



BRITISH COLUMBIA LAW INSTITUTE

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REVIEW OF PARENTAGE UNDER PART 3 OF THE FLA PROJECT

Backgrounder

Members of the Parentage Law Reform Project Committee

Date: 4 October 2021

Zara Suleman (committee chair) practises family law and fertility law at her law firm Suleman Family Law. She is a certified family law mediator and collaborative law practitioner. Zara has also been actively involved in presenting, training, writing and editing materials on family law and fertility law issues. She is a former front-line anti-violence advocate and immigrant/refugee support worker and has done extensive professional development and academic research in the areas of family violence, specifically violence against women and children.

Zara has provided trainings to nurses, doctors, fertility centre teams, midwives, lawyers, and counsellors on various issues related to and on Assisted Reproductive Technology (ART) and Legal Parentage. Zara was one of the faculty members and co-organizers of the Continuing Legal Education (CLEBC) Course—Baby Making: Fertility Law and Assisted Reproductive Technologies (April 2016). Zara has also provided training and public education on assisted reproduction and donor agreements specifically for LGBTQ2S+ communities. She presented her paper, “We Are Family: Family Law Services for Queer and Transgender Couples and Families” at the National Family Law Program Conference (2014). Zara presented, “Family Conceptions: Family Making under Part 3 of the Family Law Act” (September 2017) at the Pacific Business and Law Institute (PBLI) Family Law Conference.

Zara is a Lexis Nexis—Practice Advisor and author of online materials on Family Law, Family Violence, Legal Practice, and Assisted Reproduction.

Zara co-authored one of the first comprehensive papers on ART conceived children and legal parentage in BC with Barbara Findlay QC the paper is titled Baby Steps: Assisted Reproductive Technology and the B.C. Family Law Act (January 2013). Zara was also a Faculty member for the Continuing Legal Education (CLEBC) training—The Family Law Act: Every-

thing You Always Wanted to Know where she presented on the co-authored paper in Kelowna, B.C. (February 2013).

Zara is a member of Fertility Law BC.

More information about Zara Suleman can be found at www.sulemanfamilylaw.com.

Tracey Anderson (committee member Oct. 2020 to Sept. 2021) is a Registered Nurse currently working as the Third-Party Coordinator and Medical Management Lead at Pacific Centre for Reproductive Medicine (PCRM) in Burnaby, B.C.

Prior to coming to work at PCRM, Tracey was a Peri-Operative Nurse at Burnaby Hospital's Operating room. Tracey has worked at PCRM for 14 years. During that time, she worked as the Nursing Director for 10 years and was closely involved with the opening of PCRM's Edmonton office. Tracey is involved with the Non-Hospital Medical and Surgical Facilities Accreditation Program (NHMSFAP) at PCRM and in the past was involved with the Non-Hospital Surgical Facility (NHSF) for PCRM Edmonton.

Since PCRM's inception Tracey has been the Third-Party Coordinator for Donor Egg, Surrogacy, Donor Sperm, and Embryo Donation. Working closely with the Medical Director, she has helped to implement and ensure all requirements are met for Health Canada Regulations.

Tracey is committed to Third Party Reproduction and understanding each patient's unique circumstance for creating a family with the assistance of fertility treatments.

Jeannette Aucoin practises family law and fertility/reproductive technology law at Clark Wilson LLP. She has experience with parentage matters including cases involving post-humous conception, surrogacy, and sperm/ova donor agreements, as well as compliance with the *Assisted Human Reproduction Act*. Jeannette also represents clients with respect to all aspects of family law including divorce, property division, child support, and spousal support. She is passionate about new developments in family and fertility law, as well as access to justice. Jeannette has also been a volunteer with Access Pro Bono since 2017.

Lynda J. Cassels is a family and wills and estates lawyer with Cassels Murray Family & Estates Law in Victoria. Trained in mediation and collaborative law, Lynda enjoys assisting clients with the legal issues that arise during major life transitions, including separation and divorce, planning for marriage or cohabitation, deciding to have children, or dealing with the death or diminishing mental capacity of a loved one. She has a particular interest in fertility law, adoption, and elder law. Lynda has presented at continuing legal education seminars on fertility and family law topics and formerly served on the executive the Elder Law and Family Law (Victoria) sections of the Canadian Bar Association (B.C. Branch).

barbara findlay, QC, has been practising queer law for more than thirty years. Her practice has included the formation, recognition, and protection of same sex, trans, poly-

amorous, and other family forms, including ART law. findlay’s work is embedded in an intersectional analysis of the ways that the law impacts marginalized communities.

findlay was the cofounder of Fertility Law BC, a working group of lawyers doing ART law, and a co-author of the first paper on Part 3 of the *Family Law Act*, “Baby Steps.”

