

[Episode 3.8 There's Secret Feminism Under Everything \(including lawyering\) with Gloria Ng and Colleen Elden](#)

November 23, 2018

- Hannah (Host): [00:07](#) [Music: "Mesh Shirt" by Mom Jeans] Hi, I'm Hannah McGregor and this is *Secret Feminist Agenda*. And I'm bringing you a really fun episode this week as you probably, no, because I mentioned it several times in the past few episodes. I did my first ever live episode of *Secret Feminist Agenda* as part of the Vancouver Podcast Festival, and it was recorded, and your about to listen to it. It was such an absolute delight doing this podcast live. I've done a lot of Witch, Please events live and I have a sense of sort of how to do those at this point, but I wasn't sure how well this podcast would work as a live event. Mostly because part of what makes it work is the possibility of having quite intimate conversations with guests, and I thought, "is this going to be weird sitting down in front of a bunch of strangers?" But it wasn't. It was delightful. My guests were wonderful. The audience was incredible, and joyful, and responsive, and supportive, and it was just really, really fun. Shout out to everybody who came. It was so delightful having you in the audience. And I'm so glad that this was recorded so that I can share it with everyone. So how about we just get to it? [Music: "Criminal" by Fiona Apple]
- Audience: [01:27](#) [Applause]
- Hannah (Host): [01:55](#) Yay. Hi everyone. Okay. How's this? How are we doing? How's loudness, Max? Give me a thumbs up. Great. Love it. Welcome. I'm so excited there's babies here. I have very, very strong feminist podcasting politics. Say it's not a feminist podcast if there aren't baby sounds in the background, sometimes. Let children interrupt your events, otherwise you're not letting women and other people who get pregnant come to your events. The end. We're just going to go home now. No. So I'm Hannah McGregor. This is *Secret Feminist Agenda*. I'm delighted to be doing the first ever live episode of *Secret Feminist Agenda* here at the inaugural Vancouver Podcast Festival, which I also helped to organize. So yes, this is nepotism right here. Me, me being here. The theme of the first ever Vancouver Podcast Festival is true crime, true justice, and so I have invited two, I spelt "two" wrong in my own notes. So F—for me, Ah, to the technical term is "badass lady lawyers." Do you feel comfortable with that?

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- Gloria: [03:03](#) I am. I embrace that. Thank you.
- Hannah (Host): [03:04](#) Great. Great technical term. To chat with me about the intersections of feminism and the law, I am going to bring Colleen in on the telephone first. We're going to make sure that technology is working and then I'm going to introduce both of them. How does that sound? Great. Yes. Okay. I'm pressing dial now. Yes, it's calling. Can you even handle the tension? [phone ring] Ooh. Ooh. a dial tone!
- Colleen: [03:36](#) Colleen speaking.
- Hannah (Host): [03:37](#) Yes. Hi Colleen.
- Colleen: [03:40](#) Hello.
- Hannah (Host): [03:42](#) This is amazing. You're an incredible disembodied voice haunting this theater right now.
- Colleen: [03:48](#) I'm the voice of God coming down.
- Hannah (Host): [03:51](#) How are you all hearing Colleen? Is it a good volume? Up? Everybody's, I've got a lot of raise, raise the roof on Colleen a little bit.
- Colleen: [03:59](#) All right, good start.
- Hannah (Host): [04:00](#) Colleen, can we hear you? Good? Better? Amazing. Okay. Colleen, I'm going to introduce you and Gloria now. And I'm gonna introduce Colleen first cuz, because Colleen's haunting us as we speak. So Colleen Elden is a criminal defense lawyer based out of Vancouver, currently physically in Tofino, hence the remote access, who also does ad hoc prosecutions for the Crown. Colleen regularly appears at all levels of court in British Columbia, often conducting complex trials involving difficult or novel Charter issues. There will be followup questions about that. She has also appeared at the Supreme Court of Canada. Colleen volunteers as a principal supervising, as a principal, supervising students in the UBC criminal clinic run by the Honorable Judge Galotti. In 2017 Colleen was nominated for the Law Society Award for leadership in legal aid. Welcome Colleen.
- Audience: [04:56](#) [Applause]
- Colleen: [04:56](#) Thanks very much for having me.
- Hannah (Host): [05:03](#) [Laughs] Yes, this is working so well.

