

January 12, 2018

## Letter of Support

As professors at the University of Calgary Faculty of Law we are concerned regarding the recent incident that occurred in one of our classes. A sitting judge of the Alberta Court of Queen's Bench and our then Judge in Residence, Justice Kristine Eidsvik, made comments to our second-year students that reflected racist myths and stereotypes about people, and particularly men, of colour.

Justice Eidsvik's remarks are now being considered by the Canadian Judicial Council. We appreciate that further facts may to come to light through that process, and that it will serve to identify the appropriate response to Justice Eidsvik's comments in relation to ensuring public respect for the administration of justice. We also note that Justice Eidsvik has resigned her position as Judge in Residence.

Nonetheless, over the past week we have assessed how best to respond to Justice Eidsvik's reported remarks, and have reflected on our responsibilities as professors in light of what occurred in one of our classrooms.

Based on that assessment and reflection, as faculty members we believe it is important to emphasize the following:

- Racist attitudes, including explicit and implicit bias, are an ongoing problem in our legal system.
- Every actor in the legal system has a responsibility to work positively to redress racism, and to improve the justice and fairness of the law and how it is applied.
- Judges bear a particular responsibility to ensure that they make decisions free of bias and in accordance with the values and principles enshrined in the *Canadian Charter of Rights and Freedoms*, including the right to equality.
- Legal educators are responsible to ensure that law school admissions and classrooms redress rather than reinforce inequality.
- The judiciary, the legal profession and the legal academy ought to reflect and respect race, class and other forms of diversity.

We note Justice Eidsvik's apology for her comments, but believe it essential to identify her initial remarks as categorically inconsistent with our core values, both institutionally and personally, as lawyers and legal educators. We express support for our students and colleagues who are personally impacted by the comments and thank those who came forward to express their concerns. We welcome dialogue with the students as we move forward.

As legal educators we are committed to ensuring that our classrooms reflect and reinforce equality as a core legal, constitutional and professional value. We are grateful for the steps taken by the two professors in this course, both of whom are new to the University of Calgary, to address this challenging situation swiftly and empathetically.

As concerned faculty members, we commit to taking our own steps to learn from this. We recommend that the Faculty include seminars on equality and bias in our annual teaching workshops, including strategies for dealing with racist and other comments reflective of inequality in the classroom.

Regardless of the outcome of the Canadian Judicial Council complaint, we encourage the Alberta Courts, along with the National Judicial Institute, to adopt educational initiatives to ensure that judges understand the problems of inequality and racialization in our legal system, and the central role of judges in redressing rather than reinforcing those inequalities.

*This letter is written in support of our students and colleagues and we will not be speaking to the media about it.*