

DEANNE M. SOWTER

PhD Candidate & Vanier Scholar • Osgoode Hall Law School • deannesowter@osgoode.yorku.ca

RESEARCH AND TEACHING INTERESTS

Primary: Legal Ethics, Family Law, Gender-based Violence, Feminist Legal Theory, Access to Justice

Secondary: Dispute Resolution, Torts, Criminal Law, Evidence Law

EDUCATION AND PROFESSIONAL QUALIFICATIONS

Ph.D., Osgoode Hall Law School (2020 – Present)

Dissertation: “Towards a Modified Conception of the Family Lawyer” (*in progress*)

L.L.M., University of Toronto, Faculty of Law (2019-20)

Thesis: “The Bounds of Legality for Family Lawyers: Is the Law Enough?” (208 pages)

Program on Negotiation, Harvard University, Faculty of Law (2018)

Collaborative Family Law Training, Collaborative Practice Toronto (2014)

Barrister and Solicitor, Law Society of Upper Canada (2014 – Present)

J.D., Osgoode Hall Law School (2009-13)

M.F.A., American Film Institute (2000-02)

B.F.A., York University (1996-00)

GRANTS, FELLOWSHIPS, SCHOLARSHIPS, AND AWARDS

Total research funding during PhD: \$358,000.

- McCarthy Tetrault Fellowship in Professional Ethics (\$35,000) (2024-25)
- Vanier Canada Graduate Scholarship (\$150,000) (Rank: 24/186) (2022-25)
- Research Fellowship, The Winkler Institute for Dispute Resolution, Osgoode (2015-Present)
- SSHRC – Canada Graduate Scholarship - Doctoral (\$105,000) (Rank: 1/136) (declined) (2022-25)
- Ontario Graduate Scholarship (\$15,000) (declined) (2022-23)
- CBA Viscount Bennett Fellowship (Finalist) (2022-23)
- Newton W. Rowell Graduate Scholarship (\$5,000) (2021-22)
- Ontario Graduate Scholarship (\$15,000) (2021-22)
- CALE/ACEJ Best Paper Award (Canadian Association for Legal Ethics) for paper entitled: “The Future Harm Exception: Coercive Control as Serious Psychological Harm and the Challenge for Lawyers’ Ethics” (2020)
- Honourable Willard Z. Estey Teaching Fellowship, Osgoode Hall Law School (\$20,000) (2020-22)
- Harry W. Arthurs Fellowship, Osgoode Hall Law School (\$8,000) (2020-21)

- York Graduate Scholarship (\$5,000) (2020)
- OBA Foundation Chief Justice of Ontario Fellowship in Legal Ethics and Professionalism Studies (\$5,000) (2019-20)
- SSHRC – Joseph Armand Bombardier Canada Graduate Scholarship – Master’s (\$17,500) (2019-20)
- OBA Foundation Chief Justice of Ontario Fellowship in Legal Ethics and Professionalism Studies (\$5,000) (2015-16)
- Albert Weisbrot QC Prize – for highest standing in an advanced family law course (\$270) (2012)
- Goodmans LLP Award – for academic excellence (\$1,300) (2011)
- Charles Edward Woodrow Award – for academic excellence (\$1,000) (2010)
- Entrance Scholarship (1996)

PUBLICATIONS AND RESEARCH

Peer-Reviewed Publications

Combined downloads on SSRN: 2,354.