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- Hannah (Host): [05:05](#) I want you to come and introduce me everywhere I go. I like having applause to start.
- Hannah (Host): [05:10](#) I can do, for a very small fee, or you can help me out with all the crimes that I'm doing.
- Colleen: [05:15](#) Yeah, you could be my town crier everywhere we go.
- Hannah (Host): [05:17](#) And here physically beside me is Gloria Ng. Gloria is a criminal defense lawyer practicing out of Vancouver and also physically in Vancouver. Right now. She is a sole practitioner and represents clients facing a variety of criminal charges at all levels of court in British Columbia. As part of her trial practice. Gloria regularly mounts constitutional challenges in areas such as search and seizure, unlawful arrest and detention, right to counsel, and the right to silence. There will be followup questions about that too. Gloria is a director on the Criminal Defense Advocacy Society's board of directors, a member of the Federation of Asian Canadian lawyers, the Trial Lawyers, Lawyers Association of British Columbia, and it's criminal defense litigation group and the Advocates Club. That's so many, I, you sound more tired than me. Also, Gloria is a mother to a rambunctious and witty five year old boy who keeps her on her toes with his endless curiosity and questions. So Gloria is definitely more tired than me. Welcome Gloria.
- Gloria: [06:24](#) Thank you.
- Hannah (Host): [06:25](#) I'd like us just to spend the next 30 minutes applauding for various women and femmes, but instead we're going to have a conversation about the law. So, first off I'm going to start off really basic. I love having guests on this podcast to talk about things that I know very little about, and I've discovered the hard way over the past two years, culminating in the present moment, when many of my very close friends that are getting sued for defamation, that I know very little about how the law works. The best way to find out that you know very little about how the law works is just smack right up into it. And so I would like just for you to start us off with some basics. In terms of what is entailed, what does the day to day job of a defense lawyer.
- Gloria: [07:08](#) Col, do you want me to go first?
- Colleen: [07:13](#) Sure, sure. Go ahead and I'll follow up.

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- Gloria: [07:18](#) That, that question varies for everybody. But I think inherently if you choose to enter into our criminal justice system, especially as a defense lawyer, part of that is, daily like, accepting that daily you're going to be on the opposite end of some type of battle with somebody. Whether it's the moment of arrest and a client is physically next to a police officer who has him in handcuffs and you're trying to make sure that your client's rights are being respected, whether your, at the very early stages of a file and there's a prosecutor on the other end who does not understand that a 19 year old with no criminal record who made a drunken mistake needs to get a second chance. And you're fighting against that person. And then even sometimes amongst our own colleagues, you have moments where you're just going to have disagreement over how certain, a certain case should be carried out. I mean, if, if it's trial with multiple accused persons, everybody has their own interest for their own clients. So it's, it's, it's inherently a daily series of different types of confrontations and different challenges that requires you, of course, at all times to do your best, to keep your cool because, of course, your client is trusting you in many ways with their future. It's, it's in your hands, and just keeping that in mind that you don't have the luxury to maybe say what's in your inside voice. In your inner head you got to sometimes turn that little voice on mute and you've got to maintain that professionalism for the best interests of your client.
- Hannah (Host): [09:04](#) Yeah, that sounds incredibly hard. I hate confrontation a lot often makes me cry. I bet crying is frowned upon in defense law.
- Gloria: [09:14](#) Generally...
- Colleen: [09:14](#) Not ideal.
- Gloria: [09:14](#) Slightly. I mean, I, I think, I mean that's interesting too. I think that you, you, you don't want, you don't want, especially I think the judge, to think that you're going through a moment of weakness. And that, that is something that yeah, you have to sometimes fake it till you make it even if you are feeling that way. Yeah.
- Hannah (Host): [09:41](#) Oh. I have a follow up question for that, but Colleen, I would love to hear from you as well, in terms of, you know, if you agree or your sense of sort of what the day to day task of a defense lawyer is, is, is it different or you'd like to elaborate?
- Colleen: [09:55](#) I agree with everything Gloria has said, which will be a theme of one of the, one of the themes that emerges from this podcast.

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She'll say something and I'll agree with it and I won't be able to put it my better, better myself, but I'll try anyways. So my day looks very much like Gloria's get up in the morning, usually later than we want to or earlier than we want to, and kind of hit the ground running with whatever fires happened overnight or whatever fires happened that morning. And she and I, Gloria and I, are both trial lawyers, which really means most of our days are spent in court advocating for our clients who are the accused people. Some of that advocacy happens outside of court, dealing with the Crown, dealing with family members, dealing with witnesses. Most of that happens in court. And so in terms of our day to day, I agree with Gloria, we are advocating in some way for our clients, whether it's a bail hearing or a guilty plea or a full trial. That's pretty much what we're doing day in and day out.

