Articling Consultation

A Report to

The Law Society of Upper Canada

By the Strategic Counsel

February, 2007

I. Background, Objectives and Methodology

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Background and Objectives

The Strategic Counsel is pleased to present to the Law Society of Upper Canada this report of findings from a consultation among students who, according to the Law Society's records, are currently seeking articles or who have withdrawn from the search for articles.

In order to be called to the bar in Ontario, a 10-month term of clerkship, or articles, is required. Since law graduates who do not obtain an articling position are effectively precluded from practising law in Ontario, barriers to obtaining an articling position are of great significance. Also of significance is the possibility that there may be commonalities among those who are unable to find articling positions. Understanding the nature of any barriers, and whether these barriers affect some law graduates more than others, is a logical first step in addressing the issue. Accordingly, the Law Society wished to explore among those who have been unable to find articles the reasons why they have been unable to do so, and, as a key aspect of that exploration, whether they believe that there are any barriers to their having done so.

The Law Society identified three key objectives for this research:

- Understand why some students-at-law are unable to find work as articling students;
- Report on the specific experience of students from Francophone, Aboriginal and equality-seeking communities, and of mature students and students certified by the National Committee on Accreditation of the Federation of Law Societies of Canada, in seeking articling positions;
- To the extent supported by the research findings, identify possible solutions and make recommendations as to how any barriers identified might be reduced or eliminated.

Methodology and Sample

Methodology

The Law Society decided to meet its research objectives qualitatively through one-on-one telephone interviews. Students were sent a package by the Law Society. The package contained a letter from Joanne St. Lewis, Bencher, a copy of which is appended to this report, explaining the nature and purpose of the consultation and introducing *The Strategic Counsel*.

The package also contained a consent form authorizing the release of the student's law school transcript by the Law Society to *The Strategic Counsel*. The letter explained that this was necessary for the integrity of the research, and that *The Strategic Counsel* would hold the information in strict confidence. Students were also asked to send *The Strategic Counsel* examples of the cover letters and resumes they used in applying for articling positions.

The interviews followed an interview guide developed by *The Strategic Counsel* in close consultation with the Law Society and which is appended to the report. As the research proceeded, it became apparent that in many cases the student's classification as "Applied" or "Withdrawn" would be highly predictive of interview length. More specifically, "Withdrawn" interviews were generally significantly shorter than "Applied" interviews and most took no more than 10 minutes to complete. "Applied" interviews, ranged between 40 and 90 minutes in length, with the average interview lasting slightly more than one hour.

Sample

The Law Society defined the "Target Group" of those to be included in the research as students-at-law in the 46th, 47th and 48th Bar Admission Courses who are still seeking articling positions or who have withdrawn from the process, as well as law students who are in the third year of law school and who at the time the research is conducted are still seeking articling positions.

The names of those invited to participate in the consultation were drawn from a list of the 299 individuals who comprised the Target Group that was provided to *The Strategic Counsel* by the Law Society. Of those 299 individuals, 145 were classified as "Applied" and 154 as "Withdrawn". Individuals classified as "Applied" were those who had registered for the Bar Admission Course (BAC) but had not yet notified the Law Society that they had been successful in securing an articling position. Individuals classified as "Withdrawn" were those who had informed the Law Society that they were withdrawing from the process after having registered for the BAC.

The list was provided by the Law Society in the form of a spreadsheet, which contained a considerable amount of information about each individual in addition to name, gender, law school attended and contact information. Importantly for the purposes of this consultation, it indicated whether each individual had self-identified to the Law Society as being a member of one or more of six communities. Those communities, together with the proportion who self-identified as members, are as follows:

- Racialized (23%)
- Mature student (17%)
- Francophone (14%)
- Aboriginal (2%)
- Disabilities (2%)
- Gay/Lesbian (2%)

As reported earlier, students certified by the National Committee on Accreditation of the Federation of Law Societies of Canada (NCA students) were also a population of interest to the Law Society. Of the students whose names were contained in the list provided by the Law Society, 33 (or 11%) were identified as NCA students.

Also contained in the spreadsheet provided by the Law Society was the year in which the student applied to the Law Society. Year of application ranged from 2001 to 2005. As might be expected, the greatest proportions of the names applied in 2005 and 2004, respectively.

Three waves of invitation letters were sent for a total of 183 invitations. Letters were sent in waves with the objective that the sample of students interviewed reflect, to the extent reasonably possible, the composition of the universe of 299 students eligible to be interviewed. Of the 183 invitations, 95 were sent to students classified as "Applied" and 88 to students classified as "Withdrawn".

In the result, we completed 52 interviews. Although the original objective had been to complete only 45 interviews, we undertook 7 additional interviews in order than no student who had been sent an invitation and wished to participate in the consultation would be denied the opportunity to do so.