- “Intimate Partner Violence and Ethical Lawyering: Not Just Special Rules for Family Law” (2024) 102:1 Can Bar Rev 130-166.
- “Tracing the Breakdown of Marriage: A Feminist Critique of Canadian Divorce Law” (2023) 35:4 Child and Family Law Quarterly 389-412 (UK).
****Published as part of a Special Comparative Issue:** “Rethinking the Grounds for Divorce: Comparative Perspectives from the UK, the US, Canada and Australia”.
- “The Bounds of Legality: An Exploration of the Limits on Ethical Advocacy in Family Law” (2022) 25:1-2 Leg Ethics 4-25 (UK).
- “Ethical Discretion: The Complexities for a Lawyer Reporting a Child in Need of Protection” (2022) 100:1 Can Bar Rev 40-65.
- “The Future Harm Exception: Coercive Control as Serious Psychological Harm and the Challenge for Lawyers’ Ethics” (2021) 44:2 Dal LJ 603-640.
****Winner:** CALE/ACEJ Best Paper Award (Canadian Association for Legal Ethics) (2020).
- “Full Disclosure: Family Violence and Legal Ethics” (2020) 53:1 UBC L Rev 141-178.
- “Increasing the Emphasis on Family Law Lawyering: Correspondent’s Report from Canada” (2018) 21:2 Leg Ethics 163-166 (UK).
- “Advocacy in Non-Adversarial Family Law: A Recommendation for Revision to the Model Code” (2018) 35 Windsor Y B Access Just 401-432.
****Cited by the Supreme Court of Canada:** *Colucci v Colucci*, 2021 SCC 24 at para 69.
- “Professionalism & Ethics in Family Law: The Other 90%” (2016) 6.1 Journal of Arbitration and Mediation 167-218.

TEACHING AND RESEARCH EXPERIENCE

Queen's Law, Kingston ON 2024-25
Adjunct Professor

- Creating and teaching Advanced Family Law seminar (class size TBD).

University of Calgary, Faculty of Law, Calgary AB 2020-22
Adjunct Professor

- Co-Created and taught Negotiations course (with Professor David Wright) (2x 135 3L students).

Western Law, London ON 2020-21
Adjunct Professor

- Created and taught Family Law course (75 2L and 3L students).

University of Calgary, Faculty of Law, Calgary AB 2017-19
Instructor

- Created four new courses: Negotiations, Family Law, Advanced Family Law, and Entertainment Law.
- Co-Taught Negotiations (with Professor David Wright) (2x, 130 2L students)
- Taught Ethical Lawyering (4x, class sizes ranged from 34-50 2L students)
- Taught Advanced Family Law (14 2L and 3L students)
- Taught Family Law (34 2L and 3L students)
- Taught Entertainment Law (31 2L and 3L students)
- Taught Legislation (33 1L students)
- Served on the Mooting & Debating Committee for two years.
- Coached and served as the Faculty Advisor for the Walsh Family Law Negotiation Competition (students won: first place – top team, 2019; second place – top student, 2019; first place – top team, 2018; first place – top student, 2018).

Osgoode Hall Law School, Toronto ON 2012-13
Research Assistant to Professor Mary Jane Mossman

- Conducted research for Professor Mossman's textbook, *Families and the Law in Canada*, published by Captus Press. This included staying apprised of current events as they related to family law so she could send professors who used the book ongoing updates.

NON-ACADEMIC WORK EXPERIENCE

Birenbaum Steinberg Landau Savin and Colrairie LLP, Toronto ON 2014-17
Barrister and Solicitor

- Represented clients in family law matters related to parenting, child and spousal support, and property issues.
- Represented clients in litigation, negotiations, mediation, and collaborative practice.
- Drafted pleadings, facta, and separation agreements.
- Negotiated and drafted marriage and cohabitation contracts.

Fasken Martineau DuMoulin LLP, Toronto ON 2011-14
Summer and Articling Student

- Rotations in litigation, business, and intellectual property.

