

**TURNING POINTS
AND TRANSITIONS:**

Women's Careers in the Legal Profession

**A Longitudinal Survey
of Ontario Lawyers
1990 – 2002**



**A Report to
The Law Society of Upper
Canada**

September 2004



**F. M. Kay
C. Masuch
P. Curry**

Acknowledgements

We wish to thank the members of the Equity Advisory Group, the Equity and Aboriginal Issues Committee, and the Bicentennial Report Working Group at the Law Society of Upper Canada for their support and encouragement of this project.

The Chair of the Equity Advisory Group is Senka Dukovich. Members of the committee are Mojisola Akpata, Raj Anand, Ritu Bhasin, Soma Choudhury, Michelle Farrell, Nikki Gershbain, Phyllis Gordon, Justice Thea Herman, Milé Komlen, Sudabeh Mashkuri, Dora Nipp, Sonia Ouellet, Effie Prattas, Daniel Russell, David Smagata (Vice-Chair), and Gary Yee. In 2002, members of that group also included Brian Beauchamp, Abby Bushby, Denise Dwyer, Doug Elliot, Ian MacKenzie, Andrew Pinto (Chair in 2002), and Susan Switch.

The Equity and Aboriginal Issues Committee was led from 2002 until June 2003 by Paul Copeland (Chair), Derry Millar (Vice-Chair), and Helene Puccini (Vice-Chair). The members were Stephen Bindman, Leonard A. Braithwaite, Thomas Carey, Gary Gottlieb, Robert Lalonde, Barbara Laskin, Janet Minor, Judith Potter, and Heather Ross. As of June 2003, the committee was led by Joanne St. Lewis (Chair) and Derry Millar (Vice-Chair). Members included Marion Boyd, Mary Louise Dickson, Sy Eber, Thomas Heintzman, Ronald Manes, Tracey O'Donnell, and William Simpson.

The third and final committee to contribute to the project was the Bicentennial Report Working Group, led by Joanne St. Lewis (Chair). Members included Beth Symes, Andrea Alexander, Thomas Heintzman, Derry Millar, and Constance Backhouse.

Members of these three committees and several staff members at the Law Society of Upper Canada met on numerous occasions to discuss the proposed project, survey design and questionnaire content, and review preliminary findings of the report. On each occasion these individuals offered tremendous constructive feedback and invaluable direction in the production of this report. We wish to acknowledge the important contributions of the Equity Advisory Group, the Equity and Aboriginal Issues Committee, and the Bicentennial Report Working Group.

We also wish to acknowledge our appreciation of the dedicated efforts of several staff members at the Law Society who made this project possible. Charles Smith, Equity Advisor, Equity Initiatives Department, initiated the project in the autumn of 2001 and encouraged the prospect of a longitudinal study to explore gender dynamics in the legal profession, as well as a separate survey of contemporary lawyers with a focus on ethnic/racial diversity and career diversification.

Josée Bouchard of the Equity Initiatives Department took the helm in 2002 in her role as Education and Training Coordinator, then as Acting Equity Advisor, and more recently as Equity Advisor. Josée Bouchard coordinated several aspects of the project, including

staffing, finances, and communications. Her diligent efforts kept the project on schedule, fostered continuity and invaluable exchanges among various committees, and ensured optimum input to the design of this study.

At the Equity Initiatives Department, administrators Geneva Yee, Giang Nguyen, and Anne D'Souza facilitated the survey mailing and data collection. Geneva Yee undertook the painstaking task of updating the mailing addresses for participants in the study, while Giang Nguyen was primarily responsible for the production and mailing of the survey.

Harry Gibson, Accounts Manager at Pitney Bowes, managed with professionalism and timely production, the formatting and printing of the questionnaire, letters, and postcards. Bruce Hobson, Programmer Analyst, Information Systems at the Law Society of Upper Canada, performed heroic technical feats in linking the three sets of data across time using an elaborate program of identification codes and sampling frames.

This project could not have been possible without the funding contributed by the Social Sciences and Humanities Council of Canada, the Law Society of Upper Canada, and the Law Foundation of Ontario. All three organizations contributed significantly to the financial support of this research study.

The academic research team, examining structural changes and career mobility in the Ontario legal profession, included Dr. Fiona Kay, Department of Sociology, Queen's University, Antonella Bader, Nicholas Bader, Georgina Blanchard, Ryan Causton, Julie Coulthard, Paula Curry, Julie Gobbo, Karen Hindle, and Cristi Masuch. Antonella Bader, Nicholas Bader and Ryan Causton assisted with the questionnaire design. Ryan Causton, Julie Coulthard, Julie Gobbo, and Karen Hindle undertook the task of data entry. Ryan Causton and Julie Gobbo performed the challenge of linking the questionnaires across the 1990, 1996, and 2002 waves of social surveys. They also ensured the qualitative comments yielded through the survey were transcribed for the purposes of analyses. Their efforts made the longitudinal data analysis of career dynamics possible. Cristi Masuch and Paula Curry completed data entry, preliminary thematic analyses of the qualitative data, and descriptive statistical analyses. Cristi Masuch and Paula Curry are the co-authors of the report, having undertaken the bulk of statistical and qualitative analyses.

We thank Ellie Barton, our editor, for her careful attention to detail. We also thank Nicholas Bader for formatting assistance and Jessica Rubin for final proofreading.

Our gratitude also goes to several scholars who provided expert feedback on the questionnaire development and whose prior research into equity and career issues contributed to the quality of the questionnaire and survey design. These scholars included Dr. Stephen Baron, Department of Sociology, Queen's University; Professor Joan Brockman, School of Criminology, Simon Fraser University; and Dr. Jean Wallace, Department of Sociology, University of Calgary.

Finally, we wish to express our greatest appreciation to the participants of this study, who have continued to tell us about their work and family histories in each of the surveys mailed to them (1996 and 2002) since we first contacted them in 1990. Their efforts to explain often complex biographies of job transitions and family circumstances are greatly appreciated. We wish also to thank those who have left the practice of law for continuing to participate in the

study, informing us of the reasons for their departures and the diversity of careers they have found outside the practice of law.

Many lawyers in this study offered thoughtful comments at the end of the questionnaire, some even including letters describing meaningful transitions and important turning points in their careers. The title of this report reflects their insights and views as members of the legal profession, past and present, now 12 to 27 years since their Call to the Ontario Bar.

September 2004

*Fiona M. Kay, PhD
Associate Professor, Sociology*

*Cristi Masuch
Research Associate*

*Paula Curry
Research Associate*

*Department of Sociology
Queen's University at Kingston*

Table of Contents

List of Tables	i
List of Figures.....	iii
List of Abbreviations	iv
Section 1. Introduction	1
The Research Agenda	1
A Brief History of Research on Women and the Legal Profession in Ontario.....	2
The 1989 <i>Women in the Legal Profession</i> Report	2
The 1991 <i>Transitions in the Ontario Legal Profession</i> Report	2
Conclusions of the 1991 <i>Transitions</i> Study	3
Policy Initiatives 1991 to 1996	5
The 1996 <i>Barriers and Opportunities Within Law</i> Report	5
Main Findings of the 1996 Report	7
Policy Initiatives 1996 to 2004	10
The 2004 <i>Turning Points and Transitions</i> Report	11
Research Methodology	11
Strategic and Policy Issues to be Addressed.....	12
Research Objectives and Questions	12
Sampling Frame	13
Stratum I: Tribunals, Commissions, Agencies, and Boards	13
Stratum II: Temporary Absences from Law Practice	14
Stratum III: General Membership	14
Stratum IV: Departures from Law Practice	14
Rationale for the Sampling of Departures from Law Practice.....	14
Response Rates	15
Response Rate: 1990 Survey of the Profession	15
Response Rate: 1996 Re-contact Survey	16
Response Rate: 2002 Re-contact Survey	16
Organization of the Report	17