Of the 52 interviews conducted, 33 were with students classified as "Applied" and 19 were with students classified as "Withdrawn". Given that the number of invitations sent out by classification was relatively equal, this means that we had considerably less success scheduling interviews with those classified as "Withdrawn". Possible reasons for this include less reliable contact information among this group of students, and that those who have withdrawn from the process may be less engaged with the Law Society and thus less inclined to participate in the consultation.

As noted earlier, we sought to have the composition of those interviewed reflect the composition of those eligible to participate in the consultation. This is, of necessity, something of a "best efforts" exercise, given the frailties represented by quality of address information, the willingness of those who receive an invitation to respond to a follow-up call, and the willingness of those who do respond to schedule and complete an interview.

Examining the interviews completed from the perspective of the populations of interest identified earlier, we believe that overall the results are quite satisfactory. We achieved good representation among NCA students, mature students, and members of a racialized community. Further, a number of those interviewed reported membership in more than one of these communities. However, we were able to complete only interview with a member of the Francophone community. This reflects a much lower response rate for invitations sent to members of the Francophone community (6% as compared to a 28% response rate for the consultation overall and a 40% response rate for mature students). Although they did not identify themselves as members of the Francophone community, we were able to complete interviews with four participants who were fluent in French to the extent that they felt able to offer legal services in that language.

Methodological Cautions

Readers should note that findings from qualitative research cannot be projected to the wider population under study. The findings reported here reflect only the opinions of those who participated in the consultation.

The reader should also note one other limitation of these research findings. The overall objective of this research was to explore students' experiences in seeking an articling position in order to identify possible barriers and commonalities of experience. While we were able to control to some extent for academic performance and the quality of cover letters and resumes, two key predictors of success in securing an articling position, other key predictors were much more difficult to assess. In particular, the research could not realistically investigate the appearance and dress of students when attending job interviews, nor the general demeanour and attitude they presented to interviewers.

We were, however, able to make some independent assessment of how articulate participants were. Further, in a number of cases, participants themselves acknowledged not having performed well during certain interviews or that they lacked what they considered to be strong interview skills. These observations and comments are reflected in this report.

II. Key Findings

Key Findings

A. Preliminary Observations

Figures compiled by the Law Society suggest that approximately 95% of all law students in Ontario are able to secure an articling position by the end of their third year at law school. By definition, therefore, the universe for this study represents quite a small minority of law students (approximately 5%). We believe that it is important to bear this in mind when considering the findings from this consultation.

Also important is that findings from this consultation suggest that the Law Society's database is, to some extent, misleading. Part of the reason is that it does not record the reasons why those who are shown as having withdrawn from the process did so. Also contributing to this is poor reporting by some of those who are included in the database.

Of the 19 participants who were identified on the spreadsheet as having withdrawn from the process, only 5 had withdrawn because they had been unable to find an articling position and for various reasons felt that they had to get on with their lives and move in a different direction. The remainder were some way still on track to be called to the bar. For instance, a number had elected willingly to pursue their careers in other provinces, others were pursuing graduate students in law or were clerking at a court, and one had started articling in the early fall of 2006.

Similarly, about half of the participants who were identified as "Applied" in the database, and who would therefore be assumed to be still seeking an articling position, had either secured a position and actually started articling at the time they were interviewed for this consultation or had secured a position and were scheduled to start work sometime in the next few months. In neither case does it appear that either they or their principal had so advised the Law Society.

Finally, the causes of many of the delays and difficulties reported by those who participated in the consultation were unique to the individuals who reported them, and in some cases were of a nature that would be difficult for the Law Society to address.

However, this consultation does suggest the existence of some areas of concern. These relate principally to the experiences of mature students, particularly women, NCA students, and members of racialized communities. The experiences reported by members of these communities, and the ways in which their search for an articling position was affected, will be reviewed in detail in the course of the report.

Before turning to those, however, there were a number of areas in which views and experiences were quite widely shared among those who participated in the consultation.

Law School Experience

Courses Taken

Most of those who participated in the consultation told us that they had no detailed strategy for or approach to selecting courses. While some did say that they felt that a solid grounding in practice-focussed courses would serve them in good stead when they applied for articling positions, or that they selected courses on the basis that they thought they would be able to do well in them, others indicated that they made selections based on personal interest in course content.

No broadly consistent pattern on this issue emerged in the interviews. Moreover, while a few participants indicated that if they had it to do over they would make different selections, the vast majority indicated that they did not believe their course selections had any adverse impact on their search for an articling position. The small minority who would have changed their course selection if they had the chance to do it again told us that they would take a greater number of practical courses, more directly related to the practice of law.

