

Emily L. Clough

2020 Bencher By-Election

County of Vancouver



BIOGRAPHICAL INFORMATION

Emily Clough is a partner at Clark Wilson LLP. She works in all aspects of estates, trusts and incapacity matters, as both a solicitor and a litigator. Emily prepares estate, trust and incapacity planning documents. She assists with the administration of estates and probate. Emily has been lead litigation counsel on cases at all levels of Court regarding estates, variations of wills, trustee duties, power of attorney duties and removal, and elder abuse. She has acted as counsel in cases that have set new precedents in British Columbia, including on wills variation and the incapacity to marry. Her cases have received national coverage by the Globe & Mail and the CBC. In 2019, Emily was recognized as a nominee for the YWCA Women of Distinction Award.

Emily is the elected Chair of the British Columbia Law Institute and the Canadian Centre for Elder Law, independent law reform agencies carrying out scholarly research, writing and analysis. Emily is the President of Health Justice, a human rights-focused non-profit organization working to improve BC laws and policies of coercive health care, particularly under the *Mental Health Act*. Emily is a member-at-large of the CBA National Elder Law Subsection.

ELECTION STATEMENT

It is critical that our membership have the tools necessary to address the needs and realities of our modern society, particularly with our aging population. We can anticipate an increase in mental health and mental incapacity issues. As a Bencher, I would work to uphold the public interest mandate of the Law Society and

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Called to the Bar: 2009

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support our members in this changing legal landscape. Notably:

1. **Support for Mental Health and Wellness:** As lawyers, we must cope with significant stressors. It is important to support our members in addressing mental health and capacity issues sensitively and constructively. We must be aware of how to identify and respond to issues of mental health and diminished capacity in our clients. I will support lawyers in dealing with their own issues, as well as in dealing with a client's potential incapacity issues, looking to the Code, the common law and the Charter.
2. **Access to Justice:** Access to justice continues to be an issue for the bar and for the public we serve. I have worked to incorporate pro bono services as part of a traditional private practice, volunteering for Access Pro Bono, acting for clients subject to *Mental Health Act* or *Adult Guardianship Act* detentions on a pro bono or low bono basis, and chairing the pro bono program at Clark Wilson. As a Bencher, I would support policies that increase opportunities for pro bono involvement, and which allow the profession to leverage innovation and technology to allow for more accessible and affordable legal services.
3. **Mentorship, Diversity and Collegiality:** Practicing law is a privilege. Our bar should represent all of society. Many women in law leave the practice after only five years. Through support for mentorship, diversity and collegiality, the profession can be stronger and better equipped to serve the public interest.


I would be honoured to serve as a Bencher for Vancouver in this by-election.

Emily L. Clough

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