Section 2. Current Professional Position	18
Type of Setting, Location and Professional Position.....	18
Size of Firm or Office.....	21
Main Fields of Law Practised.....	22
Time Allotment for Law-Related Tasks.....	25
Ethnicity.....	26
Earnings.....	27
Earnings by Professional Position.....	30
Policy Decision-Making.....	31
Supervision.....	33
Hierarchy.....	34
Summary.....	34
Section 3. Private Practice.....	35
Hours Spent on Law-Related Matters.....	35
Number of People Employed at Firm.....	36
Partnership.....	37
Clientele Responsibilities.....	40
Section 4. Workplace Issues.....	42
Perceptions of Law.....	42
Satisfaction with Work.....	47
Sexual Discrimination.....	48
Workplace Benefits.....	50
Work and Family.....	54
Section 5. Professional Work Histories.....	59
Number of Professional Positions Since 1996.....	60
Total Number of Positions Across Work Histories.....	62
Types of Positions (Full-time or Part-time).....	63
Characteristics of Professional Positions Across the Work History.....	64
Time Between Career Positions.....	65
Activities Between Professional Positions.....	66
Departures from the Practice of Law.....	68

Section 6. Analysis of Comments Offered by Participants in the Study	69
Satisfaction in Law Practice	70
The Diversity of Careers.....	72
Mentors	74
Networks.....	76
Health Issues: Stress and Related Illnesses	76
Problems with Billing	78
Balance between Career and Family	79
Family Responsibilities.....	79
Maternity Leaves and Availability of Part-Time Work.....	79
Caring for Elderly Parents and Children with Special Needs.....	81
Consequences of Having Children	82
Balance in Life More Generally	83
Government Lawyers.....	85
Disillusionment and Dissatisfaction	86
Law as a Business versus Profession	87
The Image of the Legal Profession	88
Adversarial versus Non-adversarial Strategies.....	89
Departures from the Practice of Law	90
Increasing Number of Lawyers: Rising Competition	91
Discrimination (Diversity Issues).....	91
Ethics	94
Accessibility of Law	95
Legal Aid	96
Fees and Insurance.....	97
Competition from Outside Profession	98
Remuneration.....	99
Clients	100
Technology	101
Complexity of Law	101
Legal Education	102
The Law Society of Upper Canada.....	103
Comments and Criticisms of the Survey	104
Future Research	105

Section 7. Conclusions	106
Professional Positions	106
Fields of Law	107
Hours Billed	107
Earnings	107
Professional Responsibilities	107
Job Satisfaction	108
Sexual Discrimination	108
Balancing Career and Family	109
Workplace Supports and Benefits	109
Work Histories	110
Balancing Career and Family	111
Main Challenges Confronting the Legal Profession	111
Appendix A: Covering letters to questionnaire	112
Appendix B: Questionnaire.....	118

List of Tables

2.1	Percentage of Lawyers Working in a Full-time Position, 2002.....	18
2.2	Current Professional Position, 1990, 1996 and 2002.....	20
2.3	Number of Lawyers Working in Respondent's Office, 2002.....	22
2.4	Main Fields of Law Practised, 2002.....	23
2.5	Average Percentage of Time Spent Working on Particular Types of Tasks, 2002.....	26
2.6	Ethnicity, All those Practising Law, 2002.....	27
2.7	Categories of Earnings, 2002.....	28
2.8	Average Gross Annual Earnings in Dollars, 2002 (Those Practising Law Full-Time).....	30
2.9	Participation in Policy Decision-Making in the Workplace, 1990, 1996 and 2002.....	32
2.10	Supervision in the Practice of Law, 2002.....	33
2.11	Hierarchical Placement in Professional Position, 2002.....	34
3.1	Average Number of Hours Worked (Private Practice), 2002.....	35
3.2	Hours Billed During Fiscal Year, 2001.....	36
3.3	Number of Lawyers in Law Firms (Full- and Part-time Lawyers, 2002).....	37
3.4	Partnership, 2002.....	38
3.5	Availability of Part-time Partnerships, 2002.....	38
3.6	Satisfaction with Partnership Policies, 2002.....	39
3.7	Proportion of Time (40%+) Representing Clients, 2002.....	40
3.8	Clientele Responsibilities, 2002.....	41
4.1	Qualities of Present or Most Recent Job, 2002.....	43
4.2	Perceptions of the Legal Profession, 2002.....	45
4.3	Satisfaction with Work Taken on by Firm, 2002.....	47
4.4	Denial of Opportunity, 2002.....	49
4.5	Sexual Discrimination by Cases/Files, 2002.....	50
4.6	Comparison of Benefits Offered 1996 and 2002 (All Those Practising Law).....	52

4.7	Comparison of Benefits Between Non-Private Practice and Private Practice, 2002	54
4.8	Marital Status, 2002	55
4.9	Number of Children in the Home, 2002	55
4.10	Total Number of Children, 2002.....	55
4.11	Number of Hours Spent on Child Care, 2002.....	56
4.12	Children in the Home and Hours Worked, 2002	57
4.13	Overall Mean Hours Worked Per Day, All Those Practicing Law, 2002	58
5.1	Number of Professional Positions by Gender, 1996 and 2002	61
5.2	Number of Professional Positions by Gender.....	62
5.3	Types of Positions (Full-time or Part-time) by Gender, 2002	63
5.4	Professional Positions by Gender	65
5.5	Number of Months Between Career Positions, 2002	66
5.6	Primary Activities Between Professional Positions, 2002.....	67
5.7	Departures from the Practice of Law, 2002.....	68
5.8	Work Outside the Practice of Law Between 1990 and 1996.....	68

List of Figures

2.1	Percentage of Lawyers Working Full-time, 1990, 1996 and 2002	19
2.2	Professional Position, 2002.....	21
2.3	Main Field of Law Practiced, 2002	25
2.4	Earnings from the Practice of Law, 2002	29
2.5	Average Earnings by Full-time Professional Position, 2002.....	31
2.6	Policy Decision-Making, 2002	32
5.1	Number of Professional Positions.....	61
5.2	Number of Professional Positions by Gender, 2002.....	63
5.3	Types of Positions (Full-time or Part-time) by Gender, 2002	64

List of Abbreviations

Abbreviation	Description
chi-square.....	Pearson chi-square test of significance
d.f.	Degrees of freedom
Median	Median average
Mode	Modal average
Mean	Mean average
N.....	Number of cases
N/A.....	Not applicable
NS	Not statistically significant
p (for example, $p < .05$)	Level of significance (less than .05 level)
SD	Standard deviation
t-test	T-test of difference

The Research Agenda

Turning Points and Transitions: Women's Careers in the Legal Profession is the culmination of two years of intensive research design, analysis, writing, and discussion. This study is based on a social survey of the Ontario legal profession conducted in the autumn of 2002. The survey is part of a larger program of research investigating women in the legal profession. The program began in 1989 with a report on the demographic composition of the Ontario legal profession. This initial report, *Women in the Legal Profession* (1989),¹ commissioned by the Women in the Legal Profession Committee at the Law Society of Upper Canada, led to a large-scale survey of members of the profession in 1990. The survey sampled over 1,500 lawyers called to the Ontario Bar between 1975 and 1990, an historic period in which women entered the legal profession in sizeable numbers for the first time.

This initial cross-sectional survey was later developed into a longitudinal project, following the lives of this cohort of lawyers across time. This same panel of lawyers were surveyed for a second time in 1996. This survey led to the report, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession* (1996).

Another six years later, in 2002, the Law Society of Upper Canada embarked on a third survey to follow up on the work experiences, career transitions, and challenges confronting this cohort of lawyers. This study offers a unique opportunity to explore the biographies of members of the profession as they move through various career transitions.

All three surveys involved a detailed overview of gender differences in incomes, work experiences and responsibilities, levels of job satisfaction, and issues of discrimination in law practice. The studies also documented challenges involved in the often difficult balance between career and family, and motives underlying departures from the practice of law.

The findings of the 2002 survey reveal impressive advances in the status and mobility of women in the legal profession, but also highlight the sizeable gaps that persist between men and women in remuneration, promotional opportunities, and levels of job satisfaction. As the careers of this cohort of lawyers have unfolded, new issues have also emerged. For both men and women, challenges and obstacles remain within law practice, including balance between career and family, lack of workplace flexibility and supports, discrimination, and blocked mobility.