Debt

Debt did not emerge as a major issue in this consultation. The majority of those we interviewed reported that they had either no debt, or that the debt they had was very limited. Even among the minority that reported substantial amounts of debt, only a very few told us that their debt had any impact on their search for an articling position.

Those who reported that their debt did affect their search for articles said that it meant they focussed more than they otherwise would have on applying for articling positions that offered remuneration at the higher end of the scale.

On Campus Interviews (OCI's)

Most of those who participated in the consultation had no first-hand exposure to the OCI process. Only a minority of those interviewed even applied for OCI's, and, although a significant minority of those were offered at least one interview, none received an offer. This is consistent with the academic performance of those interviewed, which in almost all cases was not of the standard that participants themselves acknowledged was necessary to be seen as a credible prospect for an OCI.

> *"You need to be a very high B+ or A student to be competitive in the OCI process."*

Those who did have at least one OCI were a bit sceptical about the whole process, and were unsure what purpose the interviews really served. In large measure this scepticism was driven by the very short

duration of these interviews, estimated to range between 10 and 15 minutes. One participant referred to them as *"cow bell interviews"*:

> *"After 15 minutes they rang a bell and everyone moved on."*

One participant suggested that the firms had likely already all but made up their minds, based on resumes and transcripts, as to who would be offered a second interview and that the OCI's simply provided an opportunity for the firms to meet the candidates in person and do a quick personality assessment.

Career Development/Services Offices

Overall, impressions of the career development or career services offices maintained by the various law faculties were decidedly mixed.

On the positive side, they were all fairly widely seen as offering a basic suite of services. Typically, these comprised resume and cover letter review, some form of interview preparation or mock interview scenarios, and job listings updated on a regular basis. While most consultation participants used these services and found them to be useful, they were frequently described as being "good but not great".

There were, however, some criticisms, which tended to fall into two broad areas. The first was that both the offices themselves, and the majority of the material available, are dominated by the big Bay St. firms and the larger government ministries (e.g., the Ministry of the Attorney General). It is not surprising that participants would see this as an issue, given that based on their law school academic performance most of them would not be competitive candidates for articling positions of that nature.

> *"Very good about big firms and big government ministries. You know less about other opportunities."*

The other area of criticism relates to the scope of these offices and their offerings to students. First, there was some concern expressed that these offices are not sufficiently well resourced and, related to this, that the offices are either insufficiently staffed or are staffed by people who do not have appropriate levels of experience or seniority. Providing early indications of what is one of the key findings of this consultation, there were a number of complaints that the assistance available to students should be broader. In particular, greater help in the "how" of the job search was sought.

> *"They didn't talk about strategies to catch the attention of an employer."*
>
> *"I found the job search hard. I didn't really know how to go about it."*
>
> *"More guidance on the process of finding a job would have been helpful."*
>
> *"Career Services recommended the phone book, the OR's and self-help, rather than 'What can we do for you?' They should put more resources into their counselling. They should be calling law firms. They could rely on their alumni, for starters. 'We have good students. Do you have jobs?'"*

Finally, one participant suggested that the career development offices at the respective law schools should share information with each other. This was seen as benefiting not only law students seeking articling positions, who would be exposed to a greater number of job leads, but also the lawyers offering those positions in that more students would be aware of the posting.

Career Days

Most participants recalled that their law school had organized some type of career day or career fair. Impressions were mixed. As with OCI's, big firms and the larger government ministries were seen as the primary participants. The students who participated in this type of career day felt that it was of little benefit to them and, in fact, several wondered who the real beneficiaries are.

> *"Just an excuse to get law firm stuff."*
>
> *"As much or more for the firms as for the students."*
>
> *"Promotional activity by the firms."*

Going some way toward addressing the perceived big firm focus of career days, a number of participants commented favourably on career days or fairs that offered panel discussions concerning things such as what the practice of law is all about, or alternate career paths on the other. These were seen, ultimately, as being of more practical use to the majority of students, who are unlikely to be pursuing a job on Bay St. There was also mention made of a public interest career day, in addition to the private practice day, at the University of Toronto. This was well received by those who made mention of it.

Approach to Job Search

A number of those who were still seeking an articling position at the time we interviewed them, as well as some of those who had only been successful in finding a position after a protracted search, acknowledged that they had not been as organized or proactive as they should have been in the job search process. Typical comments in this vein included:

> *"I probably should have worked harder at it in retrospect."*
>
> *"I suppose I wasn't as aggressive as I should have been."*
>
> *"If I had really gone to the Career Centre and really checked things out, it might have been easier."*
>
> *"Did things a bit last minute. Not on the ball."*
>
> *"I didn't realize how much time it would take to put these packages together."*

Further, a strong majority of these participants noted that their job search had proceeded in two phases: the first, a narrow "optimistic" wave, and the second a much broader, more "realistic" wave. *"My first set*

of job parameters were totally unrealistic." Typically, these participants had failed to apply to a sufficient number of firms, or had unrealistically restricted their applications based on the type of law the firm practised or its geographical location. However, by the time they realized this, the majority of these participants found themselves behind the curve and in a struggle to get back in front of it again.

