of development.

CBA President Guy Joubert provided the report to Minister Finley. Both are [available on the CBA's website](#).

The CBA recommends the federal government adopt a program like the Quebec Parental Insurance Program (QPIP), which allows beneficiaries to choose a higher rate of benefits for a small number of weeks, providing the flexibility critical for small businesses.

Eligibility for QPIP is also easier than EI, requiring only \$2,000 of earnings in the past year (net income for self-employed), a higher maximum insured earnings (\$59,000), and higher maximum weekly benefits. Enhanced benefits would help ensure that parents' business remain viable while they take leave.

"As Dr. Shillington notes in his report, there is a disparity in treatment between employee top-ups to EI/QPIP maternity and parental benefits, which are not clawed back, and part-time employment," wrote Guy Joubert, in his letter to the Minister, dated Dec. 18, 2008.

"This difference in treatment between employer top-up and part-time employment should ultimately be removed. Few self-employed people can completely remove themselves from their business during maternity and parental leave. This change would ensure real entitlement to maternity and parental benefits, not simply entitlement on paper for the self-employed."

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