PRESENTATIONS AND LECTURES

Invited Presentations

- “The Tort of Family Violence and its Potential to Remediate the Consequences of Abuse” (co-presenter with Jennifer Koshan at the **Tort Law & Social Equality Project 2024 Speaker Series** hosted by the University of Toronto, Faculty of Law, Virtual, April 2024).
- “Towards a Modified Conception of the Family Lawyer” (presenter at the **Osgoode Academic Circle: A Research Celebration at part of the Osgoode Hall Law Journal Research Symposium**, Virtual, March 2024).
- “Towards a Modified Conception of the Family Lawyer’s Role” (Presenter at the **Queen’s Law Visiting Speaker Series**, Kingston ON, February 2024).
- “Intimate Partner Violence and Ethical Lawyering: Not Just Special Rules for Family Law” (Presentation to the **Kawartha Collaborative Practice Group**, Virtual, February 2024).
- “Breakdown of Marriage: Unpacking the Grounds for Divorce in Canada” (Presenter at the **Rethinking the Grounds for Divorce: Comparative Perspectives from the UK, the US, Canada, and Australia one-day conference**, London, England, May 2023).
- “Challenging Negotiation Styles” (Workshop delivered at the annual **Family Peacemakers Joint OACP & OAFM Conference**, Niagara-on-the-Lake ON, May 2023).
- “Legal Ethics and Family Law: Do Unique Challenges Require New Approaches?” (Panelist at the **CBA-FLSC Ethics Forum**, Toronto ON, March 2023).
- “Unmasking Family Violence: Lawyer’s Incivility in Family Law” (Panelist at the **F.B. Wickwire Memorial Lecture in Professional Responsibility and Legal Ethics**, Schulich School of Law, Dalhousie University, Halifax NS, October 2022).
- “Collaborative Practice and Family Violence – Lawyers’ Ethical Obligations” (Presenter at the **Domestic Violence in Collaborative Practice Conference**, Association of Collaborative Practice, Calgary, Virtual, October 2021).
- “Collaborative Practice and Legal Ethics: The Challenge of Family Violence and Disclosure of Information” (Workshop at **Family Peacemakers Joint OCLF & OAFM Conference**, Ottawa ON, May 2019).
- “Spousal Support 101” (Presentation to newly appointed Provincial Court and Court of Queen’s Bench Judges, **Judicial Education Seminar**, Calgary AB, March 2019).
- “Family Law Process Options: Negotiation, Mediation, Collaborative or Litigation – What are they and which one is the “right” option?” (**Saturday Morning at the Law School** presentation, University of Calgary, Faculty of Law, Calgary AB, September 2018).
- “Ethical Disclosure in Collaborative Practice: The Trust Factor” (presentation to **Collaborative Practice Toronto** members, Toronto ON, June 2018).
- “Legal Services Regulation and Disruption” (Panelist at the **CBA-FLSC Ethics Forum**, Toronto ON, March 2018).

- “Ethics in 6 Minutes” (Panelist - “The 6 Minute Settlement Practitioner”, at the **OCLF & OAFM Joint Conference: Collaborative Practice & Mediation – The Power of Interest Based Negotiation**, Niagara ON, September 2017).
- “Ethics and Professionalism in Family Law ADR” (2 x 90 minutes workshops, at the **OCLF & OAFM Joint Conference: Collaborative Practice & Mediation – The Power of Interest Based Negotiation**, Niagara ON, September 2017).
- “Ethics in Family Law ADR” (presentation at the **Peel Halton Collaborative Retreat**, ON, November 2016).
- “Ethics and Professionalism in Collaborative Law” (presentation to the **Peel Halton Collaborative Practice Group**, ON, May 2016).

Invited Guest Lectures

- “Family Violence, Intimate Partner Violence, and Legal Ethics” (guest lecture in Professor Gillian MacNeil’s Ethics class at the **University of Manitoba**, Faculty of Law, March 2024).
- “Family Violence, Intimate Partner Violence, and Legal Ethics” (guest lecture in Professor Natasha Brown’s Ethics class at the **University of Manitoba**, Faculty of Law, November 2023).
- “Legal Ethics and Negotiations” (guest lecture in Adjunct Professors Victoria Smith and Deborah Graham’s Negotiations class at **Lincoln Alexander School of Law**, TMU, October 2023).
- “The Role of a Family Lawyer” (guest lecture in Professor Amy Salyzyn’s Ethics class at the **University of Ottawa**, Faculty of Law, March 2022).
- “Legal Ethics and Family Law” (guest lecture in Professor Jennifer Leitch’s Ethics class at **Osgoode Hall Law School**, January 2022).
- “Ethical Discretion: The Complexities for a Lawyer Reporting a Child in Need of Protection” (guest lecture in Professor Jennifer Leitch’s Ethics class at **Osgoode Hall Law School**, January 2022).
- “Legal Ethics and Family Law” (guest lecture in Professor Amy Salyzyn’s Ethics class at the **University of Ottawa**, Faculty of Law, April 2021).
- “Legal Ethics and Family Law” (guest lecture in Professor Pooja Parmar’s Ethics class at the **University of Victoria**, Faculty of Law, March 2021).
- “Collaborative Law overview and skills class” (guest lecture in Professor Sandhya Kohli’s Mediation class at **Osgoode Hall Law School**, March 2017).