For some participants, part of the issue appears to have been that the importance of finding an articling position, and the amount of work that may be required to do so, was not brought home to them early enough. Added to this is the perception, widely held among those who participated in the consultation, that the marketplace for articling students is highly competitive, and getting progressively more so as time passes.

> *"It's a very competitive marketplace. You really need to be focussed on the job search process."*
>
> *"The system has become such a run for limited places."*
>
> *"No one looks at a 94% placement rate and says 'I'm going to be one of the 6%."*

These findings, together with the comments reported earlier that career development offices should expand their service offering to include more support on the process that should be followed to find a job, suggest that students who have difficulty in finding an articling position may to some extent be suffering from a lack of job search skills. As will be seen later in the report, this is not the only reason some of these students have had difficulty, but it does appear to have played a role.

Some participants went further and suggested that the law schools should be putting greater emphasis on the importance and difficulty of finding an articling position.

> *"It's a competition when you get out. You can forget that when you're going through law school."*
>
> *"I realize now that grades are everything."*
>
> *"There's a lot of things they don't tell you in Year 1 law. If you don't get a job right away there's not much support for you coming into 3rd year."*
>
> *"Law schools just want their money. They accept an increasing number of people, but there are not enough positions."*

Participants told us that if you fail to secure an articling position during the summer after 2nd year, the search gets progressively tougher and tougher the more time elapses without finding a job. It begins when the student arrives back at school for 3rd year without a placement. A number of participants described having struggled to decide how much of their time in 3rd year should be devoted to the job search and how much should be devoted to school, including participation in extra-curricular activities that might enhance their resumes and improve their chances of securing an articling position. Most, in the end, reported that they elected to concentrate on their studies, reasoning that the most important thing was for them to do as well as possible academically. A number of participants reported, however, that this left them enervated and in some cases even depressed.

"Failure to get articles before 3rd year makes 3rd year very difficult. You sabotage yourself, get depressed, and this affects your grades. Most of the jobs are gone. It becomes a very competitive environment for those who are left."

"I would tell people if you're going into 3rd year without a job, you're in trouble. You don't have time in 3rd year to send out resumes and cold call."

Many of those who participated in the consultation, including all of those in the "Applied Group", were unable to find an articling position before the end of 3rd year. Almost without exception, these participants described how hard they found it to persist in the job search. Two challenges emerged frequently in comments about this issue. First, that, as time passes, students are competing for articling positions not only with graduates from their own year, but also with graduates from the years behind them.

"The longer you're out, the harder it gets. In 3rd year, you want to keep your grades up, and in any event looking for work has been described by many as a full-time job in itself. Also, you begin competing in a real sense with the classes coming along behind you."

"If I couldn't find an articling job with 1200 students after I graduated, what are the chances of me finding one now?

Second, employers begin to wonder why these students have been unable to find a job and may conclude that, although they don't know what it is, there must be a reason these students have remained unemployed.

"Why didn't you article with everyone else?"

"What has she been doing since she graduated? Has she been applying and getting turned down? Is there a problem?"

In this context, one participant reported having been directly asked in interviews why she had been unable to find a job. It became, she said, something of a self-fulfilling prophecy. *"If you don't have a job, what's wrong with you?"*

The consequence of all of this, for some participants, was further erosion in their self-esteem and in their confidence in ever being able to find a job.

"Every year that goes by you find yourself further and further in a hole and you find it more and more difficult, if not impossible, to pull yourself out of it."

"Why would an employer be interested in someone who has been out of the process this long?"

The Law Society

The Law Society is the organization with which students are most directly involved following their graduation from law school, and on which students who have been unable to secure an articling position

place the most reliance for support and guidance in their job search. Accordingly, the consultation explored participants' impressions of the role that the Law Society plays in this context.

On balance, the Law Society was seen as making sincere efforts to assist unplaced students to find positions and as providing a range of useful resources to assist them in doing so. A number mentioned that the Law Society offers a resume and cover letter review service, which was seen as appropriate. A number reported using the service, although several of these participants observed that the Law Society review didn't disclose much that hadn't be raised in the review by career services at law school. No one thought that the Law Society should stop offering this service, however. It was seen as a valuable resource for students who had revised their material since graduation, or who had not had it reviewed while at law school. Similarly, the list of job postings maintained on the Law Society's website was seen as a highly valuable resource.