Hannah (Host):

[10:56](#)

Yeah, that's, I mean the, the bat, I mean the language of advocacy and of battle both suggest, in different ways the kinds of, intense levels of energy, it sounds like, like are required to maintain. Like I, innately sounds like a pretty public facing job. And so let's talk a little bit about that public facing-ness. You, you, you implied Gloria, that, that there's something performative about how you must comport yourself in front of a judge, about having to sort of keep up a particular kind of impression. And I'm wondering if you can talk, you know, in particular about the degree to which your experience of that has been gendered. Are there, when we talked about crying and how that will make you look weak and that immediately for me triggers all kinds of senses of fear of hysterical women, and an assumption that you are taken less seriously, that you can't manage, that we are taken less seriously, that we can't manage ourselves in those situations. Is that something you feel like you have to sort of show up and prove yourself in those settings?

Gloria:

[12:05](#)

I think as a rule of thumb, and you know, I've been, I've been fortunate enough to be doing this now for, for a bit of time and, and being a mom of a young kid, it's natural that you get a lot of young lawyers that will come up to me. Young, young, young female lawyers would come up to me and say, "is it actually possible?" Are you just some type of anomaly, and you can't actually have a career and be a mom and still make it to the pumpkin patch when there is a supreme court hearing the next day. And so I think part of that is yes, in some ways you do have to work twice as hard, three times as hard as sometimes your male colleague who just benefits from being, you know, maybe just the six foot tall with salt and pepper hair and they're like, "oh, that guy is the guy I want to hire." And you know, there's just always going to be that even, even amongst the clients. I

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mean, I can tell you many times when a client will be like, "oh, you know, are you the student? Are you the assistant? Are you the secretary?" And I'm like, [incoherent angry noise]

- Audience: [13:14](#) [Laughs]
- Hannah (Host): [13:14](#) [Laughs] and so then again, you know, did like the transcription is going to have square brackets, "incoherent angry noises."
- Audience: [13:21](#) [Laughs]
- Colleen: [13:21](#) Heavy breathing.
- Gloria: [13:23](#) And so in those moments again, right? Can't always use what I'm thinking inside--
- Hannah (Host): [13:29](#) [Giggles]
- Gloria: [13:30](#) --and, and, and, and in response, I have to say, especially of course if it's happening live in front of the judge, those are always fun moments. You just say, "no, I'm actually the lawyer who's been appointed to conduct your defense." [Laughs] Right? I'm actually the lawyer. And so part of that is, I think, accepting that there are going to be, first impressions that are gendered. And you know, there are times where you're going to have to either try and get out ahead of it somehow, or just learn to not let it necessarily shock you. I mean, obviously the first time it happens it probably shocks you, but after a while you start to, you know, deflect and you and you just keep, you just keep rolling. Right? And I think that part of it is also just, I mean, anybody here who is a parent, you, you know, we've all had the night when the kids got the 102 fever and you're, you're saying, "please baby, please just sleep because mommy has to be in court at 9:30 AM. And I have to be coherent." And so, yes, that's when it's important to, rely on also, having a network of really awesome feminine, feminist friends who can say, "you know, what do you need? I can stand that down. You need to take your kid to the doctor. That's fine. I'll go to the court, I'll tell the judge what's up. And you take care of your family," right? So it's, it's, it's not just a, a lone warrior, if, I mean, hopefully it's not just a lone warrior thing. You, you can find allies, you can find supporters. And you know, I'm super lucky that Colleen is always been there for me. So, but, but yeah, but I think that that's the biggest advice that I have for a lot of the young women, is that you can't go it alone. And it, it's important to, to find that person that, that you can, you can, you can have that connection with.

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- Hannah (Host): [15:26](#) Yeah. I love that because it's compared to the, the image of the, you know, the defense attorney as doing battle, which does lend itself to that, sort of, you're in it yourself, your own, you've got to, you know, show up and just power through it and it's like, no, it's actually you needed an, a network of care and a network of people who are going to come together and make it possible for you to live your life. And it's like, oh, see, see, there's secret feminism under everything!
- Audience: [15:52](#) [Laughs]
- Hannah (Host): [15:52](#) Watch out. Colleen, would you like to add to that your own experiences of the sort of navigating the gendered expectations in the court?
- Colleen: [15:59](#) Sure. I agree with Glo. There's definitely a performance aspect to going to court. That being said, I think both she and I are pretty similar in court as we are out of court, or pretty true to ourselves and that takes them doing, especially if you're a woman. It's pretty easy if you're a woman to think you'll have to create a false persona and that that false persona has to be the person who's in court, and that false persona has to have what we would call typically male characteristics. You have to be bold, you have to be confident, you have to speak loudly. And to some extent you do have to do those things, but it's also very okay to do that while being yourself, while being a woman, and while being a feminist. And I think that is something over the years that we have both practiced that we have kind of settled into. Certainly more in the early days, you do have to rely on the persona, you do have to rely on the performance aspect. But now we are true to ourselves and courts and maybe more than we should be at sometimes.
- Hannah (Host): [17:08](#) [Laughs] Great.
- Colleen: [17:11](#) The gendered expectations is a funny thing as well. I experienced that a lot with clients in particular, and it seems like because you're a woman and because you're not that old, the clients don't expect that much of you, which is very strange. And I can't tell you the number of times I have clients say to me after court, "you are much better than I thought you were going to be."
- Audience: [17:38](#) [Laughs]
- Hannah (Host): [17:38](#) [Laughs] Thanks?

