

Lawyers with disabilities strive for equality

Barriers range from physical access to clients' perceptions

GLEN KORSTROM

Disabled lawyers fight a constant battle finding respect from peers, prospective clients and the court system. Obstacles to practicing have prompted some lawyers to be active in the **Law Society of British Columbia's** working group on disability research. Other disabled lawyers have taken a harder line, agitating for lawsuits instead of diplomacy.

"I used to be part of that Law Society working group but [I] stepped aside as I was getting burned out banging my head against the barriers," said deaf Vancouver lawyer **Henry Vlуг**.

"I applaud the committee for making the progress they have. But I think change will be incremental and slow and what is really needed is for us who are discriminated against to use the laws out there to make such discrimination illegal. Stop playing nice and start hitting," he said.

Vlуг helped better the lives of all deaf Canadians when he won a **Canadian Human Rights Tribunal** ruling against the **Canadian Broadcasting Corporation** in 2000. He challenged the public broadcaster for not including closed captions for all its television programs, arguing that deaf Canadians were equal to those who can hear and that their taxes help fund the public broadcaster so they should be able to fully enjoy its programming.

The CHRT awarded Vlуг \$10,000 for pain and suffering because he could not enjoy programs such as major league baseball playoff games. CBC appealed the tribunal's settlement but then dropped the appeal when it settled with Vlуг out of court for a lower amount. Vlуг said it was more important for him to have the CHRT's judgment stand and take a reduced settlement than to go through the appeal process and risk having the CHRT decision overturned.

A current Vlуг bugbear is the B.C. government's requirement that deaf lawyers supply their own interpreters in court. He mocked government policy by saying it's equivalent to saying that



Open door: Halldor Bjarnason mentors aspiring lawyers with cerebral palsy

wheelchair-bound lawyers should bring their own ramps.

"I am just too tired of the fight to be battling them," said the semi-retired Vlуг.

Halldor Bjarnason takes a more pragmatic approach and aims to win victories through consent and diplomacy. The chair of the Law Society's disability working group is an independent lawyer who lives with cerebral palsy and shares space with able-bodied counterparts at **Access Law Group**.

Wearing his signature suspenders while looking out to Coal Harbour from his penthouse office, Bjarnason explained that the biggest obstacle he faces is that new clients want to speak with him on the telephone.

"In my case, I don't tend to present well over the phone and that can turn people off," he said. "People who meet me in person first are more comfortable with my abilities."

The wills and estates lawyer said he

has compensated for that weakness by having a stellar assistant who communicates well on the phone.

Bjarnason has mentored some young aspiring lawyers who have cerebral palsy and he says his door is always open to such people. But he would like to see a disabled component to university law school mentoring programs at the **University of Victoria** and the **University of British Columbia**.

That's one of 10 working group recommendations that the Law Society's benchers, or directors, have agreed to. Others include providing a draft policy on equity and diversity for all legal employers to follow, and lobbying for structural accommodation at B.C. court-houses, the Law Society's own building and other legal institutions.

"We also want the Law Society to create a reserve fund and to identify other sources of funding to assist law firms to accommodate lawyers with disabilities," he said. ■

INside

\$2 U.S. visa fees soar

Under the guise of "fraud protection and detection," the U.S. has more than tripled the cost of working Stateside



\$3 PST decision sparks debate

Lawyers now expected to determine clients' income

\$4 The case for just cause

The burden of proof is high, but an employer that can prove just cause for dismissal can wield the ultimate penalty and terminate employment without notice



\$5 Partnering with countries

When your joint-venture partner is a foreign state, you may find market forces trumped by political interference



\$6 Crown pay raise delayed

Government decision to override arbitrator sparks protest

\$6 Strata member on the hook

Condo owner penalized for withholding engineering report

\$7 Legal Matters Datebook

Seminars and conferences for lawyers and laypeople alike