



# Paths to success

as varied as  
the lawyers  
who follow them

"Diversity" describes the characteristics of a group. When we examine how diversity influences the profession as a whole, it's easy to lose sight of the experience of being an individual lawyer, with specific identity characteristics, practising law in Ontario. While cultural sensitivity benefits all lawyers, what is it like to practice law when, at least with respect to some aspect of your identity, you are in the minority?

We posed that question to the four lawyers profiled in the following pages. While their stories are very different, all four agreed that success depends on building meaningful relationships – whether with mentors, colleagues, or the young lawyers who will eventually follow in your footsteps.

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**Nora Rock is Corporate Writer and Policy Analyst at LAWPRO.**

# Seeing beyond challenges with discipline, honesty, honour and courage

**Ernst Ashurov**  
**Barrister & Solicitor**  
**Criminal law and litigation**



Ernst Ashurov is an experienced criminal lawyer who also handles selected litigation matters. He was called to the bars of Ontario and New York State in 2000 after graduating from the Faculty of Law at Queen’s University, with undergraduate studies at Moscow State University. Ashurov, who serves clients in English, Russian, and Hebrew, has appeared before all trial and appellate levels of court in Ontario and before the Federal Court of Canada. He has had significantly impaired vision since childhood, and has been functionally blind since 2006.

## On an early vocation

Growing up in the former USSR (now Baku, Azerbaijan), Ashurov was forced to cope with discrimination due to being blind and Jewish, in a country where human rights were not respected. He decided early in life that he wanted to be a lawyer so that he could stand up for others against injustice. Getting into law school required a good academic foundation, so at age 13, he traveled to Moscow to study at a school for the visually impaired. After graduation, he spent two years studying law at Moscow State University before immigrating to Canada via Israel.

Once in Canada, he worked as a legal assistant before being admitted to law school at Queen’s University. “Growing up, being a lawyer meant, to me, being a *criminal* lawyer. Under communism there is no private property, so there was no civil litigation or corporate law in the sense that we have here.” But even after a Canadian legal education, Ashurov knew he wanted to be in the courtroom.

## How he copes with his vision loss

Although Ashurov is functionally blind, he doesn’t mention his impairment in his marketing materials or website, and some clients don’t realize that he can’t see even after meeting him in person. “I don’t hide my vision loss, but I don’t advertise it, either. I let people make up their own minds about my competence.” He has found, however, that Canadians (including those who came here from Russia) are less likely than the Russians of his

 **TECH TIP**

Read about the technological supports Ernst uses in the Tech Tip on page 34.

childhood to equate a visual impairment with a cognitive deficit. His interactions with opposing counsel have also been comfortable, especially once he has gotten to know his regular opponents. In court, however, he makes some adjustments: since he can’t see facial expressions or tell when a judge is making notes, he asks in advance that the judge interrupt him when necessary. “I also never attend court without my assistant – my wife of 25 years. If the judge looks confused, displeased, or distracted, I get an elbow to the ribs.”

## On being “an inspiration”

Ashurov acknowledges being called an inspiration by some, both within the legal profession and in his personal life, but he believes that it goes both ways. “Positive feedback inspires me back. One of the best things about Canada is that it is possible to succeed here on your merits. People will give you respect if you earn it.” And he credits his wife, Irina, with making his work possible: “I would never have achieved the success that I’ve had without her help.”