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- Colleen: [17:38](#) Like, that's not something that's happened once. That's something that's happened probably 10 times in, you know, 10 or 11 years. And it's horrifying because it makes you think that you're putting something out there that would lead somebody to conclude that you're not a great lawyer. And then it happens enough times and you realize, "oh, it's actually all just connected to my gender and the way I look." Yeah. Which is equally horrifying and calming at the same time.
- Hannah (Host): [18:04](#) [Laughs] Yeah.
- Colleen: [18:06](#) And there's nothing I can do about that.
- Hannah (Host): [18:08](#) Yeah. I mean I subtext there is, "I assumed you were in competent. Thanks for the surprise."
- Colleen: [18:13](#) Pretty much. Pretty much. And that's certainly the message I hear when someone says, "Oh my God, they didn't expect that much. But you were great." It's not really a compliment.
- Hannah (Host): [18:23](#) [Laughs] It's a very bad complement.
- Audience: [18:24](#) [Laughs]
- Hannah (Host): [18:24](#) Wow.
- Colleen: [18:27](#) But you know what, we take our victories where we can find that. So now all I hear from that is compliment. Oh, I'm, great.
- Hannah (Host): [18:32](#) Great.
- Colleen: [18:32](#) Awesome.
- Hannah (Host): [18:32](#) That's the spirit. I mean, I really appreciate that here in a sub, like an attempt at least to resist the kind of lean in-y implication that your job is to do your best impression of a man in the court and instead, because that, what that doesn't do is create any sort of precedent for what it looks like to behave differently in the context of spaces where gendered, you know, female gendered behavior is considered unacceptable. Right? Like, like, you have to, sort of, push against what kinds of behavior people are expecting in different venues if you want to lay the groundwork for, for other women to get involved in the profession. Okay.
- Colleen: [19:10](#) Absolutely. And we're lucky in that capacity because we have women who we can look to, who are more senior to us, who

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paved the way. And one or two generations ahead of us that's not the case.

Hannah (Host): [19:25](#)

Yeah.

Colleen: [19:26](#)

They were kind of in it by themselves forging that path. So we're lucky. Many of those people are the working, many of them are still called to the bar. So we still get to see and interact with those, kind of, trailblazers who definitely created a space where we can operate. And then, I think, in turn we both feel the responsibility to keep doing that for the female warriors who are coming after us.

Hannah (Host): [19:52](#)

That's, that's beautiful. I'm sorry. Oh, so beautiful. It's just networks of feminist mentorship. Have a quiet weep up here and now I'm going to ask you a question about, about the law and how it works. So Colleen, we're going to start off with you this time. Will you talk to us about Charter issues?

Colleen: [20:12](#)

Sure.

Hannah (Host): [20:16](#)

That's it. That's the whole question.

Colleen: [20:17](#)

That's it? That's the question.

Hannah (Host): [20:17](#)

Yeah, yeah, yeah, yeah. No, I specific, let me return to your very exciting bio where it specifically says that you often conduct complex trials involving difficult or novel Charter issues.

Colleen: [20:30](#)

Yes.

Hannah (Host): [20:30](#)

I don't know what a Charter issue is.

Colleen: [20:33](#)

Okay. So obviously in Canada we have the Canadian Charter of Rights and Freedoms.

Hannah (Host): [20:40](#)

Don't say "obviously," I don't know anything, Colleen.

Audience: [20:43](#)

[Laughs]

Colleen: [20:43](#)

Okay, okay. That's a special little document that protects our civil rights basically, to use the vernacular. So included in the Charter are such rights as the right to be free from unreasonable search and seizure, the right to life, liberty, and security of the person, etc. And so Gloria and I both do a lot of cases that involve challenging the way that the police obtained evidence or challenging the way that the police investigated the

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case. What that might look like, for example, is somebody gets arrested, the police searched through their cell phone, they find evidence that ultimately implicates the accused on the cell phone. We get disclosure of that. We put our thinking caps on and we try to assess, did the police do this search in an appropriate way or a reasonable way? If we think that they didn't, then we file a notice and we bring a Charter challenge and we argue that the police obtained the evidence in an unreasonable manner, contrary to the Charter, and we try to get that evidence excluded from the trial proper.

Hannah (Host): [21:55](#) This is great. This is great. I'm learning so much. Okay. I'm going to turn the question to Gloria now, because I'm realizing that that these, that Charter issues and a constitutional challenges might be a similar or same thing?