Mentioned spontaneously by a number of participants was the Law Society "biographical paragraph" initiative, which was seen as extremely useful and through which a few participants reported that they were finally able to secure an articling position. Also mentioned by several participants was that the Law Society will get in touch with lawyers on behalf of unplaced students. This, too, was seen as helpful.

> *"The Law Society keeps sending me emails and keeps trying to set things up."*

A few participants were of the view that the Law Society should be more proactive than it is, particularly since it is the Law Society that is widely seen as the sponsor and defender of the requirement to article.

> *"The Law Society should be checking up on students at all stages, starting in 3rd year, to find out their status and how they're doing. Take more of an interest generally in the progress of students along the path to call."*

A minority of participants did however express strong criticisms of the requirement to article as it is currently structured, and in particular that it is the hinge upon which admission to the bar turns. As the governing body of the legal profession in Ontario, the Law Society is seen as the appropriate target for criticism of this nature. Most of these criticisms took the form of suggestions for how the current system could be improved. Broadly, most were directed to making the system work more uniformly, such that all students would have a much more similar job search experience than they do at present.

> *"Streamline the process so that all students go through the same process."*
>
> *"The firms that are looking for articling students don't always go through the law schools or the Law Society. There should be a set regimen for posting articling positions. The articling process needs to be more formalized. It must go through the Law Society so everyone gets a crack at the job. It's too much 'who you know'. Too many opportunities are flying under the radar."*
>
> *"A regimented process, to avoid nepotism, would have been better."*
>
> *"It doesn't seem as if the firms have any accountability as to what their processes are. That seems odd in that they're governed by the Law Society."*

Several participants also examined this issue from the other end of the spectrum, suggesting that more support from the practising profession might improve things for students seeking articles.

> *"There's a big problem with the articling requirement generally. Ten months is too long. A lot of lawyers won't take articling students on; 10 months is too big a commitment."*

> *"There should be an incentive for lawyers to take on students, not money, but recognition for a CLE credit maybe."*

A few criticisms, however, were more fundamental. In particular, it was suggested by a few participants that, in the last resort, the requirement to article should be waived for some students. For reasons that are detailed in subsequent sections of this report, most likely to be making criticisms of this sort were mature students, NCA students, and students who were members of a racialized community.

> *"If an articling position is a required training element, they shouldn't be charging people unless they're going to be able to do that training element. If students pay for the course, the Law Society should, as a last resort, place them. Articling is not a job. It's treated as such. You apply as such. But it's just accreditation."*

> *"I did everything possible. I found nothing. Get us an articling job or confer the articles on us. I spent $70,000 getting a law degree. It's a useless degree. It's like kicking a hungry man in the stomach."*

Communities of Concern

Introduction

While, by definition, everyone who was eligible to participate in this consultation has experienced difficulty in securing an articling position, three communities of interest to the Law Society reported particular difficulties that were in many respects unique to them. These are mature students, members of a racialized community, and NCA students.

The experiences of, and the challenges faced by, each of these communities are reported in the following sections.

Mature Students

Of the three communities of concern, mature students are the most difficult to assess in terms of the challenges they reported in seeking to obtain an articling placement. As related in the course of the interviews, the difficulties they experienced appeared to stem both from the way others view and treat them, on the one hand, and from the way they see the world, law school and the search for an articling position on the other.

The mature students who participated in this consultation differed from their younger colleagues in a number of key respects, in addition to age. Importantly, a number of them provided much less career-focussed reasons for deciding to attend law school.

> *"I went to law school for mental stimulation."*
>
> *"I wrote the LSAT on a whim."*

It seems likely that their approach to finding an articling position, including the intensity with which they searched, whether they would be prepared to move in order to accept an offer, and even the terms on which they would be prepared to accept a position might all be affected by their motivation for attending law school in the first instance. Comments made by a number of mature student participants tend to confirm this.

> *"I may not have actively pursued finding a job because I already have a flexible job and I went to law school as much to please my family as for me."*
>
> *"I'm settled and don't want to move."*
>
> *"They won't promise weekends off."*
>
> *"If a job happened, it happened. If not, I was doing a lot of travelling."*

Related to this, a number of mature student participants acknowledged that their maturity meant they were more confident in themselves, more set in their ways and less willing to compromise aspects of their lives in order to "fit" an existing workplace culture.

> *"Firms want someone who's young and malleable that they can mould and shape. They don't want someone with a strong personality."*
>
> *"I'm a mature student. I know who I am."*

However, a number of other mature student participants, women in particular, had a very different view of the obstacles they faced in their search for articles. First, mature students are more likely to have partners and children than are their younger colleagues. This has implications from the first day of law school onwards.