He also admits that he has been motivated, in no small measure, by defiance. He long ago rejected the suggestion that being blind exempted him from making a contribution to society. The same impulse to defy expectations has driven his efforts in the martial arts: Ashurov is a second-degree black belt in aikido, and has also studied judo, kung fu and karate. “With martial arts, you need to be in the moment, and you need to be creative. It requires focus, which is a refreshing break from work, and relieves stress.” More than just exercise, Ashurov says that his martial arts studies have instilled values that he carries with him to work: discipline, honesty, honour, and courage. ■

# Experiment and be open to opportunities when building your career

**Katherine Koostachin**  
Associate, Willms & Shier



Katherine Koostachin practices Aboriginal, environmental, and natural resource law with Toronto boutique firm Willms & Shier. A graduate of the University of Ottawa Faculty of Law, she also participated in the Intensive Program in Aboriginal Lands, Resources & Governments at Osgoode Hall Law School. She completed a clerkship with the Pueblo of Isleta Appellate Court in Albuquerque, New Mexico and an internship with the Aboriginal Litigation Management Group at the Department of Justice, the former Indian Claims Commission, the Canadian Human Rights Tribunal, and the Department of National Defence Ombudsman's Office, Legal Unit. Koostachin articulated with the University of Ottawa Community Legal Clinic.

## On her journey to becoming a lawyer

Koostachin grew up on a reserve in Attawapiskat, and went to high school in North Bay. After working in the Canadian Forces, she joined Canada World Youth, an international development organization. She had always wanted to travel and see the world. She found that she adjusted easily to work in developing countries (including Cuba and Guatemala), in part because the “third world” conditions she encountered – like problems with access to clean water and sanitation systems, and lack of other infrastructure – were not far removed from the conditions in Attawapiskat. “I adapted easily,” she says. “And I found that local people quickly became comfortable with me.”

Koostachin also felt free, when traveling outside Canada, to define her own identity. Outside Canada, she was unhampered by others' culture-based preconceptions about her. She returned to Canada with newfound self-awareness and confidence, and a determination to make the transition from grassroots development work outside her own country to a more strategic, policy-based focus on improving the lot of people in Canadian Aboriginal communities.

While studying international development and political science at the University of British Columbia, she was urged by a mentor to consider law school.

## On practicing Aboriginal law

While Koostachin enjoys practising Aboriginal law, it's not her only area of practice. “There's this automatic assumption that if you're Aboriginal, you will practice Aboriginal law. I know some lawyers with many years of experience in, for example, Bay Street corporate-commercial law, and even *they* report that people automatically assume that they specialize in Aboriginal law. But Aboriginal law – in the sense of, for example, the interpretation of treaties – is a fairly narrow area.” People living in Aboriginal communities, she explains, have the same legal needs as everybody else: they need representation

in family, personal injury, criminal, and commercial law. Lawyers looking to give back to their own communities can make a difference by serving these general legal needs.

Koostachin's own work includes supporting consultation with members of Aboriginal communities about new resource development projects on their lands. “The Crown, Industry, and Aboriginal communities need to engage with each other, but there are profound differences about how each party operates when it comes to addressing Aboriginal consultation issues.” For example, “at times Industry may treat an Aboriginal consultation matter as just another business transaction hurdle to go through, but this can be problematic. Corporations have to remember that they are not dealing with another corporation, but communities with diverse backgrounds, history, social, cultural and economic needs. This in part, is also why the Crown needs to take a more proactive approach on dealing with otherwise complex consultation matters. From the Aboriginal community's perspective, real engagement means to be regarded and treated as an equal to be able to make resource development decisions and building a relationship that means more than just a business partnership.” This is not an easy task, but Koostachin works to mediate and explain each party's perspective to the other to help resolve and move consultation issues forward.

## Her advice to new lawyers? Be open to opportunities

This kind of active “cultural translation” is far removed from the career Koostachin imagined while in law school. “I expected to be working in policy development. That was where I saw myself. But here I am, in private practice.” When asked what advice she'd give to new lawyers, Koostachin recommends being open to opportunities, even when life takes you in an unexpected direction. “Experiment and be flexible,” she says. “Don't pigeonhole yourself, and don't let anyone pigeonhole you. There are many different ways to make a contribution.” ■

# Find yourself a champion – then pay it forward

**Dania Majid**  
Staff Lawyer  
Advocacy Centre for Tenants Ontario



Dania Majid became one of the founders of the Arab Canadian Lawyers Association (ACLA) after she was called to the bar, building on her experience in establishing the Arab Law Students Association at Osgoode Hall Law School. While carrying a full-time caseload at the Advocacy Centre for Tenants Ontario, she represents ACLA on the Equity Advisory Group (EAG) of the Law Society of Upper Canada, and organizes the Toronto Palestine Film Festival.