Gloria: [22:09](#) Yes.

Colleen: [22:09](#) Same thing, yeah.

Hannah (Host): [22:10](#) Oh my God, this is, it's blowing my mind. I do, my, my strict policy about podcasting, there's no advance research, so I'm finding, I'm learning everything right in front of you. It's very exciting. Okay. So can we talk, Gloria, I'm going to direct this towards you. Can we talk about the degree to which there is an overlap in defending people around Charter issues and class, race, poverty, populations who are disproportionately targeted by the police, and how much, sort of, the work of defending people comes into recognizing that some populations are disproportionately criminalized, and that the law is not used equally on everyone.

Gloria: [22:54](#) Yeah, that's, that's, that's again, you're asking these questions that we should talk all day about.

Hannah (Host): [23:01](#) [Laughs]

Gloria: [23:01](#) But I mean, right when you said that it's funny and then, you know, Colleen probably does this too, when people ask you to ask you questions about what you do, you know, often, you know, certain case file patterns pop into your head and stuff like that. Just, just in response to that question for example, I can, it what it, what it makes me think of is several of the most vulnerable members of our society who live in the Downtown East Side. Who, you know, depending on who you're talking to in the city, you know, that whole sort of area cordoned off as the DTES like, they don't even go past that part of Hastings.

Right? That's like, whoa, don't want to there out of sight, out of mind. Right? And so it's difficult when somebody is arrested in the Downtown East Side whose Charter rights might've been trampled on in the process. And you know, you're trying to explain to someone why it's important that you're defending that person's Charter rights. Because the police breached those rights, often the answer is, "well, well did they do it? Did they have drugs on them? Oh my God, was it fentanyl?" And there is just so much behind that person's story, right? That person isn't just a case file number. That person is someone's son, someone's daughter or someone's mother. Someone who's also potentially lost tons of people to the fentanyl crisis. Someone who might be aboriginal, someone who might be a, an immigrant, a refugee who was maybe a doctor back in their home country, but because of whatever reason when they got here and things like qualifications and, you know, exams and they don't get to be a doctor here. Right? And so everybody has a story, and I think that if one of the things that Colleen and I see on a daily basis when we're at the courthouse, at triple 2 Main Street, which is right on the corner of Main and Hastings, is you actually see these people, right? And, and that, I think that just in and of itself, recognizing that that person is a human being, not a statistic, not a case file number, not an, not a perp, or a criminal, or somebody who deserve that treatment. So yes, I mean that's, that's why what we do is so important because you, you have to respect the rights of everybody no matter what their background is. That's your fundamental right, right? Your fundamental right to be presumed innocent until proven guilty, and it's important that we do that for everybody because when you start picking and choosing who deserves to have that right protected, then, you know, we start getting into scary territory like, you know, George Orwell in 1984 and where are we going? Right? And so I think, yes, absolutely, you see race, you see gender. I mean, you see there was, and I, and I, Col, I don't know if you remember, but there was a, there was a video, sort of like, a collection of testimonials from various people that participated in talking about their experiences in a coming up in the criminal justice system as aboriginal lawyers. And people who would, for example, an aboriginal female lawyer who walked into a courtroom as the lawyer, but the sheriff in the courtroom immediately approached her and assumed she must have been the victim of some type of domestic assault and said, "oh, you should sit over here. Let me make sure the prosecutor knows that you're here." Like, he just could not see in that moment that she could have been a lawyer. And I, you know, when I saw that video and, she didn't, she didn't go on camera herself, there were other people that read these anonymously for people. And, and that, that also

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struck me, the fact that she felt she needed somebody else to tell that story because inevitably she's thinking about, "do I want to be seen as that person who's the, do I want to be that face that everybody then recognizes and says, 'oh, she's the one who did that.'" Right?

Hannah (Host): [27:22](#) And because when you point out a problem, you are made into the problem. Right? So it's not, people won't go, "Oh yes, systemic racism and the legal system, that's a thing." People will go, "oh, that person who complained."

Gloria: [27:33](#) Right. So, so yeah, we see it all the time. And, and I think that that's what, that's what makes what we do so important and why we do feel so passionate about it, and why we do want to give back and make sure this continues, because legal aid and, and, and representing the, the, the most vulnerable members of our society, it's, it's fundamentally important and it's fundamentally important to making sure that that's what the Charter is there for. It's for everybody else too.

Hannah (Host): [28:02](#) I mean, ideally, right? I have this, this part of me, the part of me that's like, "abolish the police man," you know, that part is like, "was the Charter designed for everybody or with a designed to uphold the status quo, which is like a fundamentally anti-Indigenous genocidal state?" Like, I don't know. Do you ever feel like you are working with tools that weren't designed to do what you're trying to do, or do you think the tool set kit will work if applied, you know, with actual equity? Colleen you can take that one.

