
AN EVENING WITH WOMEN JUDGES IN NORTHERN ONTARIO:

Her Honourable Justices Brochu,¹ Belda,² Nieckarz,³ Pierce,⁴ & Burton⁵

in conversation with Hailey Hayes⁶ & Natasha Latina⁷

INTRODUCTION

On January 30, 2025, Hailey Hayes and Natasha Latina, who were the then student co-managing editors of the *Lakehead Law Journal*, attended a special evening with the Honourable Justices of the Northwest Region, an event where female law students of the Bora Laskin Faculty of Law met with judges in a small setting for connection and conversation. Hayes and Latina had begun thinking about the *Lakehead Law Journal*'s Special Edition, "Women and the Law in Canada," and as part of a reflection on their experiences in law school and soon to be in practice, they wanted to learn about the experiences of women in one of the most esteemed positions in the law, judges. The law journal team was fortunate to interview five women justices of the Northwest Region in a private roundtable discussion that focused on their experiences, challenges, and achievements as women legal professionals. The opportunity to discuss with Her Honours in a frank and intimate setting was one of the highlights of their law school experience. The Honourable Justices in conversation with Hayes and Latina are Brochu J. (SCJ), Belda J. (OCJ), Nieckarz J. (SCJ), Pierce J. (SCJ), and Burton J. (OCJ).

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- ^{1.} Madam Justice Chantal Brochu was appointed to the Ontario Court of Justice in 2017 and was the Local Administrative Judge for Thunder Bay. In 2025, she was elevated to the Superior Court of Justice in Thunder Bay.
 - ^{2.} Madam Justice Claudia Belda was appointed to the Ontario Court of Justice in 2021. She was called to the bar in 2004.
 - ^{3.} Madam Justice Tracey Nieckarz was appointed to the Superior Court of Justice in 2018. She is the Local Administrative Judge (Family) and sits on several province-wide judicial committees.
 - ^{4.} Madam Justice Helen Pierce was appointed to the Superior Court of Justice in 2001, becoming the first female judge on the Superior Court in the Northwest Region. She served as Regional Senior Justice of the Northwest Region between 2009 and 2014. Madam Justice Pierce retired from the Ontario Superior Court of Justice in 2025 in Thunder Bay.
 - ^{5.} Madam Justice Elaine Burton was appointed to the Ontario Court of Justice in 2017. She was called to the bar in 1996 and worked in the Crown's office until her appointment to the bench.
 - ^{6.} JD, BA (Hons). Hailey Hayes works for the non-profit organization Women In Crisis (Algoma) Inc. in Sault Ste. Marie, practising primarily family law.
 - ^{7.} JD, BA (Hons). Natasha Latina clerked at the Ontario Superior Court of Justice in 2025–2026 and currently works as an Assistant Crown Attorney in Thunder Bay. Note: This introduction is written in my personal capacity and does not in any way reflect the views of the Ontario Superior Court of Justice or the Ministry of the Attorney General.



Figure 1 (left to right): Brochu J, Belda J, Nieckarz J, Latina, N., Pierce J, Burton J, Hayes, H.

The *Lakehead Law Journal* team was extremely fortunate to get this opportunity. Our sincerest gratitude for the Honourable Justices' candour, time, and advice for the next generation of female legal professionals.

QUESTION ONE

Hailey: *This interview is going to be part of the Lakehead Law Journal's Special Edition focusing on women in the law. The issue was partly inspired by Mary Jane Mossman's book Quiet Rebels,⁸ which discusses the experience of the first women lawyers in Ontario. As part of the special issue, we felt it was important to hear from female practitioners, especially in Northern Ontario, about their experiences working in the Canadian justice system. Thank you for reflecting on your experiences in the legal profession with us today. Between 1982 and 2004, all of you were called to the Ontario bar. Can you reflect on your journey from entering the legal profession as junior members to your current position as justices? What was that process and experience like for each of you?*

Belda J: I think a lot has changed and yet, at the same time, everything is kind of still somewhat the same. When I started working and when I started articling, I did go into an all-male firm and it was always a little bit weird because they always treated me as, well, as a woman. The reason that I say that is because we had other articling students who were male, and it was very easy to see that I was treated differently. I was treated differently in the [kinds] of jobs that I was given or the value that my work was given. At one point I was working with somebody who had been called about five years after me and I found out he

⁸ Mary Jane Mossman, *Quiet Rebels: A History of Ontario Women Lawyers* (Waterloo: Wilfrid Laurier Press, 2023).

made more money than me. In my experience, it changed for me when I got appointed because there were so many women already sitting on the bench and it was nice to see that. We were actually the majority when I got appointed. So, it was a whole different dynamic from when I was working in firms.