Academic Conference Presentations

- “The Tort of Family Violence: Myths, Stereotypes, and Implications for Access to Justice and Lawyers’ Ethics” (paper co-presented with Jennifer Koshan at **Feminism, Law and Citizenship II**, Panthéon-Sorbonne University, Paris, France, September 2024).
- “(Mis)Representing Women: The Tort of Family Violence in Canada” (paper co-presented with Jennifer Koshan at **Representing Law RCSL Conference**, Bangor University, Wales, September 2024).
- “Intimate Partner Violence and Ethical Lawyering: Not Just Special Rules for Family Law” (Paper presentation at **International Legal Ethics Conference**, University of Amsterdam, Netherlands, July 2024).

- “Real Victims and Manipulative Liars: Myths, Stereotypes, and Family Law Narratives” (Paper presentation at **Canadian Law and Society Association Conference**, UQAM, Montreal, QC, June 2024).
- “Intimate Partner Violence and the Fabrication Myth: Implications for Lawyers’ Ethics in Family Law” (Paper presentation at the **Feminist Legal Theory and the Family Conference**, Osgoode Hall Law School, May 2024).
- “Intimate Partner Violence and Ethical Lawyering: Not Just Special Rules for Family Law” (Paper presentation at **Canadian Association for Legal Ethics Conference**, University of Victoria, Faculty of Law, Victoria, British Columbia, October 2023).
- “Unmasking Family Violence: Lawyers’ Incivility in Family Law” (Paper presentation at **Law, Culture, and the Humanities Conference**, University of Toronto School of Law, Toronto, Ontario, June 2023).
- “The Myth of the Hysterical Woman: Domestic Contracts, Intimate Partner Violence, and the Role of the Family Lawyer” (Paper presentation at the **LCH Graduate Student Workshop 2023**, University of Toronto School of Law, Toronto, Ontario, June 2023).
- “Intentional (and Otherwise) Experiments in Ungrading” (co-presented with Nayha Acharya, Adrien Habermacher, Anna Lund, Nickie Nikolaou, Lisa Silver, Katie Sykes, and David Wiseman at 2021 **Canadian Association of Law Teachers Conference**, Online, June 2021).
- “The Bounds of Legality for Family Lawyers: Is the Law Enough?” (Paper presentation at **Canadian Association for Legal Ethics Conference**, University of Windsor, Faculty of Law, Windsor, Ontario, October 2019).
- “Collaborative Family Law and Legal Ethics: The Challenge of Domestic Violence and Disclosure of Information” (Paper presentation at the **Osgoode Mediation Clinic’s 10th Anniversary Symposium on Dispute Resolution**, hosted by the Winkler Institute for Dispute Resolution, Osgoode Hall Law School, Toronto, Ontario, February 2019).
- “Addressing Academic Misconduct” (co-presented with Alice Woolley at **Canadian Association for Legal Ethics Conference**, Osgoode Hall Law School, Toronto, Ontario, October 2018).
- “Out of our Comfort Zone: Difficult Conversations and their Potential to Create Ethical Lawyers” (Presentation at **ACCLE-CALT Joint Conference: The Whole Lawyer 2.0**, Queen’s University, Kingston, Ontario, June 2018).
- “Expanding the Pie: An Intensive and Progressive Approach to Mandatory Negotiations Curriculum” (co-presented with David Wright at **ACCLE-CALT Joint Conference: The Whole Lawyer 2.0**, Queen’s University, Kingston, Ontario, June 2018).
- “Ethical Disclosure in Collaborative Practice: The Trust Factor” (Presentation at **Canadian Association for Legal Ethics Conference**, Dalhousie University, Halifax, Nova Scotia, October 2017).
- “Professionalism & Ethics in Family Law: The Other 90%” (paper presentation at **Canadian Association for Legal Ethics Conference**, University of Alberta, Faculty of Law, Edmonton, Alberta, October 2016).
- “Professionalism & Ethics in Family Law: The Other 90%” (paper presentation at **International Legal Ethics Conference VII**, Fordham University, NYC, USA, July 2016).