Colleen: [28:37](#) Thanks. I'll tackle that easy one.

Hannah (Host): [28:40](#) Yeah, yeah, yeah. That's a, it's just a underhand toss.

Colleen: [28:44](#) [Laughs] If I could just to back up a moment, I just wanted to follow up on something Gloria said, which is that we both do a lot of work with clients who are on legal aid. So in many cases our clients are the most disengaged, marginalized people. And when we can prove that their Charter rights were breached, that is among the most satisfying feelings that you could ever have. When your poor client who has substance abuse issues, mental health issues, multiple barriers, goes up against the state in every way possible with just you on your side and on their side, and you prove to the judge that, sometimes with the assistance of the accused evidence, sometimes without it, that the police acted inappropriately, that's a really good feeling. And I think it is, for me as these, a feeling that my clients have never experienced before. In most cases, my clients have never

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had somebody advocate for them. They've never had somebody go to bat for them. They've certainly never had a judge believe them as opposed to a police officer. So if and when that does happen, it is actually a beautiful moment and a beautiful thing. Maybe not for the police, but for us.

Hannah (Host): [30:07](#) [Laughs] Yeah. Well, we've established how I feel about police.

Colleen: [30:11](#) [Laughs] So I, I think to answer your question, Hannah, I think we're all in theory, equally protected by the Charter. Of course sometimes that can break down in how the Charter is applied in day to day life, and unfortunately, like in every aspect of life, minorities have a tougher hurdle than any other people. So in theory the charter protects you and I the same as all Indigenous people. The reality is in the practical implication of the Charter, Indigenous people are always going to have a tougher hurdle to get through than me, for example, because I'm Caucasian. I say always, I hope that's not always the case. I hope that things change, but certainly that's my observation for the moment.

Hannah (Host): [31:07](#) Yeah. Yeah, and I mean you can, you can, we can look forward to the possibilities of change while also being like, listen, this is the tool set I've got today and this is--

Colleen: [31:16](#) I would like that.

Hannah (Host): [31:16](#) --this is people who are navigating the power of the state today, so you use what you've got.

Colleen: [31:21](#) Yeah. I think the Charter works pretty well, in terms of the tools that we have. I think that it works pretty well, except for that when you have to assert that your Charter rights have been breached, in some ways it's too late because you are already before the court, you've been charged with a crime, and then in some cases the burden falls to you to prove to the court that your rights have been breached. And it would be fabulous if we could think of a tool to weed those cases out before they get to the point of litigation, and some do get weeded out by the proper exercise of Crown discretion, and some don't get weeded it, weeded it out because the Crown sees the case differently than you do. So I think the Charter is an okay tool.

Hannah (Host): [32:12](#) [Laughs]

Colleen: [32:12](#) I would love it. I love it. I would love if we could implement it in a way that was equal to everyone.

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- Hannah (Host): [32:18](#) Yeah.
- Colleen: [32:20](#) I think we're getting there, but we're not quite there yet.
- Hannah (Host): [32:24](#) [Laughs] No, I feel like I've seen evidence in the last couple of years that we're not there yet. But, but--
- Colleen: [32:30](#) Yeah, it would be hard to miss it. You'd have to close your eyes to miss it.
- Hannah (Host): [32:32](#) Yeah [Laughs] I mean lots of people are closing their eyes, so we're missing things all the time.
- Colleen: [32:41](#) True.
- Hannah (Host): [32:41](#) [Laughs] I, I have, sort of, one last a burning question that I want to ask specifically because I managed to get two people who are lawyers and also friends. And we talk on the podcast a lot about feminist friendship, and the sort of radical world building potential that feminist friendship has, in terms of the, the networks of solidarity that you build, and the ways that by working together you can sort of create other possibilities for yourselves and, you know, ideally your larger community. So I was wondering if you could talk a little bit more about, sort of, your friendship with each other and how that plays into, in particular, sort of, your practice as lawyers.
- Colleen: [33:25](#) Well, this might take the next 25 minutes. We could talk about each other all day.
- Hannah (Host): [33:28](#) That's fine. You've got six-ish.
- Gloria: [33:31](#) Well I'm going to, I'm going to start just real quick by cuz I, I think that this is one of the main reasons why, you know, Colleen has heard from me all the time that she's not allowed to quit ever [laughs] because I need her by my side. But you know, once upon a time when I was in UBC Law, as a student myself, I signed up for the program that now Colleen and I both volunteer in, which is the UBC Criminal Clinic and Colleen worked for my supervising lawyer at the time. And of course, like most supervising lawyers, when they get busy and they're in trial, somebody has to babysit the student. And so poor Colleen had that task schlepped off to her where she had to look after me. And so, you know, she answered all my questions at the beginning, like, "how do I ask the Crown for disclosure?" And she had to walk me through all of those things, and so miraculously, I didn't manage to annoy her enough that she

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didn't want to speak to me ever again. And sort of, you know, as we both continue to, you know, stick with it and, you know, flash forward sort of, you know, a decade later, and it's really fun to be able to be in a room with a fellow badass female criminal lawyer and to be the, the two women on, on the one side maybe up against, just, you know, a number of other people on the other side. And I think that part of, part of that friendship has been about learning from each other, pushing each other to become better. Also, obviously having somebody to drink wine and vent with, very important.