Brochu J: I think, perhaps the experience varies to a certain degree with respect to what field you are in and what kind of law you are practising. I have always felt comfortable at the firm. I was there my entire legal career. I felt supported by the men that were there.

There are times that are more difficult. As women, we are the ones having the children and we are the ones having to take time off to do that. That is something I struggled with when I had my first child, where I thought I was Super Woman. I thought I was going to be able to take a few months off and come back to work, and I kind of worked my parental leave around that, with my husband at the time taking another part of it and kind of splitting it off, and that was the worst thing I could have ever done. I have always told people after that, don't do that! With my second child, I took ten months off and I actually enjoyed being off and enjoyed having the time with my son. During my previous parental leave, I just felt like I was all over the place and not doing anything right. In adapting to your new roles, you feel sometimes as though you are not a good wife, you are not a good lawyer, and you are not a good mother. You have the weight of all that on your shoulders because that is what we do, often, as women. We try and please, we try to make sure everybody is okay. That is kind of a personal struggle of mine. I continued to learn and to try and balance everything as I progressed further into my career. I still managed to get where I wanted to get professionally and met the goals that I had set for myself, going from associate to partner, and then applying at the OCJ and then [becoming] a judge.

Nieckarz J: For the most part, I can say that my journey is a blur. It's been 30 years, but it feels like it was just yesterday when it all started. When I went to law school, law schools were just starting to approach a level at which women were making up at least fifty per cent of the student body if not more. Unfortunately, the practice of law had not yet reflected this changing demographic. Coming out of law school and coming to practice in a smaller community, the major firms all had male partners. Until Justice Pierce came along, the judges were all male. For me, I was very fortunate. I had good mentors who were invested in my success.

There were still times that I struggled with various things, just as Justice Brochu said. You have significant family responsibilities, and sometimes I think that was difficult for some of the partners to understand because they often had stay-at-home spouses, whereas we did not and had to juggle accordingly. But I've always been very fortunate because both in the legal community and in the firm I was working at I always found groups of other supportive women. There were struggles along the way; there were things that were different—for example, golf tournaments and such events were common occurrences. But for me, I don't play golf—plus, I didn't want to go spend four hours on the golf course because that meant I would have to spend an extra four hours on the weekend working, and I wanted to be home with my children. With those types of opportunities, it wasn't that I couldn't take advantage of them, I just chose not to. But by making that choice, I often missed out on opportunities to network with other professionals and other partners. For the most part, I found a really good group of men and women and felt very supported as a lawyer and on my journey to becoming a judge.

Burton J: I feel like I came into law at a really good time—at the turning point. When I started law school at the University of Toronto in 1991, that was the first year that class was

fifty-per-cent-plus women. There weren't very many people of colour, maybe four or five, but as I said to one of the groups—you know, one barrier at a time—there were fifty-per-cent-plus women. When I came to Thunder Bay, there weren't a lot of women practising law, but I lucked into landing in the laps of some of them. I articulated at Petrone's [law firm], and at the time there were two women lawyers there, Eija Peltokangas and Martha Petryshyn, and they were fabulous role models of strong independent women, as anyone around the table here can attest to. The men at that firm, too, were also very supportive, in fact, they'd all gone to high school together and with my husband, so that was a great environment. Later I was in the Crown's office, and there were two very strong women role models there as well, Shari Frennette, who is still practising, and Marlene Wilson. So I found I wasn't having to break a lot of barriers; I didn't have to prove that a woman could be a good Crown.