In this section we examine in greater depth the background to the earlier reports, their substantive findings, and related policy initiatives. We also provide an overview of the research methodology of the contemporary survey, and outline the key objectives and questions to be addressed.

¹ Fiona Kay. *Women in the Legal Profession* (Toronto: The Law Society of Upper Canada, 1989).

A Brief History of Research on Women and the Legal Profession in Ontario

The subcommittee on Women in the Legal Profession was established in 1988 and made a standing committee of the Law Society in 1990. The committee was created to provide leadership in addressing the challenges faced by the profession as a consequence of the many changes in the demographic composition of the membership.

The 1989 *Women in the Legal Profession* Report

In 1989, the Subcommittee on Women in the Legal Profession published a 170 page study titled *Women in the Legal Profession*. This report provided a comprehensive overview of the employment positions and fields of specialization of the membership in the late 1980s.

The study utilized two existing sources of data, both compiled by the Law Society of Upper Canada. One source was the general membership records of the Law Society, which had been collected over the period 1976 to 1988 inclusive. These data provided up-to-date information on the Ontario legal profession, and were used to explore demographic profiles, variations in work experience, employment status, and information regarding the context of work, such as size of firm and work setting (e.g., government employment, private industry). A second data source was a questionnaire distributed by the Law Society for the years 1987 and 1988 together with the mailing of the annual membership fees. This questionnaire facilitated further analyses of variations in employment setting, fields of law practised, hours worked, and the extent of temporary absences from law practice. The findings of this report revealed considerable differences in the representation of men and women across various work settings, positions, and fields of law practised, and recommended future research to explore the work histories of men and women to ascertain the reasons for existing disparities.

The 1991 *Transitions in the Ontario Legal Profession* Report

In 1990, the Women in the Legal Profession Committee (formerly the Subcommittee on Women in the Legal Profession) initiated a large-scale survey of the profession's membership. The survey was designed to improve upon the 1989 study, which had been limited by a lack of historical data (data across stages of career development) that would allow more detailed analyses of patterns in the profession. These earlier data were also largely descriptive, detailing demographic characteristics of the population but missing important information about the context of work, including issues regarding quality of life, balance between career and family, experiences of discrimination, and measures of job satisfaction.

In 1991 the committee published a second report, *Transitions in the Ontario Legal Profession*. The term "transitions" emphasizes the focus of the study upon job changes, promotions, career switches, and departures from law practice. The study focused most closely upon a comparison of the career patterns of women and men in the profession. This

study involved a large-scale survey (N=1,597) of lawyers called to the Ontario Bar between 1975 and 1990, a period in which women entered the profession in sizeable numbers. This cohort of lawyers is perhaps the first in Ontario with sufficient numbers of women among its ranks to allow gender comparisons to be made. The study provided a detailed overview of gender differences in incomes, work experiences and responsibilities, levels of job satisfaction, and discrimination in law practice. It also documented challenges involved in the often difficult balance between career and family, and motives underlying departures from the practice of law. A number of policy initiatives flowed directly from this report.

Conclusions of the 1991 *Transitions* Study

A total of 1,597 individuals participated in the 1991 study, representing a 68% response rate. The study was designed to gather self-reported information about transitions across fields of law, entries to and exits from private practice, changes within work settings, and motives for leaving the practice of law. It is worth reviewing some of the main findings of the 1991 *Transitions* report.

- Although the majority of lawyers practised law on a full-time basis, a greater proportion of women compared with men began their first professional position on a part-time basis. Furthermore, the percentage of women working part-time increased in successive career positions.
- The majority of bar admissions (78%) began their legal careers in the private practice of law. Yet, a sizeable difference existed between women and men: 81% of male lawyers entered private practice following bar admission, whereas only 69% of female lawyers started in private practice. A larger percentage of women left private practice during the initial few years.
- Gender-related differences were also found in careers outside the private practice of law. For example, women were more likely than men to start their careers in government, and more likely to remain in government employment.
- The findings regarding gender and partnership remained inconclusive. Men were more likely than women to begin their careers as partners by setting up firms after bar admission. The average time until partnership was slightly longer for women, although the difference was statistically insignificant. The findings remained inconclusive since so few women in the sample were partners, and on average were younger with fewer years of job experience compared with their male counterparts.
- Analyses of work histories revealed that women and men in the legal profession typically moved from one job to another job (including lateral moves, promotions, and different sectors) in a continuous fashion, without interruption from paid work. When interruptions did occur, they were more likely to occur for women than men.

- Women were over-represented among those having left the practise of law. The report found that while women represented 30% of the bar admissions between 1975 and 1990, they represented 37% of those no longer practising law. Men and women reported similar motives for leaving law practice, including dissatisfaction with occupational tasks, number of work-related hours, and a general dissatisfaction with law practice. Non-career factors were also influential in the decision to leave law practice, with women citing a lack of accommodation for family commitments as an important reason. Furthermore, quality of life, lack of accommodation for family commitments, and the number of work-related hours figured prominently among the reasons cited for leaving the practise of law.
- The empirical findings of the 1991 report also revealed substantial differences in the annual earnings of male and female lawyers. Women were over-represented in lower income categories and under-represented in higher income categories, with an overall lower mean average income than that of men. The income differential was only partly explained by the women's relative youth and fewer years of experience in law practice. The income differentials were most striking in private practice, but persisted across a range of work settings with the exception of government employment, Legal Aid, and law clinics.
- Substantial differences existed between women and men in their respective levels of authority, responsibilities, autonomy, and decision-making roles in law practice. These differences remained even when controlling for the number of years of experience in law practice. Increased time in practice offered greater rewards in terms of responsibilities and authority to male lawyers than to female lawyers.
- Strong similarities existed between men and women with respect to the time invested in law practice and the types of clients represented.
- Both the numeric data derived from the survey and the comments written by participants in the study revealed that a large proportion of women and men enjoyed the substance of practising law, and the nature of legal work more generally. Dissatisfaction stemmed from the conditions of work, including difficulties in balancing professional and personal lives, long hours of work, and the stresses associated with law practise.
- The majority of women (70%) reported experiencing sexual discrimination in their work. In contrast, only 7% of men reported that they had experienced sexual discrimination. Participants described sexual discrimination as taking many different forms including denial of opportunities, delayed partnership, and verbal abuse. Other instances assumed more subtle forms through the use of gender-biased language, attention to appearance and dress, isolation from colleagues, and exclusion from informal discussions.

- The report revealed that women continued to bear primary responsibility for the care of children and housework. Demands for an improved balance between paid work and family responsibilities were articulated by both men and women in the study.
- The report found that there was not yet a strong support system for employees with family responsibilities, or more generally, for those desiring flexibility in work schedules or special leaves from the practice of law. Benefits such as child care, part-time partnerships, paternity leaves, and job sharing were rare. However, many participants in the survey advocated alternative work arrangements and improved benefits.

Policy Initiatives 1991 to 1996

A number of initiatives were introduced by the Law Society of Upper Canada following the release of the *Transitions* report:

- *Recommended Personnel Policy Regarding Employment-Related Sexual Harassment.* The model policy was adopted by Convocation on January 24, 1992.
- *Recommended Personnel Policy Regarding Employment-Related Sexual Harassment for Small Law Firms.* The model policy was adopted by Convocation on June 14, 1994.
- *New Rule of Professional Conduct dealing with sexual harassment.* The Rule was adopted by Convocation on July 10, 1992.
- *New Rule of Professional Conduct dealing with discrimination.* The Rule was adopted by Convocation on September 23, 1994. Since then, the Law Society's Equity in Legal Education and Practice Committee has been producing educational pamphlets on Rule 28.
- *Reduction in Annual Fee for Members who are on Maternity, Paternity, or Parental leave.* The policy was adopted by Convocation on July 10, 1992.