- Hannah (Host): [35:10](#) Very important feminist praxis.
- Gloria: [35:11](#) And I think that more than anything, it's just knowing that she is like my safe space. Right? In that, you know, when that internal voice is threatening to break free from my head and I need to, you know, quickly power call her or if she's not available, then I sent her a big, long rambling text. It's just, I know that that's been received by her and it's going to be validated. And, and even if in the moment she doesn't quite understand what's going on, it's that I know that I have that support with her. And what we do is, is, is difficult even on easy days, right? I mean, it's just, it's, it's constantly thinking about all of the different people who have trusted you to, to, to help them get out of a very, you know, terrible situation at times. And so it's when you, when you're in, when you're facing that all the time, it's really nice to be able to have someone who understands what it's like, who is there for you, and also happens to be amazing at what she does so that I can just have a soundboard and I can say, "hey, if I say this, would you think I was crazy in the courtroom, or are you going to give that, are you going to give that an okay?" Right? And then, you know, she'll be like, "well, it sounds a bit crazy, but not all the way." And I'm like, "Ah, it's good enough for me."
- Audience: [36:30](#) [Laughs]
- Colleen: [36:30](#) "Just bring it one notch back from there," is usually what I say. Just one step back from there.
- Gloria: [36:38](#) But yeah, so I mean that's, that's been the beauty of having Colleen as not only a colleague but a really dear close friend and confidant. So...
- Hannah (Host): [36:48](#) It's beautiful. Colleen, is this the time when you, when you break it to us but you don't feel the same way?

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- Audience: [36:52](#) [Laughs]
- Colleen: [36:54](#) Yeah. This is when I tell you she did annoy me.
- Audience: [36:57](#) [Laughs]
- Colleen: [37:02](#) No, I'm just kidding. I consider myself incredibly lucky and a number of ways. And one of the ways that I am most lucky is that I found this other amazing person, Gloria, who operates in this thing, rare space that I do. And that has been really one of the great treasures of my career and my life so far. We operate in a rare space, there are lots of women who are more senior to us and lots of women who are more junior, not that many who are around our year of call. And so the longer we go on, the more the two cheeses stand alone, it seems.
- Audience: [37:40](#) [Laughs]
- Colleen: [37:40](#) And I certainly have no doubt that I would not have made it as far as I have without Gloria's friendship. Anytime I've needed to pick up the phone and call her, I've been able to do that. And that really is invaluable, particularly for me because I threatened to quit this job every few months.
- Audience: [38:01](#) [Laughs]
- Colleen: [38:01](#) Every few months I call up Gloria and I say, "that's it. I'm done. I'm going to be a middle-aged gym teacher. I've had enough, I'm not doing it anymore." And then she talks me off that ledge and away way we go. And that, I consider myself incredibly lucky to have a friend who's always on the receiving end of those words, and who always comes back with a more measured response than I do. And in addition to that, I have the privilege of getting to watch her in court from time to time cases we do together. And invariably the most brave, most courageous things that I have seen in court have been done by Gloria
- Audience: [38:41](#) [Aw]
- Colleen: [38:41](#) And that's pretty cool to watch your friend stand up and sometimes get hit by the bus, sometimes push the bus back. It's, it's a pretty amazing thing to see.
- Hannah (Host): [38:53](#) Oh.
- Gloria: [38:53](#) That's super nice Col, thank you.