Pierce J: Well, obviously I am the oldest here. Call me Grandma . . . I'm the 1982 call. When I was at law school, about a third of our class were women. The professors were very accepting, and I felt like we weren't treated any differently than the men. Some of the best students in the class were women. So that was a good launch. I went to practise in Sault Ste. Marie, Ontario, where there were then a few women who were my age but not many who were older than us. So I would like to echo Justice Brochu's experience, in terms of trying to have it all, and do it all, and thinking that you can be a class 'A' mom and the best lawyer in the city and a good wife and all of these things. I think that sat on our shoulders, the other women, and myself. I think of a friend of mine who was pregnant and she went to family court and the staff there, who were women, said to her, "You are in labour, go home." She didn't really want to be less of a lawyer because she was, you know, nine months' pregnant and about to give birth. So, sometimes we try too hard, and when I look back on those years, I took about six weeks off when our first child was born, which I feel now was unfair to him, and maybe unfair to me. The second child, I took a little longer, but not near long enough. And it is that feeling that you have to prove yourself.

The women in Sault Ste. Marie, the women in practice, also supported one another. We had parties, and whenever there was a special occasion—someone was getting married, having a baby, or just because we needed cheering up—we would arrange a party at somebody's house, and it would be a potluck. Several times we hosted at our place. I realized, at one point, that my son's exposure to lawyers was through those parties, because one time he said, "Mom, can boys be lawyers?" He didn't know any male lawyers. "Yes, son. They can be lawyers." But we were certainly aware of the novelty of being women in the practice of law.

QUESTION TWO

Hailey: In the book Quiet Rebels, Mary Jane Mossman writes about the 187 Ontario women lawyers who were called to the bar between 1897 and 1957 and the unveiled discrimination and contempt shown toward them when they were entering what Mossman describes as a "gentleman's profession."⁹ The year 2025 marked 150 years since the first woman in Canada received a university degree, and as Mossman's research shows the 150 year history of women in the profession reflects the circumstances and experiences of women as they fought for women's inclusion "in a culture of male exclusivity."¹⁰ status of women's rights

⁹. *Ibid* at 2.

¹⁰. *Ibid*.

in Canada broadly. It has been 150 years since the first woman received a university degree, 96 years since women were included under the legal definition of the word “persons,” and only 65 years since all Canadian women received the right to vote.¹¹

Did you experience gender disparity in the early days of your career or throughout it? Have you felt the need to prove yourself more because of your gender?

Pierce J: I have two stories that I would like to tell you. One that dates back to 1982. After I was called to the bar, I went back to the law firm where I had articulated. I interviewed with the senior partner, and the interview was something of a formality because they had invited me to come back and I was quite willing to do that. I don’t know what possessed me, but I said to the senior partner, “What is your maternity leave policy?” And he looked at me like I had grown horns. I don’t know why I asked him, because I wasn’t even dating anyone. He said these words to me, “Nobody likes a part-time partner.” So, I have to say that he was honest, that he certainly let me know where I was at.

The second story dates from the first day of my articles. Back in those years, examinations for discovery were held at the courthouse, and lawyers went and conducted the examinations, and the witnesses were sworn in, and a transcript was made of their examination, and that was part of the lawyer’s day. On my very first day of articles, I was dispatched with one of the senior lawyers, not the “part-time partner” lawyer, to go and observe as his articling student during this examination for discovery. There was the opposing counsel, who was from Toronto. All went well, but then at the end, the Sault Ste. Marie lawyer said to the visiting lawyer, “Come on and I’ll take you for a drink at the Algoma Steel Club.” And then he said to me, “Sorry, you can’t come.”

I was new in town, but I later learned that the Algoma Steel Club was a men’s only club.¹² I was shocked, because I knew in my heart that if I had been a male articling student, I would have gone along with my betters and I would have heard the war stories—it would have been part of my education. I would have been included. But I had only just met my articling principal that day, so I was not in a position to question his decision to take the visiting lawyer to some place that I couldn’t go.

Sometime later, when I got to know the lawyer better, I must have mentioned this to him—I don’t have a clear recollection of that. Later during the articling year, I had a birthday and he invited me along with the staff at the law firm and we went to go for a drink. And you know where he took me? The Algoma Steel Men’s Club. So that was his way of apologizing. That was a truce, as far as I was concerned, and he more than made it up to me when he became a

¹¹ Canada, “Women in Canadian History: A Timeline” (last modified 23 October 2024), online: <<https://www.canada.ca/en/women-gender-equality/commemorations-celebrations/womens-history-month/women-history-canada-timeline.html>> [perma.cc/3NRA-T26Y].