Mathew P. Good (committee member Sept. 2021 to present) practises class actions and complex commercial litigation with Good Barrister in Vancouver. He has particular experience with plaintiff-side actions in the areas of consumer protection, tort law, antitrust, and competition law. He is the co-author of *Class Actions in Canada*, 2d ed. He clerked for the BC Court of Appeal and the Chief Justice of Canada. He formerly taught statutory interpretation at the law schools at the Universities of British Columbia and Victoria.

Dr. Ruth M. Habte is an Obstetrics and Gynaecology Resident Physician at the University of British Columbia. She has a special interest in reproductive justice, reproductive endocrinology, and global health. As National Officer of Global Health Education during medical school, Dr. Habte directed global health curricula and was co-editor-in-chief of Selected Cases in Global Health. She has lived experience as a first generation Ethiopian-Canadian and black woman. She holds a Bachelor of Science in both Pharmacy and Medicine, as well as a Doctor of Medicine from the University of Manitoba.

Dr. Jon Havelock is a reproductive endocrinologist and infertility specialist at the Pacific Centre for Reproductive Medicine. Dr. Havelock’s area of focus is infertility, recurrent miscarriage, polycystic ovary syndrome, infertility surgery, and reproductive endocrine disorders.

Dr. Havelock completed his residency in Obstetrics and Gynecology at the University of Alberta. He subsequently went on to complete a three-year, American Board Certified fellowship in Reproductive Endocrinology and Infertility at the University of Texas Southwestern Medical Center in Dallas, Texas.

He is currently a Clinical Assistant Professor at the University of British Columbia (UBC) and former Subspecialty Residency Program Director of the Gynecologic Reproductive Endocrinology and Infertility program at UBC. Dr. Havelock is a co-director at the Pacific Centre for Reproductive Medicine.

Bruce Klette is a Director with BC Vital Statistics and subject-matter adviser to the Parentage Law Reform Project.

Shannan Knutson is a Legal Counsel within the Family Policy, Legislation and Transformation Office (FPLT), Justice Services Branch, Ministry of Attorney General. FPLT has responsibility for the policy underlying most private family-law legislation in British Columbia including the *Family Law Act*. Shannan began with FPLT as a Legal Counsel in 2014. Prior to joining FPLT, Shannan worked for six years as a Senior Policy Analyst with Family Justice Services Division, the division responsible for operation of the family justice centres and justice access centres across the province. Shannan began her career in public service

in 2004, as a policy analyst with what was then called the Ministry of Employment and Income Assistance. Interested in legal policy and a career in public service, Shannan left private legal practice, where she had been helping clients primarily with family-law matters, and completed a Masters degree in Public Administration with a concentration in Dispute Resolution at the University of Victoria. Shannan also spent a number of years working with various non-governmental organizations, including working with young offenders through the John Howard Society in Saskatchewan and developing youth justice policy and legislation with UNICEF in Central Asia. Shannan is a practising member of the Law Society of British Columbia and holds a Bachelor of Laws degree from the University of Saskatchewan obtained in 1999. She was called to the Saskatchewan Bar in 2001 and the British Columbia Bar in 2003.

A.J. Lowik is a PhD Candidate with the Institute for Gender, Race, Sexuality and Social Justice at the University of British Columbia. Their academic and activist work focuses on trans- and gender-inclusive reproductive justice. They are the Gender Equity Advisor with the Centre for Gender and Sexual Health Equity, a Graduate Academic Assistant with the BC Centre on Substance Use, and they serve on a variety of advisory committees and boards of directors. They are a researcher, instructor, and guest lecturer. They also run a trans-inclusion consulting business offering organizational audits, training workshops, and policy review and development services to everyone from abortion providers to yoga teachers.