Podcasts

- “The Future Harm Exception and Coercive Control” (interviewed by Sydney Keefe for the Dalhousie Law Journal podcast series, March 2022) online: <https://blogs.dal.ca/dlj/2022/03/25/dlj-podcast-ep-25-deanne-sowter-the-future-harm-exception-and-coercive-control/>.

OTHER PUBLICATIONS

Book Chapters and E-Books

- *Deanne Sowter on Legal Ethics: Selected Slaw Columns from 2019-2022* (CanLII E-Book, 2022) (104 pages).
- “Discussing Litigation Interests and Risks with Family Law Clients” in Michaela Keet, Heather Heavin, and John Lande, *Litigation Interest and Risk Assessment: Help Your Clients Make Good Litigation Decisions* (Chicago: American Bar Association, 2020) at Appendix B (5 pages).
- “Ethical Advocacy in Multi-Party Mediation” in Martha Simmons, *In Search of Resolution: Complex Issues in Mediation Advocacy* (Toronto: Thomson Reuters, 2018) (Pages 193-216).

Reports and Other Non-Peer Reviewed Publications

- “Reframing Advocacy in Collaborative Practice” (2020) 19:1 Collaborative Review 7-12.
- “Professionalism & Ethics in Family Law: The Other 90%” Overview Report – Winkler Institute for Dispute Resolution (2017) (20 pages).

Blog Posts

- “BC Court of Appeal Recognizes the Myth of False Allegations of Intimate Partner Violence” (co-written with Jennifer Koshan) cross-posted to *Slaw* and *ABlawg* (22 April 2024).
- “Torts and Family Violence: *Ahluwalia v Ahluwalia*” (co-written with Jennifer Koshan) cross-posted to *ABlawg* and *Slaw* (15 September 2023).
**Partially reproduced: Mary Jane Mossman, et al, eds, *Families and the Law in Canada*, 4th ed. (Toronto, ON: Captus Press Inc., 2024).
- “Violence Erased: The Supreme Court of Canada on the Family Lawyer’s Role” *Slaw* (9 March 2023).
- “Intimate Partner Violence is Conduct Unbecoming a Lawyer (Sort of)” *Slaw* (29 December 2022).
- “Lawyers Perpetuating Myths: Why Didn’t She Leave?” *Slaw* (1 November 2022).
- “The Problem of Conflicting Out as a Tactic of Abuse” *Slaw* (1 September 2022).
- “Should There Be a Different Code of Conduct for Family Lawyers?” *Slaw* (28 June 2022).
- “Don’t Dabble in Family Law: A Lesson in Negligence” *Slaw* (28 April 2022).
- “Lawyering in a Family Justice System that Masks Violence” *Slaw* (4 March 2022).
- “Judging Family Violence: Recommendations for Judicial Practices and Guidelines in Family Violence Cases” (co-written with Jennifer Koshan) *Slaw* (20 December 2021); cross-posted to *ABlawg* the same day.