¹² The men’s club was established in 1900 and located on Bay Street in John Martin Stephen’s home, until it was sold to the Sault Business Club in 1907. The Businessmen’s Club went bankrupt during the Great Depression and was eventually purchased by Algoma Steel in 1940. The name was changed to the Algoma Steel Men’s Club, and in 1974 a new building was constructed for the club on the bank of the St. Marys River. The Algo Club opened in 1975 with a membership of about 400 men. Women were not permitted to join the club until the early 1980s, and unionized employees were also historically excluded from membership. Algoma Steel sold the club to its members in 1987, and it closed permanently in 1995. See SooToday, “Remember This? ‘Strictly a Men’s Club’” (14 May 2017), online: <sootoday.com/columns/remember-this/remember-this-strictly-a-mens-club-614711> [perma.cc/W4WT-C8QQ].

judge here at Thunder Bay and encouraged me to apply for the bench. He then enrolled me in his school for judges; I was the only student at the time, and he was quite a wonderful mentor. We all change, and he changed, and we became very good friends.

Burton J: [My stories] are not quite so dramatic. I recall a number of times when I was sitting at the counsel table as a Crown and I'd have a male detective next to me and somebody would come up and start talking to the detective, just assuming that he was a Crown and he's in charge. I sometimes had issues with uniformed officers understanding the fact that I was in charge, but I never had an issue with the detective understanding who's in charge and they always would redirect. I never had any explicit instances of—well, that kind of behaviour—that I can recall from senior counsel or from the judge's bench. I did get groped once by a justice of the peace who had just retired, and there wasn't even any alcohol involved (because that's a whole other bunch of war stories). I was pretty fortunate in that regard.

Nieckarz J: I'll start with did I ever feel that I had to work harder to prove myself. Yes, not because I was a woman, but because I was a mom. I did not want anyone thinking that I wasn't as dedicated to my practice and to the firm because I had children. There was that initial period after having children, where I felt the need to do that. It did wear off, as I realized, "I'm a good lawyer. I work hard, I do my job, I bill enough that no one ever has to carry me, and the fact that I've had children and I have family responsibilities doesn't change that."

As far as war stories, I can't say there was a lot (fortunately). My first articling interview was with a senior partner at a local firm, and I went fully prepared: I memorized my transcripts and had gone through sample interview questions they gave me in law school to prepare for articling interviews. He sat down and he wanted to talk about my shoes. I like to wear heels. He also wanted to talk about the length of my skirt and how many children I thought I was going to have. I walked out of there, a little shell shocked, thinking, "I will never work there!" Fortunately, later that day I had another interview with another senior male lawyer in a firm that was the total opposite. He was respectful, he was focused on the law, he was focused on what I did in law school, my career goals, aspirations, and overall, the types of questions you would expect. That's where I articulated and had a very good work experience.

Brochu J: I will start by saying that at least in my early career, I very much felt as though I had to prove myself. I had to prove myself more as a woman. Perhaps it is the area of law that I chose. I did insurance defence work, litigation at the time. As I grew in the practice and with time, there were more women in those roles. But when I began practising insurance defence work in Thunder Bay, it was mainly male lawyers that worked in this area. A lot of lawyers came from Toronto, came from Sudbury, came from elsewhere. They were all much older than me, and very experienced, and I always felt I was not treated the same as the other male colleagues.

I remember my first experience in small claims court as I finished my articles, I remember it was close to Christmas, and I had this trial to do in small claims court. It was in a basement at the courthouse on Camelot Street and the other lawyers—the ones that were representing the plaintiff and another co-defendant, who were both senior lawyers—were trying to bully me before I even got into the courtroom. We got into the courtroom, and they had taken up all the space on the counsel table. So I went in the middle of them, and then moved their stuff, and I said, "I'm a woman, we take a lot of space," and I sat down. That is an example of something I had to do. If it would have been my male counterpart, the same age at the same place, he would have been a buddy to them, and he would not have had to do that.