At the law school stage, it can affect whether the student has to return home immediately after classes each day or whether they can attend a law school away from where the partner and/or children are. Having to return home immediately after classes, or at the end of every week, can have a significant impact on likelihood of being involved in the types of extra-curricular activities that look good on resumes and provide a topic of conversation during job interviews. Several of the mature students who participated in the consultation reported having partners, dependent children or both during law school, and observed that this limited them.

Aside from having partners or childcare responsibilities, a number of mature student participants told us that they felt somewhat isolated from their younger colleagues during law school, and particularly during

first year when many students form the personal relationships that will carry them through law school. In addition to losing the social support that a closer relationship with younger classmates might have provided, these participants felt that they missed out on the networking opportunities that come with socializing and participation in extra-curricular activities.

> *"I was trying to deal with a kid and a new partner. It was really hard for me to keep up, be prepared, feel confident."*
>
> *You had to be in the' inner circle' to really get ahead and learn things. There were parties I wasn't invited to because of age."*
>
> *"I really felt that I never caught up and I was outside of that loop, missing some information. I felt horrendously isolated."*

Mature students also reported barriers when undertaking their search for articles. These took many forms. First, their greater likelihood of having life commitments, such as a partner or children, that serve to put restrictions on both the types of articling positions they can apply for and whether, or how far, they can move to accept a position.

> *"My family was my priority."*
>
> *"I didn't go to the cocktail party because I was in Toronto with my husband and my son. We had theatre tickets and I wanted to be with them."*

Second, findings from this consultation suggest that all mature students, whether or not they have partners or children, face challenges that their younger colleagues do not. As they emerged in the interviews, these challenges flow mostly from perceptions of mature students held by others. Most mature student participants believed that their age was a detriment to their job prospects.

A number of the issues concerned law firm interviews. As mentioned earlier, mature students themselves acknowledged that in some ways they can be more set in their ways and less flexible than younger job applicants and that this can affect the choices they make. Some of these participants expressed the that this perception also operates externally among prospective employers to the detriment of older applicants. Much of this concern was driven by the importance of "fit" as a key hiring selection criterion. *"They may want people they think are trainable. Younger people are probably easier to train and mould."* On a related point, several mature student participants who had been interviewed by law firms commented that the interviewers were frequently younger than they were and that this might have adversely affected their chances of getting the job.

As noted earlier, findings from this consultation suggest that female mature students, particularly those that appear to be of child-bearing age, face the greatest barriers. They were the most likely to report having to fend off illegal questions about whether they intended to start a family, or, in the case of those who had a noticeable gap in their resume, whether they had family responsibilities that might detract from their job performance.

"Older, female students are at a disadvantage."

"This is not a process or a career for a woman with two young children."

Reflecting on the challenges she had faced in finding an articling position, one mature female participant suggested that the profession needs to be educated about these issues.

> *"People have to be more open with older people to take people on part-time or in less conventional articling positions. The members need to be educated that this is possible and should be done, that there are different ways to complete articles."*

Members of a Racialized Community

Many participants who were members of racialized communities acknowledged some of the same personal deficiencies in the approach they took to their job search as did colleagues who were not members of a racialized community; in particular, many acknowledged that they had not put a high enough priority on or devoted sufficient time to their search for articles, and that the first set of applications may have been somewhat optimistic in its composition and that one (or more) subsequent and more realistic rounds of applications were required.

However, based on their experiences, these participants also appeared to face challenges that their colleagues did not. There were no reports of overt racism, neither were there any reports of racially-based inappropriate questions being asked during interviews. Rather, these participants had inferred from their experiences, and what they knew of the process and the culture, that their racialized status impeded their job search. Concerns were expressed particularly about private sector articling positions, which were widely seen as depending a lot more on "fit" than articling positions with the government.

In some cases, these participants pointed to cultural conventions that would be difficult for them to adhere to.

> *"Most events involve things like wine and cheese and bars. Now, for religious reasons, I don't drink."*

> *"In some cultures, women don't shake hands with men and vice versa."*

In other cases, the concern about fit was more generalized.

> *"We just didn't mesh. I have a feeling that people connect with people they mesh with. He was male and white. I was a black female."*

> *"They're all tall, good-looking, white men and women. If you're not in that loop it's harder to get involved."*

> *"A firm would go 'Oh, how is she going to fit in?'"*

> *"The problem may be the accent. The perception may be that I can't do as good a job as people whose first language is English."*

One participant also voiced the perception that there is a much greater prevalence of family networks with connections in the legal community among those who are not members of a racialized community. Given the importance of networking to the job search process, this could represent a significant barrier to the job prospects of members of racialized communities.