- “If It Wasn’t Required Before, It Is Now: All Family Lawyers Must Screen for Family Violence” *Slaw* (2 November 2021).
- “Bullying the Green” *Slaw* (31 August 2021).
- “Legislating a Family Law Culture Shift” *Slaw* (29 June 2021).
- “You Jump, I Jump: The Perils of Over-Identifying with a Client” *Slaw* (29 April 2021).
- “Looking at Legal Ethics Through the Lens of Family Violence” *Slaw* (2 March 2021).
- “Is it Time to Regulate Collaborative Practice?” *Slaw* (6 January 2021).
- “The Myth of the Honest Negotiator” *Slaw* (29 October 2020).
- “Mediation: A Warning Not to Bully a Client into Settlement” *Slaw* (19 September 2020); cross-posted to *ABlawg* (21 September 2020).
- “10 Legal Writing Tips for Law Students” (co-written with Trevor Farrow) *Slaw* (9 September 2020).
- “A Family Lawyer’s Role is (Not) to Minimize Conflict” *Slaw* (25 June 2020); cross-posted to *ABlawg* (29 June 2020).
**Partially Reproduced: Mary Jo-Maur, Nicholas Bala, Claire Houston, *Family Law: Text, Cases, Materials and Notes*, 10th ed (Toronto, ON: Thomson Reuters, 2021).
- “What is Non-Adversarial Advocacy?” *Slaw* (24 April 2020); cross-posted to *ABlawg* (27 April 2020).
- “A Lawyer’s Duty to (Sometimes) Report a Child in Need of Protection” *Slaw* (26 February 2020); cross-posted to *ABlawg* (28 February 2020).
- “Coercive Control: What Should a Good Lawyer Do?” *Slaw* (December 27, 2019); cross-posted to *ABlawg* (January 2, 2020).
- “Lawyer (In)competence and Family Violence” *ABlawg* (March 20, 2019).
- “Can we Reframe the Family Law Reform Conversation, Please?” *Justice Innovation Blog – Winkler Institute for Dispute Resolution* (November 2017).
- “Collaborative Practice Pro Bono Project Launches” *Justice Innovation Blog – Winkler Institute for Dispute Resolution* (May 30, 2017).
- “Family Law ADR Requires a Higher Ethical Standard, Part II” *Justice Innovation Blog - Winkler Institute for Dispute Resolution* (June 20, 2016).
- “Family Law Requires a Higher Ethical Standard” *Justice Innovation Blog – Winkler Institute for Dispute Resolution* (May 24, 2016).
- “Professionalism & Ethics in Family Law: The Other 90%, Part II – What Does It Mean to Be Ethical in An Innovative Process?” *Justice Innovation Blog – Winkler Institute for Dispute Resolution* (February 7, 2016).
- “Professionalism & Ethics in Family Law: The Other 90%” *Justice Innovation Blog – Winkler Institute for Dispute Resolution* (November 11, 2015).

CONTRIBUTIONS TO THE ACADEMY AND PROFESSION

Feminist Legal Theory and the Family Conference *Foundational Organizer*

2023-Present

- Co-founded and organized with Yukiko Kobayashi Lui (Toronto) and Haley Hrymak (UBC).

- The first conference was supported by the Institute for Feminist Legal Studies at Osgoode Hall Law School, and held at Osgoode Professional Development.
- Presenters were from Osgoode, Yale, Berkely, UBC, Toronto, Ottawa, Waterloo, TMU, Saskatchewan, Calgary, Western, Lakehead, McGill, Montreal, and Victoria.
- Topics included assisted reproduction, family violence, caregiving and dependency, parenting and new family forms, and law reform.
- Attended by 38 people, including people from the Department of Justice and Law Commission of Ontario.

Canadian Association for Legal Ethics

2022-Present

Board Member

- Contribute to the good governance of the association in the pursuit of encouraging and facilitating debate on issues of legal ethics and professionalism in Canada, and to increase awareness about those issues in the public, the profession and the judiciary.
- Co-chair and moderator of the research panels at the CALE Conference, University of Victoria, BC (2023).
- Co-chair and moderator of the teaching panels at the CALE Conference, Osgoode, ON (2018).

National Family Law Negotiation Competition

2019-2024

Inaugural Chair

- Co-founded and organized the first and only national family law negotiation competition with Professors Michaela Keet (Saskatchewan) and Natasha Brown (Manitoba).
- Wrote the fact patterns and/or advised on their feasibility.
- Students from Osgoode, Queen's, Manitoba, Saskatchewan, Calgary, Manitoba, McGill, TRU and the Nunavut Law Program have participated.
- As of 2024, the NFLNC is permanently co-housed at Osgoode Hall Law School and the University of Manitoba, Faculty of Law.

Collaborative Practice Toronto

2017-19

Professional Development Committee

- Co-organized and hosted ongoing professional development events for CPT (who are interdisciplinary, including social workers and financial professionals).
- Co-organized a pro bono collaborative law clinic hosted at the Osgoode Mediation Clinic.

University of Toronto, Faculty of Law

2017

Co-Coach

- Co-coached law students in the Walsh Family Law Negotiation Competition with Daniella Wald.
- Winner: First Place – Top Team (2017).

Walsh Family Law Negotiation Competition

2015-16

- Factum marker