I felt at times that way with some of the judges. As an example, the partner that I mainly worked with had never been good at delegating. We worked well together; he was giving me some files and sending me to court on some matters. I remember I was at a pre-trial conference and the judge asked, “Where’s so and so?” and “Why is he not here? We’re not going to accomplish anything.” I was thinking, “I know this file,” because I knew it better than the male partner I was working with, but the judge said, “No, next time he comes.” Next time, I went to court with the male partner. We were sitting there and picking trial dates, and the judge asked my colleague to look at his calendar, but he said “I’m not looking at my calendar, she’s doing the trial.” At another appearance on the same file I remember that judge finally said, “Hey, she knows what she’s talking about.” It’s experiences like that when I find that I earn respect, but I’m not sure that it was an exercise I should have had to do.

Pierce J: Shouldn’t have happened though.

Brochu J: It should not have. I graduated very young and went straight into the practice of law. I found it was the same even with clients, who would say, “When do I get to see the lawyer?” assuming you are the secretary, because you are young and female, and you would state, “I’m the lawyer.” I also did a lot of work for individuals that worked in the logging industry, and a lot of them were French. I remember the first time one of these guys came to see me, he had been referred to me by Bob Mullen. Bob Mullen was this tall, big man who did not speak French. The look on the guy’s face when he saw me, he was like, “Oh, he sent me to see this little woman.” They were trying to explain to me how “You know, in the bush, it’s not like in the grocery store . . .” But I was in a logging family and knew what they were talking about. I remember one who said this to his accountant—and he said it in French—but he referred to me and said, “She’s a woman, but she’s good.” So, you know, things like that, I had to take it.

Even for people in charge to ask how old you are. Turning 30 for me was kind of a blessing, because all of a sudden it was like, “oh, okay, you’re not as young.” I don’t know how it is for new members coming in, but I felt as though you should not have to do that. For some people it may be discouraging to always have to be on your A game, always having to be ready to stand your ground and to pounce. I find that I did very much experience that sensation of having to prove myself to work harder.

Pierce J: I’m sorry it was so tough for you; that is horrible.

Brochu J: Yes, and I am not meek. I am someone that is of strong character, and I am capable of holding my ground. I stayed, and I really enjoyed what I did.

Nieckarz J: I have to admit that there were times when, rightly or wrongly, I used negative assumptions to my advantage. As a lawyer, you quite often get people at parties hitting you up for legal advice. When they find out or know you’re a lawyer, invariably I would get: “Oh, I’ve got this problem,” or someone they knew had a legal problem they wanted to talk to me about. So sometimes when I just really did not want to deal with that and I’d be asked what I did, I would just say “I work in a law firm.” You could tell that oftentimes people assumed I was an administrative assistant or clerk and wouldn’t ask any more questions. Now I say, “I work at the courthouse.”

Brochu J: Even as a young female judge sometimes, I have had it happen to me. I was at a conference. I was by the elevator, and it’s the gala night, so I’m all dressed up, and a couple comes up and the male judge asks me whose wife I am. And I went, “I am a judge” and his wife says to him, “Oh, take your foot out of your mouth.” [laughs]

Belda J: I feel like I'm the repository of horror stories. I mean, some are funny, some are not, and some are self-inflicted. I've also had a similar experience to Justice Brochu in that I went up to another community, I got off the plane, and I started a conversation with the police officer. We were just talking over all sorts of random things, and then we go into our courtroom, and he was like, "When's the judge getting here?" And I'm like, "I'm the judge." And then he was like "Oh, my God, I am so sorry." I think he thought I was the court reporter.

I guess if I had to say one of the self-inflicted ones that I had, it was very early on, I was at a firm where, again, it was all males. They always went out every Friday after work to have drinks. I've never been that great of a drinker, but I would go because I didn't want to feel left out. They would always talk about files, and that was when you found out what you were going to be doing the following week. I would go and drink, and I would try to keep up with them. I was lucky that one of the other lawyers there would wait with me till the very end because he knew I couldn't get out of my seat. He would then drive me home and pick me up in the morning to go get my car, so that nobody would know I was so completely plastered. But that was my fault because I wanted to be part of, you know, everything that was going on.

But a horror story would have been when we had a meeting at our firm, and I was a very junior lawyer, and we were having a number of lawyers come in because they were having some settlement discussions. We were all getting comfortable and then one of the lawyers that did not work for our firm asked me to go get him some coffee and I was like, "Okay, yeah, I mean, that's not my job." But one of the senior partners was like, "Yeah, go get him some coffee." Then, when I turned around to go get the coffee, this lawyer—and I kid you not—gave me a smack in the butt and said "Thank you, honey." Oh, yeah, that was lovely. I mean, he's passed away now, so it doesn't really matter, but that was awful.