Lindsay C. Morphy received her Bachelor of Laws from the University of Alberta in 2003 following which she articulated at a national firm in Calgary. Upon relocating to Vancouver in 2004, Lindsay practiced at a boutique litigation firm until 2007, when she joined the Department of Justice in the Business & Regulatory Law Department until 2015, appearing in all levels of the courts in BC as well as the Federal Court and the Federal Court of Appeal.

In 2016, following her passion, she opened her solo practice and began working exclusively in the area of Fertility & Assisted Reproductive Technologies Law. Lindsay has guest lectured at the Peter A. Allard School of Law at UBC on the topic of Fertility Law and is passionate about helping intended parents, donors, and surrogates through the fertility process. In her practice, Lindsay prepares Surrogacy Agreements, Egg Donation Agreements, Sperm Donation Agreements, Embryo Donation Agreements, provides independent legal advice to donors and surrogates, and appears in court on Declaration of Parentage Applications.

Dr. Rachel Olson.

Melissa Salfi's practice is devoted to Family Law and Fertility Law. She is an accredited Family Law Mediator and certified Collaborative Law practitioner.

Melissa has a background in Psychology and completed her law degree at the University of Toronto. After articling at a national law firm in Toronto, she was called to the Ontario Bar in 2011. She later practised family law in Ontario and served as duty counsel at the Ontario Superior Court of Justice. In 2017, she qualified as a lawyer in New South Wales, Australia where she worked in the media industry on high profile negotiations between major news-

paper publications and complainants. Prior to qualifying as a lawyer in Australia, Melissa worked as a policy advisor for the Royal Australasian College of Physicians where she led consultations with medical stakeholders and education committees, and ran working groups with senior Fellows of the College to workshop policy issues and draft national education policies.

After relocating to Vancouver and transferring to the BC Bar in March 2019, Melissa joined Crossroads Law where she has continued working in family law and developed a fertility law practice where she regularly advises intended parents, donors, and surrogates.

Melissa has lived in five countries and has an interest in international legal issues. She has completed training in international dispute resolution in the Netherlands and is a member of the International Association of Collaborative Professionals. Melissa has experience working on international law matters, including cross-border fertility law matters and family law cases involving the application of the Hague Convention on International Child Abduction.

Elise Schopper-Brigel is a pioneer in the collaborative family law movement, as in 2002 she introduced collaborative family law to Austria and soon after other European countries joined the movement, where it is currently thriving. She has published articles on the subject and was past co-chair of the Victoria Collaborative Family Law Group and chair of the Training Committee. Elise's practice also includes dispute resolution in family law matters including mediation. Her keen interest in mediating family disputes resulted in co-founding a local Mediation Study Group that has grown to become a very robust group. She is a co-founder (with the same co-founder, curiously!) of a local book club for women lawyers in Victoria that has also become a regular meeting of the minds. In addition, she is passionate about her practice in the area of fertility law, representing Intended Parents, Surrogates and Donors as well as obtaining parental declarations for international intended parents. She has used her natural connector skills in the development of a model for establishing parentage for births by surrogacy in BC. As a stalwart Orca activist, she started the Southern Resident Killer Whale group to bring attention to the plight of these iconic creatures. Her abiding passion, other than Prada, is her family consisting of her life partner, two children, and Chloe and Clyde.

Monique N. Shebbeare is a fertility law and wills and estates lawyer in Vancouver. She regularly advises clients on parentage in BC and works with clients on donor agreements (sperm, egg, embryo), surrogacy agreements, co-parent agreements, multi-parent agreements, embryo transfer on separation, and birth registration. In her wills practice, Monique helps clients with wills, powers of attorney, and representation agreements, including advising about stored frozen embryos and gametes, and assists executors with probate. She has presented for both CLEBC and CBABC on the overlap of fertility and estates law. Monique wrote the annotations for the parentage section of the CLEBC *Family Law Act Transition Guide*, and she continues to do the annual parentage annotations for CLEBC *Annotated Family Practice*. She is a graduate of McGill (BSc psychology) and University of Toronto (LLB).

Dr. Beth Taylor is a Reproductive Endocrinologist and Infertility Specialist at the Olive Fertility Centre.