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- Hannah (Host): [38:56](#) We've got people in the audience miming tears. It's all, just all very beautiful. Okay. I wish I could talk to the two of you for approximately another hour, but I'm sticking to our timeline and so now is the point where I ask where people can find out more about you if they're interested. Which obviously everybody in this room is because you're fascinating.
- Gloria: [39:17](#) Well I mean I--
- Colleen: [39:20](#) We don't have an answer to that.
- Gloria: [39:20](#) Yeah. Colleen and I--
- Hannah (Host): [39:20](#) Great, nowhere. Go to court.
- Colleen: [39:20](#) We're like the phantoms of the courthouse. You just have to find us there.
- Gloria: [39:20](#) I know. Colleen and I aren't maybe the best business savvy people in that we both don't have actual websites to direct you to.
- Hannah (Host): [39:38](#) Great.
- Gloria: [39:38](#) But having said that, I don't think it's difficult to Google either of our names and find our contact information. Besides a lot of the volunteering events that we do, like the UBC Criminal Clinic, you'll often find us in court.
- Audience: [39:55](#) [Laughs]
- Gloria: [39:55](#) So, but if you're interested, I mean, you know, in Canada we do have the wonderful open court principal, and I do think it's worth it for everybody to take a trip one day, whether it's to triple two Main, if you're in Vancouver, or you want to go to the Supreme Court, or if you live in Richmond, like whichever, wherever your local courthouse is. I mean, just if you have even 30 minutes to sit in on a file and you can often ask, you know, one of the lawyers that look like they're running around like a chicken with their head cut off, you know, anything interesting going on, they'll be able to tell you which, which interesting cases are going on. I do think it's important if you haven't been exposed, and luckily, hopefully you haven't personally been exposed in any way to how our criminal justice system operates, I, I do think it would be worthwhile just to, just to see. I mean, and if you have an opportunity to serve as a juror, I think that that is also a pretty amazing experience that not everybody can

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do. And I get it, right? I mean, not everybody has the luxury of being able to be compensated for that at their work, but I mean, if it's a short trial, even, right? I, I think that, you know, it's a lot of times our justice system is something that you just read about on the news or you hear on your morning commute to work. You know, who else was shot today? Right? And, but I mean, there's also so many other stories that are out there. And I guess for me, what I find more than anything, when I get faced with somebody who says, you know, "well, you know, how do you sleep at that you're representing some of these people?" And I mean, again, mute the inside voice of what I want to say. And, and often what I do say is, is like, you know, again, these aren't just statistics or quote unquote "criminals." They are, it's someone's daughter or someone's son, someone's brother, someone's uncle, someone's mom, right? And you know, yes, sometimes what they're accused of is horrific and terrifying, but other times it's literally someone who's made a mistake that you might have even made before one time. But the difference between your mistake and that person's mistake was, it just so happened that the police happened to come upon it. Right? So, I like to say now, and over sort of like the last decade, I, when people ask me what I do, and I, and I don't know where it's quite gonna head and what kind of response I'm going to get, I've sort of, turn to to them and I say that I'm in the business of giving people second chances. And that's often as simple as that. Sometimes it really is just somebody who's prepared to listen, someone who's prepared to stand up for them when maybe they've got nobody else. And so just try to keep an open mind if that's not something that you've ever been able to see, the, the justice system like that before. Just keep that open mind and make that, make that trip to your local courthouse and you might see Colleen or I. And, and come say hi.

- Audience: [42:58](#) [Laughs]
- Colleen: [42:58](#) This is a good example of Gloria being braver and more courageous than me.
- Audience: [43:03](#) [Laughs]
- Colleen: [43:03](#) Because she goes the dinner party trolls head on, and I usually just pretend that I have a different job.
- Audience: [43:09](#) [Laughs]
- Colleen: [43:09](#) I take a page from Sex and the City and say, "I'm a a flight attendant," and it's great, and life goes on.

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- Hannah (Host): [43:15](#) Oh that's wonderful. So, I've never had guests before, instead of plugging a Twitter account, plug jury duty.
- Audience: [43:22](#) [Laughs]
- Hannah (Host): [43:27](#) But, that's, that's great. You are nothing, nothing if not novel. We have one minute left and so I am going to say, if you would like to listen to more *Secret Feminist Agenda*, you can find it online secretfeministagenda.com. You can follow me on Twitter @hkpmcgregor. You can tweet about the podcast using the hashtag #secretfeministagenda and it is one 45. So I'm going to say this has been *Secret Feminist Agenda*. Pass it on. [Music: "Criminal" by Fiona Apple]
- Hannah (Host): [44:29](#) Special thanks this week to RC Beliveau and The Purple Coffee for adding new reviews on Apple Podcasts. It is genuinely super exciting to go and see that the podcast is resonating most people and yeah, it makes me, it makes me really happy. The podcast's theme song is "Mesh Shirt" by Mom Jeans off their album Chub Rub. You can download the entire album on freemusicarchive.org or follow them on Facebook. Colleen and Gloria's theme song, which I chose for them because they're very busy and important, was "Criminal" by Fiona Apple. *Secret Feminist Agenda* is recorded on the traditional and unceded territory of the Musqueam, Squamish, and Tsleil-Waututh first nations where I'm grateful to live and work. And I know I already said it in the recording, but I'm gonna say it again: this has been *Secret Feminist Agenda*. Pass it on. [Music: "Mesh Shirt" by Mom Jeans]