Nieckarz J: But hey, look where we are now, right?

[Everybody nods and murmurs in agreement.]

Brochu J: I remember that saying, what doesn't kill you makes you stronger, right?

Hailey: Or really sick . . .

Burton J: I just want to add something here. I'm the only one here who doesn't have kids, and I've always admired people who can run a family and run their jobs and essentially run their lives. Even with my hubby, who has always been very supportive and a 50/50 partner around the house, I don't know how people with kids do it because we can't get ourselves out the door and dressed and clean most days. My husband had major back surgery a couple of months ago and I was looking after him and, it was all on me. Like all of the housekeeping, all of the cleaning, all of the cooking, all the grocery shopping, all of the errands, all of the bill paying, and it really hit home, like, this is all on me. And I don't know how these gals have done it. I just wanted to put that out there. It's hard enough as a married couple without kids to keep your life together, and how these guys have done it with kids, too, I don't know.

QUESTION THREE

Natasha: Thank you so much. I wanted to touch on the class gender divide. We looked at different statistics, and just as Justice Pierce mentioned that there were one-third that were women in her class, Hailey and I, in our class, the majority are women—there is sixty-three per cent women, which is really nice to see for the class of 2025. In addition, Hailey and I will also be first-generation female lawyers ourselves, which brings another set of challenges around

what we might not know about the profession because we don't have older family members to help guide us.

In recent years, the rise in the number of female lawyers can in part be attributed to admission policies that have been adopted by law schools. However, despite this increasing number of female law students, we know that a lot of women are being admitted to the profession, but they're not necessarily continuing their practice and moving on to partnership roles and other leadership roles.¹³

My question for all of you is twofold: First, have you noticed any of these trends within your career in the courtroom? And second, what do you think can be done to mitigate the early withdrawal of women from the legal profession?

Pierce J: Okay, well, I don't think we're ever going to get past biology in this, unless the choice is not to have children at all, which is a legitimate choice that people may make for obvious reasons. But one of the things that's been so refreshing, for me, is to see women in a courtroom, on the bench, in the law school, and to see their growing confidence at being here. I know sometimes people feel they have imposter syndrome. I had it too. I really thought that somebody would discover that they let me in a law school by mistake and then they would throw me out. But I fooled them, and I graduated, and they didn't figure it out. So I really think that retention has to be a strategy—to balance life and women's biology, if they are raising families—but not just children, women often are the default caregivers for elderly parents or people in their family who may need extra care. So I think we need to value women's contribution to the law more than just in terms of billable hours

Burton J: I think part of the question refers to, you know, what can the profession do? And I think if you wait for the profession to do something, you'll be retired before anything actually happens. Something I'd like to see the profession look at is, for instance, setting down some kind of regulation about articling pay and articling student hours, because that can be such a grind in and of itself. I don't think there's even a minimum wage law that applies and that kicks some people out the door right away. I think seeing more women in the law and on the bench, in and of itself, may contribute to retention. I see that I can do that, and there's somebody who looks like me who's doing that, and hopefully that will be something that prompts women to stay. When Justice Brochu and I got appointed, we made five out of seven on our bench women. The numbers have changed a little bit now, but I think that was kind of a landmark.

I think you have to take charge of your own work/life balance and how much time you are going to spend doing this. One suggestion I make is to find some aspect of your life that you can allocate to somebody else. So, for us, it was getting a housekeeper or a house cleaner, as soon as we were able to do it. Because nobody wants to spend the weekend cleaning the house when you're both working. So as soon as we were able to afford that, just short out right out of law school pretty much, we got a house cleaner. For some people, it's getting meal services. For some people, it's getting lawn care. Divest whatever you can onto somebody else,

¹³ Margaret Thornton, "Who Cares? The Conundrum for Gender Equality" in Margaret Thornton, *Law and the Quest for Gender Equality* (Canberra: ANU Press, 2023) 199; International Bar Association Legal Policy & Research Unit, the Canadian Bar Association and the Federation of Law Societies of Canada, *Raising the Bar: Women in Law Project* (London, UK: International Bar Association, 2026).

so that you've got more of that time to spend. That should hopefully assist with the workplace balance. But if you don't take charge of it on your own, you're going to get steamrolled.