She completed her medical degree at Dalhousie University and residency in Obstetrics and Gynecology at the University of British Columbia (UBC). She completed a fellowship in Reproductive Endocrinology and Infertility in 2007 and joined Genesis Fertility Centre. Dr. Taylor worked at Genesis Fertility Centre until 2013, when she helped establish the Olive Fertility Centre.

She is a Clinical Associate Professor at UBC and coordinates the UBC Obstetrics & Gynecology residency program “Reproductive Endocrinology & Infertility” rotation. She is also a staff member at BC Women’s Hospital and Vancouver General Hospital. Dr. Taylor has also published several papers in peer-reviewed journals and has written three book chapters.

Jasmeet K. Wahid is a partner at Kahn Zack Ehrlich Lithwick LLP. Her family law practice is diverse and interesting. It often includes complex financial and parenting issues. Her practice also includes unique issues in the areas of adoption, reproductive technology, child protection, and First Nations concerns. Jasmeet appears in all levels of court.

In 2019, she was involved in a significant family law appeal (*A.B. v C.D.*, 2020 BCCA 11 & *A.B. v C.D.*, 2019 BCCA 297) concerning a child’s consent to gender affirming care, family violence and remedies under the *Family Law Act*. In 2017, she was successful in an important case concerning the adoption of a First Nations child and the statutory scheme of the *Adoption Act* (*M.M. v T.B.*, 2017 BCCA 296), with application for leave to the Supreme Court of Canada being dismissed. In 2015, she was successful in an important appeal concerning the issue of variation of spousal support and whether re-partnering is a material change of circumstances.

Jasmeet enjoys collaborating with colleagues in other practice areas involving challenging family law and related issues. In her spare time, Jasmeet has managed to climb Mt. Kilimanjaro, ride a camel in the Indian desert, and complete a marathon in Hawaii. She is searching for her next adventure.

Catherine J. Wong is a founding partner of Saltwater Law, a boutique family law firm located in downtown Vancouver. She offers specialized family law legal services relating to marriage and cohabitation, guardianship and parenting, fertility law, separation and divorce, and property division and support. She is a certified family law mediator and is also a collaborative divorce practitioner. Catherine’s practice has a particular focus on fertility law, working with 2SLGBTQIA+ communities, and on working with polyamorous families. In addition to presenting on matters related to fertility law, Catherine is also asked to consult on fertility law matters by other family law lawyers in the context of cohabitation and separation. Catherine is a member of Fertility Law BC, the Canadian Bar Association, and the Trial Lawyers of British Columbia. She serves on the executive of the CBABC branch of the Sexual Orientation and Gender Identity Conference.

In addition to her law practice, Catherine is an active member of her communities and has served on a number of boards and organizations including the City of Vancouver 2SLGBTQIA+ Advisory Committee and the Just Society Committee of EGALE. Currently, she serves as the Past-Chair of Out on Screen, which produces the Vancouver Queer Film Festival and operates Out in Schools.

Holly Yager, M.Ed., RCC, CCC, is a Registered Clinical Counsellor with the BC Association of Clinical Counsellors and a Canadian Certified Counsellor with the Canadian Counselling & Psychotherapy Association with a primary focus on fertility, reproductive mental health, and sexual health. Holly has a Master's degree in Counselling Psychology from the University of British Columbia, and is an active member of the Canadian Fertility & Andrology Society's Counselling Special Interest Group and the American Society for Reproductive Medicine's Mental Health Professionals Group. Holly has co-authored several peer-reviewed publications related to pelvic pain and reproductive health, presented research at conferences, and facilitated workshops. In her private practice, she supports clients with concerns related to infertility, assisted conception, third-party reproduction, pregnancy loss, perinatal mood & anxiety disorders, and sexual/chronic pelvic pain. In addition, Holly has a long history working at BC Women's Hospital + Health Centre in the Specialized Women's Health, Reproductive Endocrinology & Infertility, Birthing, Recurrent & Early Pregnancy Loss, and Chronic Pelvic Pain/Endometriosis clinics.

Margot Young (committee member Nov. 2020 to Aug. 2021) is Professor in the Allard School of Law. She teaches and works in the areas of constitutional law, human rights, feminist theory, and social justice law. She is also on the board of Justice for Girls and chair of the board of the David Suzuki Foundation.