> *"Parents, uncles, family connections provide jobs. That's an unfair advantage."*

NCA Students

NCA students reported facing two significant challenges. The first in ascertaining what the NCA would require in order to accredit them, and the second in finding an articling position as an NCA once they had been accredited.

Getting Accredited

All but one of the NCA students who participated in the consultation expressed some criticism of the Committee.

> *"The NCA took 3 months to respond after the file was complete, and actually did so on the last possible day."*
>
> *"The NCA was poor to deal with."*
>
> *"They're not really helpful."*

Participants suggested that their frustrations began very early on in the process, when they were seeking to find out what the NCA would require them to do in order to qualify and how they ought to go about meeting the requirements laid down for them. One participant, who was coming from another common law jurisdiction, was asked to write a significant number of challenge exams, some of which were well beyond the standard basic courses and had no relevance to the type of law the student had practised previously or was intending to practise in Canada. The NCA did not explain why it was necessary for this student to take these courses.

> *"I never understood the basis on which I was given the course I had to write."*

The next issue arising is whether to pursue a course of self-study or to take meet the requirements through taking the courses at a law school. The preference among the NCA students who participated in the consultation was to take at least some of the required courses through a law faculty. This was seen as both providing a better educational experience and also as making the search for an articling position easier.

"If someone can't afford to go to law school or can't afford the flexibility to go full-time, they're stuck out there on their own with far more material to cover. The law school route, without a doubt, is an easier route."

"You're disadvantaged if you're not from a Canadian law school. They would prefer you to have studied at school rather than through self-study. NCA students should be advised to go to Canadian universities. But many NCA students can't afford this because they need a full-time job to support themselves or family back home, or simply because it's expensive."

"Transcripts and resumes are meaningless to Ontario employers. They don't know the school or the grading patterns. The B at [Ontario law school] *really opened a door for me, gave employers a gauge of what kind of person they were considering. Could the Law Society provide some of this background information to the legal community in Ontario, and ask firms to provide at least one NCA slot?*

However, among those participants who did meet some or all of their challenge requirements through law schools, not all their experiences were positive.

One participant told us that the NCA itself had suggested the law school route was preferable to self-study because self-study *"would be a very difficult route to take"*. However, as suggested by several participants, not every NCA student is in a position to attend law school. Some will not have the financial resources to allow them to do so, while others will have family or life commitments that preclude taking that route. Among those who pursued the self-study route, there were suggestions for ways in which this option could be made less onerous.

"If you elect self-study you had to buy all the books online from the separate publishers. This could be streamlined since they're charging you an administration fee. They were also slow providing the reading list."

"They should also provide some study notes since there will be no classroom study. It's hard to know where to concentrate your studies."

Finding an Articling Position

Of particular importance to the NCA students who participated in this consultation, the NCA provides no information about the articling process. In particular, there is no information about either the deadlines for applying or any indication that the search process effectively operates at least one year in advance, and two years in advance for firms that offer summer jobs. This was seen as putting NCA students at a significant disadvantage in terms of securing an articling position. While some participants acknowledged that, strictly speaking, articling is the responsibility of the various provincial law societies, they felt strongly that the NCA should make greater efforts than it currently does to alert students to key

aspects of the articling search process. A number of participants commented on this issue in quite urgent terms.

> *"There's nothing from the NCA about articling, and their website doesn't talk about the articling process."*
>
> *"I didn't realize that jobs are recruited a year in advance. That's a huge problem for anyone coming from outside the province."*
>
> *"The big firms recruit two years ahead. People like me don't have a clue. Law students know the system."*
>
> *"The NCA said nothing about the articling requirement. There was not much about it in the information package they provided and there's not much information available online. Crucially, there is no articling deadline application information. You know this if you've been to a Canadian school."*
>
> *"I had no idea of he lay of the land outside Toronto and that firms outside Toronto have an earlier schedule. I felt very disempowered. I felt that other students had all this knowledge that I was shut out from."*

One participant reported that the timing issue was further complicated by a directive from the Law Society that he could not apply for any articling positions until he had successfully completed his challenge exams. The participant described this as *"a significant barrier"* given that most articling positions are filled at least a year in advance, and asked whether it might not be possible to loosen that requirement.

The NCA students who participated in the consultation also reported facing other challenges unique to them in seeking articles, although here it was not suggested that the NCA was entirely to blame. Two principal difficulties were raised during the course of the interviews.

The first of these has to do with what NCA participants in the consultation felt were the attitudes of prospective employers, which were seen as being not at all supportive of NCA students. The Law Society was seen as being partially at fault here.