Nieckarz J: I think the retention of women in the legal profession has been an issue for quite some time. One of our now retired judges in Thunder Bay, Justice [Bonnie] Warkentin, was a benchler before she was appointed as a judge. One of her responsibilities was the retention of women. It was a task force that travelled around the province and met with women to discuss issues associated with the retention of women. I remember her coming here to Thunder Bay and speaking to women in the profession. Her report would have predated the 2020 report,¹⁴ so it is something that the Law Society has been studying for some time. It is an ongoing issue and concern as to why we are still losing a disproportionate number of our bright and dedicated female lawyers. As a judge, I will see a really good, bright young lawyer come to court and do an exceptional job for their client, but then all of a sudden they're not coming anymore. Often I will ask someone else in the profession what happened to them, only to learn that they have left private practice and found a different avenue in law, or have just left law all together. So it's still an issue that the profession is struggling with.

I, too, had my moments as a lawyer where I did not want to be a lawyer anymore. Luckily, they were fleeting and I got past it, but it usually boiled down to a couple of things. One, as Justices Brochu and Pierce were talking about, is that the feeling of often being overwhelmed can be challenging. I think a lot of us tend to have perfectionist personalities and want to do really well at everything. We want to be the best lawyer, we want to be the best mom, and sometimes we feel like we're doing a great job of either. Sometimes it feels like all the balls are staying in the air, and then the next week it feels like all the balls are crashing down around you and you're not doing anything well. So there was that aspect to it. And then the other part of it, the practice of law in general really needs to look at how it values the contributions of the lawyers within their firms. It can't always be based only on collected billings. Different practice areas are very different. For example, in family law, quite often, we have to work one-and-a-half hours to be able to collect one hour. Whereas a corporate practice may be very different. There are different values that different practice areas bring to a firm, or there might be the contribution that a lawyer makes out in the community that brings more recognition to the firm. Some lawyers take on more administrative tasks within a partnership, or the tasks that take up more of the time. Recognizing that value is more than just monetary is an ongoing issue, but one that I hope is turning around. It was starting to turn when I was practising, and hopefully it will continue as more women are taking leadership roles in law firms

Brochu J: I echo a lot of what my colleagues have said. Retention of women has been something that I've been hearing about since I was an articling student. I was active at the OBA.¹⁵ I was active with AJEFO.¹⁶ I was involved in a lot of discussions regarding the retention of women in the profession. The Law Society has made a mandate to try and change the way some of the benefits are [administered] and things of that sort in order to retain women.¹⁷ At

¹⁴ University of Toronto Faculty of Law, "Leaders Discuss Retention, Advancement Issues Facing Women in Private Practice" (30 January 2009), online: <law.utoronto.ca/news/leaders-discuss-retention-advancement-issues-facing-women-in-private-practice>.

¹⁵ The Ontario Bar Association, see online: <<https://www.oba.org/home>>.

¹⁶ The Association des juristes d'expression française de l'Ontario, see online: <<https://www.ajefo.ca>>.

¹⁷ See e.g. the Law Society of Ontario, "Women's Resource Centre" (undated), online: <<https://lso.ca/lawyers/women-s-resource-centre>>.

the end of the day, as Justice Nieckarz said, the solution will likely not come until the head changes—because you have a system that relies on prestige, and it is prestige associated with billable hours and associated with the amount that is brought in.

I have some hope that once that whole mentality, which still exists at the top of those big firms, changes, then perhaps we will have more of a balance and the retention-of-women aspect will be addressed to a certain extent. But in the meantime, or as we are going through it, a lot of it is what you make of it. And we have seen it. I have had some friends that were working at the big Bay Street firms, and then they have a baby, and then they have a second baby, and then they decide to have a third and I go, “How is she going to manage that?” And all of a sudden you get the email with a change of email address. “Now working in the policy department here” or “Now working for the government,” and it is choices that are made to stay in the legal profession by changing the work venue.