The 1996 *Barriers and Opportunities Within Law* Report

During the 1990s, women continued to enter the legal profession in unprecedented numbers and to confront major barriers to their advancement. Reports published during the late 1980s and early 1990s testified to the obstacles remaining for women's integration into the Canadian legal profession.² The most ambitious undertaking to date is the Canadian Bar

² See for example Joan Brockman, *Encountering Barriers and/or Moving On*, a survey of former members of the Law Society of British Columbia, a report prepared for the Law Society of British Columbia's Subcommittee on Women in the Legal Profession (Vancouver, British Columbia, 1990); Joan Brockman, *Identifying Barriers*, a survey of members of the Law Society of British Columbia, a report prepared for the Law Society of British Columbia's Subcommittee on Women in the Legal Profession (Vancouver, British

Association's Task Force on Gender Equality, which produced a 290 page report (and fourteen additional documents and discussion papers as appendices). The Canadian Bar Association report, *Touchstones for Change: Equality, Diversity and Accountability* (1993) concluded:

The results of our research and consultations serve as further proof that gender bias exists in all sectors of the profession and on a national basis. Evidence of gender inequality abounds in the restricted nature of employment opportunities available to women, in the limits placed on their career advancement, in the lack of accommodation of family responsibilities and in sexual harassment.³

This report established benchmarks for the evaluation of progress by the legal profession in advancing the representation of women. The report documented advances in admitting growing numbers of women to the bar, but also emphasized that barriers to access to all sectors, and to more prestigious positions of law practice, remain.

An explicit recommendation of the *Transitions* (1991) and *Touchstones* (1993) reports is that the success of women in the profession must be monitored through continued and expanded data collection, and through analyses of the kind outlined in the 2002 survey (summarized in the present report).⁴

The 1996 report, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*,⁵ was designed to collect further information regarding the relationships between gender and sectors of practice, earnings, partnership, fields of law practised, levels of job satisfaction, and attitudes toward issues and challenges confronting the profession of law. Several key findings are notable.

Columbia, 1991); Fiona Kay, *Women in the Legal Profession*, a report to the Law Society of Upper Canada's Subcommittee on Women in the Legal Profession (Toronto: Osgoode Hall, 1989); Fiona Kay, *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975-1990*, a report submitted to the Law Society of Upper Canada (Toronto: Osgoode Hall, 1991); Ejan MacKaay, "Les Avocats du Québec -- Sondage Général 1987" (Montréal, Québec: Le Barreau du Québec, 1987); Ejan MacKaay, "Les Avocats et la Discrimination," Rapport préliminaire sur le sondage 1991 (Montréal, Québec: Le Barreau du Québec, 1991); Ejan MacKaay, "La Situation Economique de la Pratique Privée en 1993" (Montréal, Québec: Le Barreau du Québec, 1993).

³ Canadian Bar Association, *Touchstones for Change: Equality, Diversity and Accountability*, report of the Canadian Bar Association, Task Force on Gender Equality in the Legal Profession (Ottawa, Ontario, 1993, at p. 267).

⁴ Fiona Kay, *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975-1990*, a report to the Law Society of Upper Canada's Subcommittee on Women in the Legal Profession (Toronto: Osgoode Hall, 1991, at p. 115); Canadian Bar Association, *Touchstones for Change: Equality, Diversity and Accountability*, report of the Canadian Bar Association, Task Force on Gender Equality in the Legal Profession (Ottawa: Ontario, 1993, at pp. 277-290).

⁵ Fiona Kay, Nancy Dautovich, and Chantelle Marlor, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*, a report to the Law Society of Upper Canada (Toronto: Osgoode Hall, 1996).

Main Findings of the 1996 Report

- **Professional Positions:** Among this cohort of lawyers, men were more likely than women to be partners (33% of men and 17% of women), and sole practitioners (19% of men and 14% of women). Women were more likely to be government lawyers (19% of women and 11% of men), or employees/associates of law firms (14% of women and 8% of men).
- **Fields of Law:** The three most common fields of law for men were civil litigation (20%), real estate (16%), and corporate and commercial law (14%). For women, the three most common fields were other fields of law (17%), family law & divorce (15%), and civil litigation (12%). There were a number of differences between men and women in the fields of law they practise. Men were more likely to be engaged in general practice (10% of men compared with 2.9% of women), real estate (16% of men compared with 10% of women), and civil litigation (20% of men compared with 12% of women). Women were more likely to be engaged in family law & divorce (15% of women compared with 5% of men), administrative law (6% of women compared with 2.1% of men), and “other” fields of law (17% of women compared with 11% of men).
- **Hours Billed:** There were no statistically significant differences in the average number of hours billed by women and men. However, women, on average, reported spending a larger proportion of their time than their male colleagues on administrative work, profile development, teaching, community service, and uncompensated law-related work such as law reform, keeping-up-to-date, and “other” tasks.
- **Earnings:** Analyses of earnings differentials suggest that female lawyers receive lower remuneration relative to their male colleagues of equivalent experience and practice setting.
- **Professional Responsibilities:** Considerable career advancement has been made by way of professional responsibilities. This cohort of 15 years of bar admissions has moved into professional positions offering greater opportunities for policy decision-making, authority, supervisory roles, autonomy, hierarchical classification, and ownership. Yet, despite these increases, women have not been rewarded with professional responsibilities similar to their male counterparts of equivalent experience. Women remained less likely to own businesses, to be in positions of management, to supervise others, or to work in capacities involving autonomy, authority, or decision-making power.
- **Job Satisfaction:** Results suggest that, overall, female lawyers are more likely than male lawyers to search for new jobs and to leave their existing job if a good position becomes available elsewhere. Even when taking into account years of experience, women are consistently more likely to express job dissatisfaction (by applying for other jobs, by accepting job offers, or by looking for new work in the next year). Dissatisfaction is most pronounced among women lawyers in the early to middle stages of their careers (12 to 16 years).

- **Sexual Discrimination:** As with the 1990 survey, women were much more likely than men to perceive sexual discrimination as having happened to them, and somewhat more likely than men to perceive sexual discrimination against others. Seventeen percent of women replied that they had been denied responsibility for a case/file on the basis of their sex, whereas only 6% of men claimed to have had this experience. In contrast, men (86%) were much more likely than women (63%) to respond that they had never been denied responsibility for a case/file based on a client's objection to their sex.
- **Balancing Career and Family:** Men (89%) were much more likely than women (78%) to be either married or living with a significant other. Men were more likely than women to have children, and to have larger families. Eighteen percent of men had no children, compared with 27% of women. Fifty-five percent of men had one or two children, compared with 50% of women, and 27% of men compared with 24% of women had three or more children.
- **Household Responsibilities:** Survey results indicate that men and women in the bar admission cohorts of 1975 to 1990 fall along fairly traditional gender lines in terms of household responsibilities. Women took a greater share of responsibility for cooking, cleaning, and managing the household. Women assumed primary responsibility for child care, including staying at home with a sick child, finding a babysitter, arranging for child care, and leaving work for children's needs. Women with children continued to work the equivalent of a second full-time job involving child care.
- **Consequences of Having Children:** Respondents were asked whether they experienced any discrimination in their job as a result of having children. Results show large differences between the experiences of men and women. Women reported (in numbers significantly greater than those of men) loss of seniority, delay in promotion, pressure to work while on parental leave, an unreasonable workload following parental leave, a testing of commitment to work, loss of clients, loss of job, difficulty in obtaining leave, difficulty in obtaining flexible hours or part-time work, loss of income, stress from competing demands, and interference of work in family life.
- **Workplace Supports and Benefits:** There has been an overall improvement in the range of benefits offered by law firms and other employers since the 1990 survey of the Ontario legal profession. Non-private practitioners were more likely to receive equal or superior benefits in the areas of health care and family/child care benefits. Private practitioners may have a slight advantage in terms of work arrangements, and in the area of professional development. Overall, child care and daycare facilities remain the most rare of workplace supports. In 1996, there was a slight increase in the number of workplaces offering child care benefits (up to 3.1% from 1.7% in 1990). Only 4.2% of firms/employers offered daycare facilities in 1996.
- **Work Histories:** The analysis of work histories among lawyers called to the Ontario Bar during the period 1975 to 1990 reveals several important findings:

- Women on average tend to have a greater number of professional positions relative to their recent entry to the profession.
- Although the majority of lawyers work on a full-time basis, women are more likely than men to work part-time. First jobs and early positions tend to be full-time, and part-time work increases for both men and women as they move through their careers.
- The majority of lawyers continue to work in the private practice of law, and over half of all lawyers began their careers in law firm settings. Women are more likely to work as lawyers for the government or in settings outside of the sectors listed in the questionnaire (government, private practice, corporate/private industry lawyer, Legal Aid), and considerably more likely to leave the practice of law.
- The majority of lawyers move between professional positions without interruptions. When interruptions do occur, they are more likely to occur for women, and for slightly longer durations than for men.
- **Balancing Career and Family:** The difficulty of balancing career and family responsibilities was a pressing issue for many participants in the study. Related to the difficult balance between career and family was the issue of flexibility in hours of work. Several respondents raised concerns about the lack of available part-time employment, part-time partnerships, predictable hours, job-sharing, and flexibility in hours more generally.
- **Main Challenges Confronting the Legal Profession:** Participants in the study identified the following areas to be the main challenges confronting today's legal profession:
 - balancing career and family / personal life
 - numbers in the profession
 - Legal Aid and access to justice
 - insurance, fees, and profit
 - professionalism, reputation, and ethics
 - flexibility in hours
 - technology and changes in law
 - women in the legal profession

In addition, two other avenues were recommended by participants in the study for further investigation by the Law Society of Upper Canada:

- diversification of careers following graduation from law school

- barriers for visible minorities (people of colour) in the legal profession

Policy Initiatives 1996 to 2004

A number of model policies were adopted by the Law Society of Upper Canada following the release of the *Barriers and Opportunities* report (1996):

- *Guide to Developing a Policy Regarding Flexible Work Arrangements* (Toronto: Law Society of Upper Canada, updated March 2003).
- *Guide to Developing a Policy Regarding Workplace Equity in Law Firms* (Toronto: Law Society of Upper Canada, updated March 2003).
- *Promoting Dialogue, Creating Change: Equity and Diversity in the Legal Profession. Report on Equity Initiatives and Resources in the Legal Profession.* (Toronto: Law Society of Upper Canada, January 2003). (*Also available in French*)
- *Preventing and Responding to Workplace Harassment and Discrimination: A Guide to Developing a Policy for Law Firms* (Toronto: Law Society of Upper Canada, March 2002).
- *Accommodation of Creed and Religious Beliefs, Gender Related Accommodation and Accommodation for Persons with Disabilities; Legal Developments and Best Practices* (Toronto: Law Society of Upper Canada, March 2001).
- *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements* (Toronto: Law Society of Upper Canada, March 2001).
- *Policy on Creed and the Accommodation of Religious Observances* (Toronto: Ontario Human Rights Commission, October 20, 1996).
- *Guide to Developing a Policy Regarding Workplace Equity in Law Firms* (Toronto: Law Society of Upper Canada, updated March 2003).
This guide offers a model policy to assist law firms in meeting their obligation to avoid discrimination and to promote equity in employment practices. It covers employment practices in recruitment, interviewing job candidates, hiring and promotion, equal opportunities, professional development, accommodation, evaluation, mentoring, and compensation.
- *Sexual Orientation and Gender Identity: Creating an Inclusive Work Environment, A Model Policy for Law Firms and other Organizations* (Toronto: Law Society of Upper Canada, May 13, 2004).

The 2004 *Turning Points and Transitions* Report

This 2002 survey of lawyers provides a follow-up to the earlier two surveys and reports by building a third wave of data collection. The longitudinal study is concerned with a comparison of the success of more than 1,500 male and female lawyers who were called to the Ontario Bar between 1975 and 1990, and who are now well along in their careers. A 6-year period between waves of the study was chosen to allow time for children to be born, and for significant career moves to take place, such as partnerships in law firms. It is crucial in assessing arguments about the advancement of women to have data that follow individuals over their careers.

The third wave of the Ontario survey focuses on several dimensions relevant to gender and the legal profession:

- promotions
- changes in income, areas and types of practice
- departures and re-entries to practice
- changes in family status and composition
- clientele responsibilities
- time spent at work and the accumulation of docketed and billable hours
- responsibilities, autonomy, decision-making, and authority in practice
- job and career satisfaction

Research Methodology

The current proposal builds longitudinally on the surveys of more than 1,500 Ontario lawyers, about half women and half men, initiated in 1990, and re-contacted in 1996. The third wave of this longitudinal survey was conducted in the autumn of 2002.

The sample of Ontario lawyers was originally stratified by gender in 1990 to include equal representation of women and men, as well as members of the profession who had left the practice of law. The response rate in 1990 to the mail-back questionnaire was 68%, providing 1,597 respondents. The representativeness of the weighted sample is documented in the 1991 *Transitions* report.⁶ In 1996 the response rate was again very impressive (relative to surveys of professionals generally) at 70%. A common problem with longitudinal research design is panel attrition – the loss of survey participants over time (due to incorrect mailing addresses, inability to track respondents, death, refusal to participate, etc.). The accuracy of survey depends on respectable response rates. Fortunately, in the third wave of the study, conducted in 2002, the response rate was again a favourable 73%. Surveys were mailed to 1,083

⁶ *Transitions* report, at pp. 6-10.

individuals (the total number who responded to both the 1990 and 1996 surveys). A total of 743 individuals responded.

The re-contact surveys (1996 and 2002) include a life history calendar to enumerate changes in family composition, and allow attention to career moves and changes including departures and re-entries to employment, promotions, and changes in areas of work. Data were collected on commitment to future work, length of employment and part-time spells, and numerous employment characteristics including position, sector of practice, specialization, and working conditions. The survey instrument also includes items to measure demographic background, time commitments, legal tasks, workplace responsibilities and authority, job satisfaction, and attitudes toward a number of issues confronting the legal profession.

The first mailing of the 2002 re-contact survey took place on October 28, 2002. Reminder postcards were mailed on November 4, 2002. A follow-up mailing of questionnaires to reduce nonresponse took place on the November 18, 2002. The researchers tracked the identification numbers on returned questionnaires and sent the follow-up mailing only to those individuals who had not yet returned a questionnaire.

Strategic and Policy Issues to be Addressed

This research focuses on the advancement of women in the legal profession. The research seeks to determine where inroads have been made and to identify what barriers remain and how they operate. Through the continuation of a longitudinal survey of Ontario lawyers this research contributes to efforts to ensure that the legal profession guarantees women equality of access to law, and equality of opportunity for advancement within legal careers.

Research Objectives and Questions

This study was designed to gather information to examine the relationships between gender and transitions across work settings, including fields of law, private and non-private practice, promotions, partnership, earnings, and levels of job satisfaction. The survey builds on two earlier surveys (1990 and 1996) of panel data (the same sample of lawyers surveyed over time) to include questionnaire items regarding legal education, professional work history, professional responsibilities, and family history. In addition to quantitative information, the study solicited comments and insights from participants with respect to their own experiences and the many ongoing changes in the contemporary legal profession.

Six sets of questions guide this study:

- **Partnership and Earnings:** Have women succeeded at becoming partners at a rate commensurate with their level of experience? Has the gap in salaries between male and female lawyers narrowed, or been eliminated, with career advancement?
- **Practice Responsibilities:** Do women and men invest similar or different amounts of time in the practice of law (billable and other forms of hours)?

How do the professional responsibilities compare between men and women in law practice? Do male and female lawyers represent the same types of clients?

- **Family and Career Balance:** A sizeable proportion of women and men in this study are now parents. A third objective, therefore, is to conduct a continued analysis of the balance between career and family responsibilities. Have law firms and other organizations that employ lawyers made strides toward increasing the availability of workplace flexibility and supports for lawyers as parents? Are lawyers satisfied with the balance between career and family responsibilities?
- **Benefits and Workplace Supports:** A related objective of this study is to evaluate changes in the benefits and workplace supports (e.g., maternity leave options, child care, flexibility in hours, availability of part-time employment) offered to lawyers working in various job settings (e.g., private practice, private industry, government employment, Legal Aid).
- **Sexual Discrimination:** Has the work climate improved for women? Is there a reduction in the occurrence and nature of sexual discrimination in the workplace?
- **Work Histories:** How many job changes are typical among this cohort of lawyers? How common are work interruptions such as sabbaticals, leaves or periods of unemployment? A sizeable proportion of lawyers in this sample will have left the practice of law. Why have these individuals left the practice of law?