> *"Employers don't understand what NCA means. It confuses them. The Law Society should explain what the NCA certificate is, that we have been assessed, and that we have equivalent credentials."*
>
> *"I feel that the Law Society has done nothing to educate its membership."*
>
> *"I have felt discriminated against as an NCA student. Because we're not Canadian-trained we're not seen as good enough. There has to be a reason why I wasn't given a single interview except by a place that is mandated by law to act equitably. The profession here places very great stock*

in articling for training its lawyers. This makes access to articling jobs all that much more important."

Related to this, one participant noted that only pass/fail grades are provided for the challenge exams and therefore the students, and, perhaps more importantly, the lawyers to whom they are applying for an articling position, cannot tell how strong or weak a pass the students received on the exam. *"It is a terrible handicap with employers."*

A number of the NCA students who participated in the consultation suggested that one of the consequences of the difficulties described above concerning the accreditation process is that these students end up having to consider seriously accepting very inferior articles that may, in addition, pay well below market rates or pay nothing at all. Several of these participants noted that such jobs are frequently offered by lawyers who are members of the same immigrant community as the students. Compounding these difficulties is that, in many cases, these are precisely the type of students who can least afford to proceed financially on such a basis.

"We've paid so much, and when we get to articling it's like a dead end for us. We need help."

Mentors

Given the important contribution that a mentor can make to a young professional just embarking on his or her career, the consultation explored the extent to which mentors played a role in assisting participants in their job search.

Mentors were widely seen, in principle, as helpful resources – *"good at explaining the system and reassuring you that it's not the end of the world if you don't get a job right away."* However, findings from this consultation suggest that actual mentoring experiences that prove out in practice to be as promising as they appear in principle can be somewhat elusive. A number of the participants who had been provided with a mentor found the experience less valuable than they had hoped, and anticipated, that it would be. Distilling the remarks that participants made on this issue, the chief obstacle to a better mentor relationship would appear to be finding the right "fit".

"I had a mentor during the first year of law school shared among a group of four or five. The initiative was not particularly well organized and I'm not sure what the point was. We had dinner together once, but it was not an ongoing process to support or help students."

"It was really just weird. As a mentor, it just didn't click. It didn't work for me at all."

"I got the opposite of what I wanted. More care should have been put into finding me a mentor."

Interestingly, and providing further evidence in support of the finding reported earlier that a number of those who participated in this consultation appeared to lack some of the skills necessary to mount a successful job search, a number of participants saw access to someone experienced and informed about the job market as one of the chief benefits of having a mentor.

Conclusions

As noted at the outset of this report, figures compiled by the Law Society suggest that those who participated in this study represent quite a small minority of law students overall (approximately 5%). Further, findings from this consultation suggest that in respect of a significant proportion of this group as it is identified in the Law Society's records there is no great cause for concern as they are in some way still on track to be called to the bar.

However, the consultation has identified three communities of interest in which there do appear to be areas of concern. These are mature students, NCA students, and members of racialized communities. Findings among participants who are members of these communities suggest some conclusions that the Law Society might wish to consider as it moves forward with its work on this issue.

This consultation has underscored the importance of networks in the search for an articling position. For a variety of reasons, members of each of these communities expressed concern that their own networks were not as well developed as they might have been. This suggests that the Law Society might consider facilitating ways in which members of these communities could strengthen and enhance their personal networks. Mentoring could well play a role here.

NCA students expressed several areas of concern. First, a large majority of NCA participants told us that they simply did not know enough about the process to be followed in order to obtain an articling position, and particularly that they were unaware of important deadlines. The Law Society, in consultation with the NCA, might consider ways in which this information deficiency could be addressed. As it related to the job search itself, the NCA students who participated in this consultation believed that the profession does not understand the NCA process and, crucially, does not understand the implications of being accredited by the NCA. These participants asked whether the Law Society would undertake some education of the membership on these issues. Their belief wax that a membership that is more informed about these issues would view NCA applicants in a more favourable light, which would in turn increase the likelihood of such students being able to compete successfully for the types of articling positions that they wish to hold.

Finally, and this last conclusion applies more broadly across the consultation, the findings suggest that a significant proportion of those who reported having experienced significant difficulties in obtaining an articling position did not fully appreciate the extent of the effort required to mount an effective job search in a marketplace as competitive as the one that exists for articling jobs. This finding suggests that the Law Society, perhaps in conjunction with the law schools, should take steps to ensure law students are alerted at the earliest possible opportunity to the importance of the job search and the time and effort that will be required to undertake a successful search. Related to this, it appears that a significant minority of these students may also lack basic job hunting skills, and that there might be a place for additional materials and/or seminars focussed on these skills as they relate to finding an articling position.