## On co-founding ACLA

Majid was a law student at the time of the September 11, 2001 attacks in the USA. The increase in anti-Arab sentiment and rhetoric that followed those events created an uncomfortable climate at the law school. “There were relatively few Arab students, and we were feeling isolated.” She responded by founding the Arab Law Students Association, and in the school years that followed, students would approach the association’s booth on club days, grateful for the reminder that they weren’t alone.

After graduation, Majid realized there was little organized support for Arab members of the profession or legal resources for the Arab community, and so she co-founded the Arab Canadian Lawyers Association (ACLA) with other lawyers, most of whom were in the early years of their career. “We soon found,” she says “that more senior lawyers of Arab heritage were willing to support us and get on board with ACLA.” While an early aspiration to create a specialized legal aid clinic was stymied by lack of funding, ACLA now serves as an important bridge between Toronto’s Arab community and the profession, offering a lawyer referral service, information about legal aid, legal workshops and general legal information resources.

## Mentors help lawyers handle culture-specific challenges

Besides providing resources for the public, ACLA matches new lawyers with experienced mentors who can offer insight into what law practice is like for Arab lawyers. “Research from the Law Society and others suggests that minority lawyers face additional challenges in getting into law school, getting articling jobs, and getting jobs after graduation. But the events of 9/11 and the ongoing conflict in Palestine add an extra layer of difficulty for Arab lawyers. New grads were asking questions like ‘should I avoid mentioning my volunteer experience on my resume, since it was with Arab community organizations?’” This kind of decision, Majid notes, is a matter of personal choice, but being able to discuss challenges with more established practitioners can arm new lawyers with strategies for overcoming discrimination. Majid credits her own mentors with helping her handle her own career transitions, for example, the move into clinic practice.

## On her commitment to advocacy

While Majid has the sense that, at least in major centres like Toronto, anti-Arab discrimination may be abating somewhat, it tends to

resurface in response to media coverage of events in the Middle East. ACLA seeks to improve the lot of all Arab lawyers by participating on EAG and the Diversity Committee of the Toronto Lawyers Association and presenting Arab lawyers’ perspective on reports and policies affecting equity-seeking legal professionals, in order to address discrimination and inequities within the profession. “We know – for example, from the 2010 Ornstein report – that racialized women have a harder time than any other category of lawyers: they have access to fewer articling positions, struggle to find full-time jobs and end up in lower-earning practice areas. Some are even forced into sole practice when that would not have been their natural inclination.”

In addition, ACLA also seeks to advocate on behalf of the broader Arab community in Canada by commenting on laws and policies that affect the community. This includes, for example, hosting lectures and roundtables, as well as preparing “backgrounder” packages for the Ontario and Federal governments and for the media on foreign policy matters and position papers on domestic laws.

It’s time-consuming work, explains Majid, who also tends to be very busy every year organizing and programming the Toronto Palestine Film Festival. Issues like the Palestine conflict are very complex, and “of course, there is incredible diversity in the Arab population internationally and here in Canada. There are many issues that are important to the community and it’s a challenge to address them all.” However, Majid believes that as the Arab legal community grows, so too will the number of Arab lawyers who can help serve the community.