Sampling Frame

The sampling frame for this study deserves special attention since the 2002 survey represents a third contact, or follow-up, of a sample of lawyers first surveyed in 1990. Therefore, we begin with a review of the sampling methodology employed in the original 1990 survey.

The sample is a disproportionate stratified sample which consists of four main strata, each divided by gender (for a total of eight strata). Statistical analyses of the legal profession prior to this period are extremely limited due to the very small numbers of women in the profession. The four main strata are detailed below.

Stratum I: Tribunals, Commissions, Agencies, and Boards

The Women in the Legal Profession Committee wished to ensure that members who participate in tribunals, commissions, agencies or boards would be included in the sample. Therefore, in February 1990 a simple random sample was generated from the Law Society of Upper Canada's general membership records of members whose employment included one or more of the following key words: agency, board, commission or tribunal.

Stratum II: Temporary Absences from Law Practice

A second stratum consisted of members known to have taken temporary absences from the profession of law. A sample was drawn from the results of a questionnaire distributed through the annual fee payment forms. Since this questionnaire had only been in circulation for two years (1988 and 1989), the sample was drawn from fee-paying members who indicated on either the 1988 or the 1989 questionnaire that they were (i) looking for work during the previous four weeks; (ii) not looking for work; or (iii) away from work for twelve months or more but intending to return to their existing job. All members indicating these categories of temporary absence were mailed the 2002 survey in an attempt to maximize their representation, and to facilitate an exploration of reasons for leaving law practice on a temporary basis.

Stratum III: General Membership

A third stratum consisted of fee-paying members who were employed at that time (February 1990), but who did not fall into either of the previous two strata (strata are mutually exclusive). As of February 1990, the third stratum consisted of 12,574 lawyers called to the Ontario Bar during the previous 15 years; 3,562 women and 9,012 men. The simple random sample contained an equal number of men and women working in various settings so that the researcher could assess the bearing of gender, among other factors, on the workplace and career transitions to be studied. This stratum represents the largest stratum in the sample.

Stratum IV: Departures from Law Practice

The fourth, and final, stratum consisted of members who were suspended at that time (February 1990), whose suspensions had been imposed during the five years previous (1985 to 1989 inclusive), and for whom the Law Society possessed an address. These members included individuals suspended for nonpayment of annual membership fees, or for nonpayment of errors and omissions levies. It is important to note that they had not been suspended for professional misconduct. Rather, in this context, suspension indicates that these individuals had left the practice of law and discontinued their membership fees to the Law Society of Upper Canada.

Rationale for the Sampling of Departures from Law Practice

Although the largest stratum in the sample was that of general members of the legal profession, the two strata of temporary absences and suspended members were very important to the 1990 study. These two strata allowed the researcher to study individuals who had departed from the practice of law on either a temporary or long-term basis. This is an innovative feature; very few studies have explored the factors contributing to departures from law practice. It should be noted, however, that suspended members are under-represented in the sample. Although the list of suspended members provides an accurate total

of the number of departures from 1985 to 1989, there are difficulties in tracking such individuals for mailing purposes.⁷

Two of the primary aims of the 1990 study were (1) to compare men and women in career patterns and distribution across sectors of law practice, and (2) to explore career patterns including exits from law practice. These goals necessitated a disproportionate sampling scheme. Disproportionate stratified sampling is a technique which ensures that sufficient cases are selected from all strata including the smaller ones, and also enables a weighted estimation of overall population parameters. These sampling procedures required that data be weighted to obtain unbiased estimates of the total population. The use of “weights” allows the researcher to restore unequal population size relationships among strata by assigning greater or lesser importance to sample elements. The application of weights to the earlier analysis is apparent since the sample consists of approximately 50% women and 50% men. For presentation in the 1991 report, these data were then weighted to the true population parameters where women represented only 30% of the legal profession (among calls to the Bar, 1975-1990). The equation used to calculate weights, and a detailed reporting of the population parameters, sample size and response rate are included in the 1991 report, *Transitions in the Ontario Legal Profession*.⁸

It should be noted that weights are not employed in the 1996 or 2002 analyses because the goal of these re-contact surveys is to establish changes (including job transitions) among this cohort of individuals, rather than to make generalizations about the larger population of Ontario lawyers.

Tables comparing data from 1991 and later surveys (1996 and 2002) therefore show different proportions of male and female respondents as a percentage of the overall population. Data included in the 1991 report have been weighted to reflect the overall population of men and women lawyers in Ontario, whereas data from the subsequent reports reflect the composition of this longitudinal sample.

Response Rates

Response Rate: 1990 Survey of the Profession

Overall, the 1990 survey received an exceptionally high response rate from members, past and present, of the Law Society of Upper Canada. Surveys were mailed to 2,358 lawyers. A total of 1,597 questionnaires were returned, yielding a response rate of 67.7%. There were 14 cases for which the respondents reported their year of call to the Ontario Bar as prior to 1975. These 14 cases were removed from the analysis to preserve the sample of individuals called to the bar during the 15-year period from 1975 to 1990. These cases represent less than 1% of the sample. Based on the resulting sample of 1,583, the response rate is 67.1%.

⁷ See *Transitions* report, at pp. 6-7 for a more detailed discussion of the sampling frame and the issue of under-representation of departures from law practice.

⁸ See *Transitions* report, at pp. 8-9.

Response Rate: 1996 Re-contact Survey

The Law Society of Upper Canada maintains current records of the members of the Ontario legal profession. These membership records are characterized by a high degree of accuracy. This fact contributed to the exceptionally high rate of response received on the second wave (1996 survey) of the longitudinal design. Considerable effort was required to locate current addresses for individuals who had left the practice of law since the 1990 survey.

In the 1990 survey, 11 individuals removed the identification number located in the top right corner of the questionnaire. The identification numbers were used for mailing purposes, and as an additional measure to protect the identity (name or address) of participants. Participants were informed of this information in the cover letter to the questionnaire. The loss of identification numbers did not affect the statistical analyses of the 1990 survey data, but it did prevent a follow-up mailing to these individuals. The identification numbers are the key piece of information that allow the researcher to link data files from the 1990 survey to the 1996 survey (while maintaining anonymity). Therefore, these 11 cases were removed from the re-contact survey of 1996. Unfortunately, the death of four other lawyers during the interim period (1990 to 1996) also resulted in their loss from the sample.

Therefore, the mailing in March 1996 consisted of 1,582 questionnaires. Five individuals removed the identification numbers from the questionnaire. Again, this is not harmful to the analysis of data (the researcher simply assigned new identification numbers to these cases). However, the loss of identification numbers prevents the longitudinal linking of cases on an anonymous basis. For this reason, these five cases were removed from the analyses involving work histories (i.e., where the researcher was required to link 1990 and 1996 data sets to provide a more complete account of career patterns).

A total of 1,087 questionnaires were received, for a response rate of 68.7%. If we exclude 15 questionnaires that were returned to the Law Society as undeliverable, the adjusted response rate is 69%. Without these cases, the adjusted rate of response is 70%. This is perhaps the most reasonable estimate of the response rate for this study.

This represents an extremely high response rate, given the length of the questionnaire (23 pages) which required a considerable investment in time to complete (20 to 45 minutes), the fact that the sample consists of professionals who traditionally have lower response rates due to their busy schedules, and the additional fact that a sizeable proportion of the sample no longer practises law.

Response Rate: 2002 Re-contact Survey

In September 2002, a total of 1,083 questionnaires were mailed to individuals who had participated in both the 1990 and 1996 earlier surveys. It was essential that individuals had completed both prior surveys so that work history data could be coalated. A total of 743 questionnaires were received. This total represents a response rate of 73%.