It can also be an advantage of working in smaller areas of practice, smaller cities, like Thunder Bay. My mother-in-law, when I was in practice, she lived in Oshawa and would have loved that I came down to work on Bay Street, Toronto, and I said to her, “You think I work a lot now? The kids would never see me if I worked there.” And that is a choice that we also make and that is a choice that a woman can make as far as retention and how you stay in the profession. The way that I was able to work my practice was to have some flexibility to it. I have never missed one of my children’s school plays; my daughter danced competitively, and I have never missed one of her competitions. But I booked my calendar and my agenda around that, on setting some priorities and then trying to find some balance in that. I could go from court all the way to École Catholique Franco-Supérieur, where my kids were in school, in 10 minutes. I think I was in front of Justice Pierce on a motion, and the other lawyer was from Toronto, and we took a break (back then the courthouse was on Camelot Street, which was right by my daughter’s school), and I said, “I’ve got to run, I have all the teacher’s gifts in my vehicle and I am going to school and I’ll be right back.” He said, “Uh, we only have an hour?” and I’m like, “Oh, yeah. No problem.” I got back in plenty of time. I had the ability to do that because of the lifestyle I chose and things like that. It is finding that balance that is important. I think that it is getting better.

Nieckarz J: It’s a culture shift. It’s started; it’s just not fully there yet.

Belda J: I don’t know that there’s much that I can add to it because everybody has mentioned a lot of things that I think are very common to all of our experiences. But I think it also depends on what area of law you participate in, which, I think, changes your perspective a little bit. I think that any of us that came from a family law background would probably be used to working with more women than men. I always knew, for example, that criminal law was mostly a male-dominated area. I do see that changing; now there are a lot of women that are doing both criminal and family [law].

Maybe I can tell you a little bit about my experience. When I was articling, I was so focused on articling that I actually didn’t even realize I was pregnant until halfway through my articling. We went from discussing what my role was going to be when I was called, to then having a meeting the following week where they told me they had to let me go. The thing that hurt the most was that when they said goodbye to me, they said, “We hate to see you go, but you’re going to be a really great mom.” To me that was so insulting. Basically, it was saying, “you are never coming back, right?” I guess partly they were right in that, because I was going to be the primary caregiver and I didn’t think I was going to be able to come back. It wasn’t

until much later when I moved on from the idea of having a private practice that I went to work for other organizations that were really family oriented. I went to work for legal services, and everything from the second I got there was family oriented. If you needed time, you took it. We had full benefits. The focus was specifically on making sure that we all had family time. So, just like Justice Brochu, I never missed anything with my family. It wasn't until later, until I was able to find a life partner that was able to take over the childcare, and, you know, I don't cook, I will never cook. He makes sure that, you know, meals are on the table for everybody at the right time. That is what allowed me to eventually go back to private practice. I don't know that without the supports and without knowing there was something different that I ever would have come back.

Plus the fees were killing me. You have to still pay legal fees and law society fees if you are doing something else that is somewhat legal. So, your choices are, you pay this money to do a job that is not paying you anywhere near enough, or just completely getting out of [legal practice]. And I think if you completely get out, the chances of you coming back are much lower. So, yes, it is about choices, but [it's also about] whether you have the ability to make those choices at the time. I think it's really difficult.

Nieckarz J: And sometimes you resent the fact that you have to make certain choices. There are some choices that you're willing to make, such as whether you practice in a smaller community versus a big city. But with other choices, you sometimes resent the fact that you have to make them because you know that it does not need to be that way.

Burton J: I've recently made the decision to retire, and it literally took me years to get my head around "quitter" mentality. Do I owe it to the profession to stay here? Do I owe it to my colleagues? I love you, but no, I don't. It's taken a long time to overcome that mentality, which I think is part of the era that I grew up in, in the practice of law, and so it's a personal mindset, personal choice to make it, but you've got to make them.

CONCLUSION

Hailey: We want to thank you so much for taking the time to speak with us. I think this is going to be really important to have on record. It is going to be a great point for reflecting on this time in history. Your Honours have done amazing work. The Thunder Bay bar, in general, is really well regarded, especially in terms of the support there is for young female lawyers coming in, and that's due in large part to the work you have all done in paving the way. We hope that the law journal is going to be around for many years, and maybe one day they'll go through the archives and they'll find this piece, and they'll find it so shocking that gender disparity used to happen at all or that this was even a conversation that needed to be had. So, thank you so much for taking the time. We really appreciate it.