## Her advice for new lawyers

Majid believes that new lawyers can access valuable support through membership in cultural legal associations. However, building individual relationships is also very important. “Talk to everyone and anyone in your areas of interest,” she says. “Networking has become something of a cliché, but if you are trying to build a career, do whatever it takes to find a champion who believes in you and who will speak up for you.” And once you’ve made it? “Pay it forward. Remember where you came from and who helped you along the way, and be willing to give back to your community and do the same for the lawyers coming along behind you.” ■

# Be yourself, and build relationships

**Paul Jonathan Saguil**  
**Counsel**  
**Legal Department, TD Bank Group**



After beginning his career as a litigator in the Toronto boutique firm of Stockwoods LLP, Paul Jonathan Saguil joined the legal department of TD Bank Group. Paul attended law school at York University's Osgoode Hall Law School, and clerked with the Honourable Justice Phelan of the Federal Court before being called to the Ontario bar.

Saguil is very active in the broader legal community. He is the chair of the Ontario Bar Association's Sexual Orientation and Gender Identity Law section, and a past Director and current member of the Federation of Asian Canadian Lawyers. He has served as Faculty Advisor to Osgoode Hall Law School's Philip C. Jessup International Law Moot team, and acted in the inaugural production of Nightwood Theatre's Lawyer Show. Saguil is also on the Board of Directors of Pride Toronto, and was involved in the planning of this year's World Pride celebration.

## On his reasons for making the time for community engagement

Despite a busy career, Saguil devotes considerable time to legal professional associations, as well as non-profit organizations and groups outside the legal community. "The most important benefit for me," he says, "is the opportunity to build relationships. Lawyers can take solace – and I do – in the intellectual challenges of our work; but on the toughest days, there is no better way to gain perspective and clarity than to discuss issues, professional and personal, with a friend or colleague."

Saguil makes the effort to continually renew his social and professional connections "because you can't go to the same person for every kind of issue." While time and energy management seem to come easily for him, he credits his volunteer activities with helping him develop the patience and flexibility to adapt to others' different priorities, paces, and work styles.

He explains that developing the reputation for being willing to serve means that new opportunities often come his way: "how do you get a reputation for saying 'yes'? By saying 'yes'." He notes that his volunteer work opened doors and may have made him a more attractive candidate for his current job, but that community engagement is less of a means to an end than an end in itself. "I studied philosophy before law school, and that brought home to me the importance of finding meaning and value in life."

## On the perspective that comes from a life beyond the law

A belief in the underlying causes of the organizations he supports helps provide that meaning, but he looks for fulfillment outside the law as well: he has studied martial arts for several years and competes in Brazilian jiu-jitsu. "Martial arts forces you to check your ego at the door and to live in the moment." But it provides insights relevant to

legal work, too: "we're taught what it means to have 'the heart of a warrior,' but jiu-jitsu reminds me that my legal work is *my client's* fight, not mine. It gives me perspective."

## On talking about race and sexual orientation

As a gay lawyer with a Filipino heritage, Saguil is regularly asked to comment about diversity issues. "I was not political about being gay or Asian, when I was growing up," he explains. But as he gained recognition on the merit of his accomplishments, he grew more comfortable commenting on his personal identity. "I realized that if I was going to be given a soapbox, I had a responsibility to think about what to say. Being willing to comment means that readers get a more integrated picture of you as a person."

When you're perceived as belonging to an identifiable minority, he notes – whether by virtue of ethnicity, sexual orientation, or otherwise – "people will project certain expectations onto you." Saguil believes that the best way to resist the ones that don't fit is to take ownership of the way in which you are defined. He, for example, never seriously considered keeping his sexual orientation private. "If you want to be able to cope with the stresses of practice, you need to reflect, while you're in school and throughout your career, on who you are and what you want in life. Having that core of groundedness in your own identity will help you make confident choices. At TD, we have an expression: "Bring your whole self to work." If you know who you are, and you know what being a successful lawyer means to you, you will project that, and people will be attracted to the real you."

## His advice for new lawyers

Besides advising making an effort to find meaning in life, Saguil's advice is simple, and will resonate with *all* lawyers. "Work hard at building relationships. Work hard at your career. Know what you are wired for, and know where the exits are. Always remember that you have a choice." ■