Organization of the Report

The report includes 7 sections. This first section provides an introduction and overview to the research study. Sections 2, 3 and 4 detail the statistical findings of the report. Section 2 examines types of professional positions, sizes of law firms, fields of law practised, demographic characteristics, earnings, and professional duties and responsibilities in the practice of law. Section 3 explores aspects of private practice, including clientele responsibilities, work activities, and billable hours. In Section 4, we evaluate levels of job satisfaction, experiences of sexual discrimination, and the intersection of career and family. This chapter also explores family demographics, child-care responsibilities, and strategies for balancing career and family.

Section 5 details work histories and career transitions within and from the practice of law. This section examines the number of positions held since call to the bar, movement across jobs and sectors of practice, work interruptions, and activities during periods between professional positions. This chapter also examines the issue of departures from law practice since 1990.

Section 6 focuses on the comments offered by participants in the study. Many respondents took the time to write comments about their experiences in and out of law practice. Their comments offered creative possibilities for reform within the profession, clarified biographies of family and career transitions, and detailed difficult balancing acts and experiences of discrimination and harassment. Section 7 summarizes the main conclusions of the report.

Following the conclusions, the report provides a glossary of terms and several appendices: (a) covering letters to the questionnaire, (b) reminder postcard, and (c) questionnaire.

Type of Setting, Location, and Professional Position

The following section describes the characteristics of respondents' current (2002) job positions. This includes full/part-time employment, work location, professional position, field of law currently practised, ethnicity, size of firm or organization, and task-related time budget. Comparisons to the 1996 survey are made where possible. Unless otherwise stated, all figures in this section include only people currently engaged in the practice of law. The most junior lawyers in the sample are now 12 years into their careers.

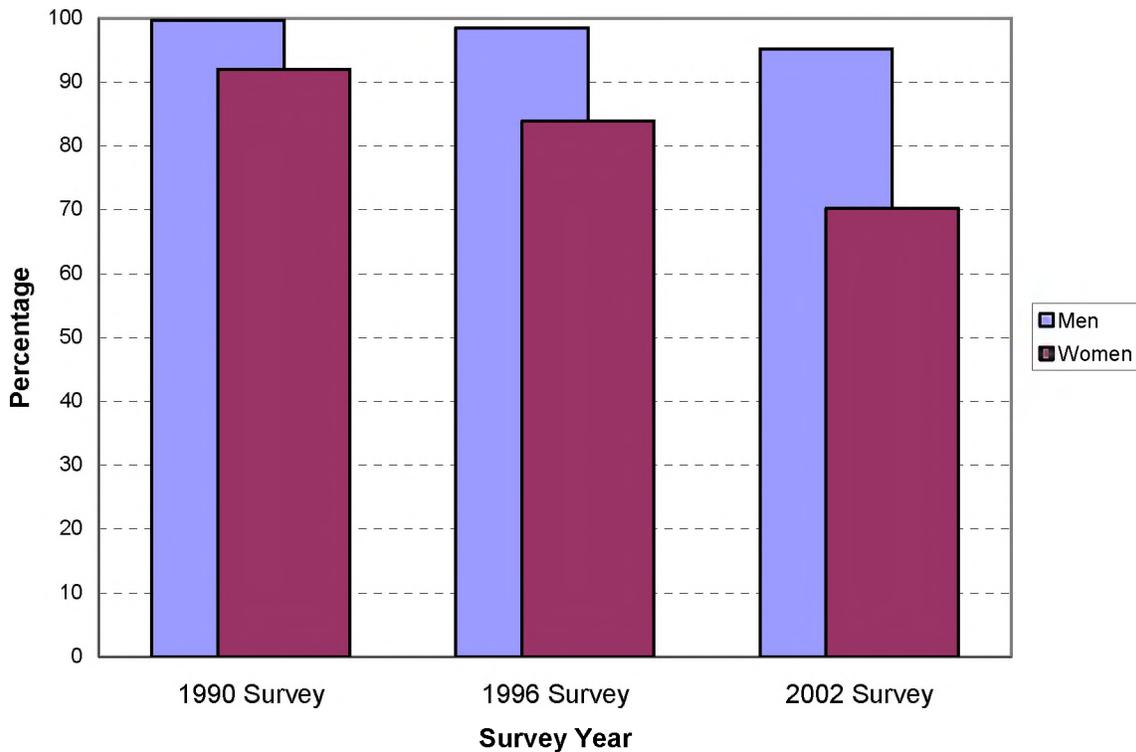
The primary comparison made in this section is between the experiences of male and female lawyers. The term "significant" will be used throughout. A significant difference between the experiences of men and women means that the difference between these groups is most likely not due to chance. A significance level less than .05 ($p < .05$) indicates that the relationship in question could only have occurred by chance five or fewer times out of 100.

In Table 2.1, we see that most respondents work on a full-time basis in their current position (95% of men and 70% of women). However, the difference in the percentage of men and women working full-time is large (approximately 25% more men than women), and statistically significant ($p < .001$). This is a wider disparity than found either in the 1996 survey, where 99% of men and 84% of women practised law full-time, or in the 1990 survey, where 99.7% of men and 92% of women practised law full-time. Figure 2.1 illustrates the decrease in the percentage of lawyers practicing law full-time over the 12 years of this study. These results also suggest women are more likely than men to work on a part-time basis during the progression of their career.

Table 2.1: Percentage of Lawyers Working in a Full-time Position, 2002

	Men (N=312)	Women (N=416)
Yes	95.2	70.2
No	4.8	29.8
Total (%)	100.0%	100.0%
Pearson Chi-Square Value = 72.13 d.f. = 1 $p < .001$		

Figure 2.1: Percentage of Lawyers Working Full-time, 1990, 1996 and 2002



The distribution of male and female lawyers by professional positions held during the survey years 1990, 1996, and 2002 is presented in Table 2.2. Professional positions are divided into 11 categories:

- not engaged in the practice of law
- government lawyer
- industry or corporate counsel
- Legal aid/law clinic lawyer
- society or union lawyer
- employee or associate of law firm
- sole practitioner
- partner in a law firm
- legal academic
- judge
- other

An examination of professional positions during the 2002 survey shows that men are much more likely than women to be partners (34% of men and 16% of women), and sole practitioners (21% of men compared with 15% of women). They are also slightly more likely to be engaged in the practice of law; 11% of men compared with 21% of women in the sample reported that they were not currently practising law. Though the percentage of men not practising law has held relatively constant since the 1996 survey, the percentage of

women has increased by 9%. In comparison, the 1990 survey revealed a smaller gap between women and men no longer practising law (8% of women compared with 6% of men).

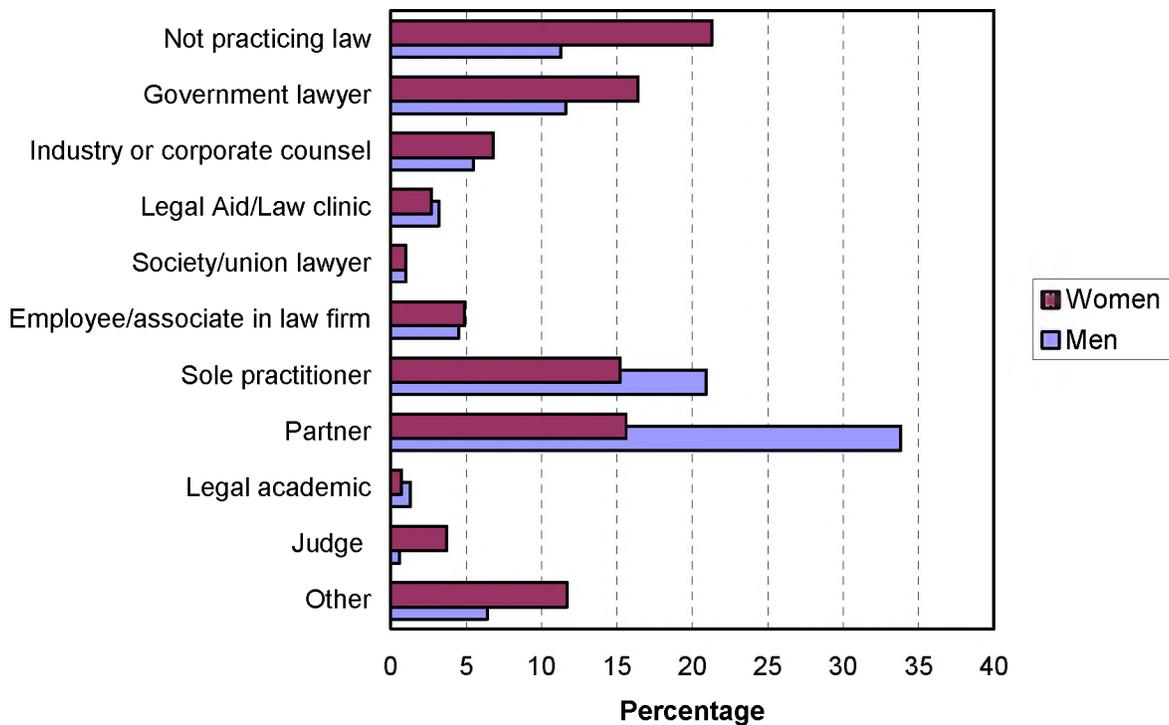
In 2002, women continued to be more likely than men to work as government lawyers (16% of women compared with 12% of men), though the percentage of women working as government lawyers has decreased by 3% since the 1996 survey. Interestingly, women are more likely than their male counterparts to serve as judges (4% of women compared with 0.6 percent of men). The percentage of women working as employees/associates of law firms is approximately the same as it is for men (5% of men and women); this represents a decrease in the percentage of both men and women working as employees/associates of law firms since the 1996 survey (10% decrease for women compared with 4% decrease for men). This finding, in part, reflects the increased level of experience among the cohort.

Overall, men are strongly represented in partnerships and as sole practitioners. Women are more evenly distributed across categories, with at least 10% or more of female lawyers working in each of the following settings: government, partner in a law firm, solo practice, outside the practice of law, and “other” work settings (See also Figure 2.2).

Table 2.2: Current Professional Position, 1990, 1996 and 2002

	Men			Women		
	1990 (N=1072)	1996 (N=444)	2002 (N=311)	1990 (N=435)	1996 (N=569)	2002 (N=409)
Not engaged in the practice of law	5.8	11.0	11.3	8.4	12.0	21.3
Government lawyer	10.9	10.6	11.6	15.6	18.8	16.4
Industry or corporate counsel	6.3	5.9	5.5	6.3	7.2	6.8
Legal Aid/Law clinic lawyer	1.7	2.3	3.2	1.8	1.8	2.7
Society or union lawyer	0.5	.7	1.0	0.9	1.1	1.0
Employee or associate of law firm	25.1	8.3	4.5	35.9	14.4	4.9
Sole practitioner	13.7	18.9	20.9	11.4	14.4	15.2
Partner in a law firm	33.2	33.3	33.8	13.2	16.9	15.6
Legal academic	-	1.6	1.3	-	1.4	.7
Judge	-	.2	.6	-	1.6	3.7
Other	2.8	7.2	6.4	6.4	10.5	11.7
Total (%)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
2002: Pearson Chi-Square Value = 54.74 d.f. = 10 p < .001						
1996: Pearson Chi-Square Value = 59.41 d.f. = 10 p < .001						
1990: Pearson Chi-Square Value = 79.72 d.f. = 8 p < .001						

Figure 2.2: Professional Position, 2002



Size of Firm or Office

Differences between men and women by the number of lawyers working in their office or firm are reported in Table 2.3. Respondents were asked the question, “Including yourself, how many lawyers worked in your office (that is, at one physical location)?” Figures include only those whose current position is in the practice of law, whether it be in private or non-private practice.

Although there are differences between the sizes of firms/offices in which women and men work, the differences remain insignificant. The majority of respondents (41% of men and 35% of women) work in offices of two to nine lawyers. The second most common office size is one lawyer (19% of men and 26% of women), and the third most common office size is 75 or more lawyers (15% of men and 14% of women). The least common size for both men and women is 50 to 74 lawyers (approximately 4% of men and women). This last figure has remained relatively unchanged since the 1996 survey.

Table 2.3: Number of Lawyers Working in Respondent's Office, 2002

	Men (N=260)	Women (N=289)
1	18.5	26.0
2-9	40.8	35.3
10-19	9.6	9.7
20-49	11.9	11.8
50-74	3.8	3.8
75+	15.4	13.5
Total (%)	100.0%	100.0%

Pearson Chi-Square Value = 4.85 d.f. = 5 NS

Main Fields of Law Practised

Respondents were asked to identify the three main fields of law that they currently practise. These three fields were ranked from one to three based on the amount of time spent on each field. Results from this question are reported in Table 2.4. The categories included:

- general practice
- criminal law
- real estate
- corporate & commercial
- estates, wills & trusts
- debtors' & creditors' rights
- civil litigation
- family law & divorce
- taxation
- labour relations
- administrative law
- municipal law
- landlord & tenant
- immigration
- patents, trademarks & copyright
- air & marine law
- other

Table 2.4: Main Fields of Law Practised, 2002

	Rank 1		Rank 2		Rank 3	
	Men (N=267)	Women (N=299)	Men (N=192)	Women (N=203)	Men (N=146)	Women (N=147)
General practice	7.1	2.0	3.6	4.4	12.3	11.6
Criminal law	9.4	8.4	7.3	4.9	4.8	4.8
Real estate	16.5	8.0	11.5	8.4	6.8	11.6
Corporate & commercial	13.5	11.0	12.0	9.9	13.7	10.2
Estates, wills & trusts	0.7	4.3	7.8	12.8	17.1	19.0
Debtors' & creditors' rights	0.4	1.0	3.1	3.0	2.7	2.0
Civil litigation	19.1	7.4	13.0	10.8	9.6	9.5
Family law & divorce	6.4	17.7	4.7	4.9	4.1	3.4
Taxation	2.2	2.0	0.5	2.0	1.4	2.0
Labour relations	3.0	3.3	1.6	4.4	3.4	2.0
Administrative law	5.6	6.7	12.5	14.3	5.5	5.4
Municipal law	2.2	0.7	3.6	3.0	4.1	1.4
Landlord & tenant	0.4	1.3	3.6	1.5	1.4	1.4
Immigration	0.7	1.0	0.5	1.0	2.7	0.0
Patents, trademarks & copyright	1.1	2.0	3.1	2.0	1.4	3.4
Air & marine law	0.4	0.0	0.0	0.5	0.0	0.7
Other	11.2	23.1	11.5	12.3	8.9	11.6
Total (%)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Rank 1: Pearson Chi-Square Value = 72.60 d.f. = 16 p < .001 12 cells with expected frequency < 5.						
Rank 2: Pearson Chi-Square Value = 13.54 d.f. = 16 NS 8 cells with expected frequency < 5.						
Rank 3: Pearson Chi-Square Value = 12.48 d.f. = 16 NS 16 cells with expected frequency < 5.						

Men were likely to practise the same field of law over the last 6 years. In 2002, the three most common fields of law (rank 1) for men were as follows:

- civil litigation (19% in 2002, a decrease of 1% since the reported 20% in 1996)
- real estate (17% in 2002, a decrease of 0.5% since the reported 16% in 1996)
- corporate & commercial law (14% in 2002, a decrease of 0.5% from the reported 14% in 1996)

In contrast, there is evidence of greater fluidity in the fields of law practised by women. Sizeable numbers of women in our sample had changed the ranking of the fields of law in which they practise since the 1996 survey. In 2002, the three most common fields practised by women were as follows:

- “other” (23% in 2002, an increase of 6% since the reported 17% in 1996)
- family law & divorce (18% in 2002, an increase of 3% since the reported 15% in 1996)
- corporate and commercial (11% in 2002, an increase of 1% since 1996)

In 1996 the third most common field for woman was civil litigation (12% in 1996). In 2002 only 7% of women reported civil litigation as their main field of law practised.

The most common fields of law ranked second for men in 2002 were as follows:

- civil litigation (13%)
- administrative law (13%)
- corporate & commercial law (12%)

For women, the most common fields to be ranked second in 2002 were as follows:

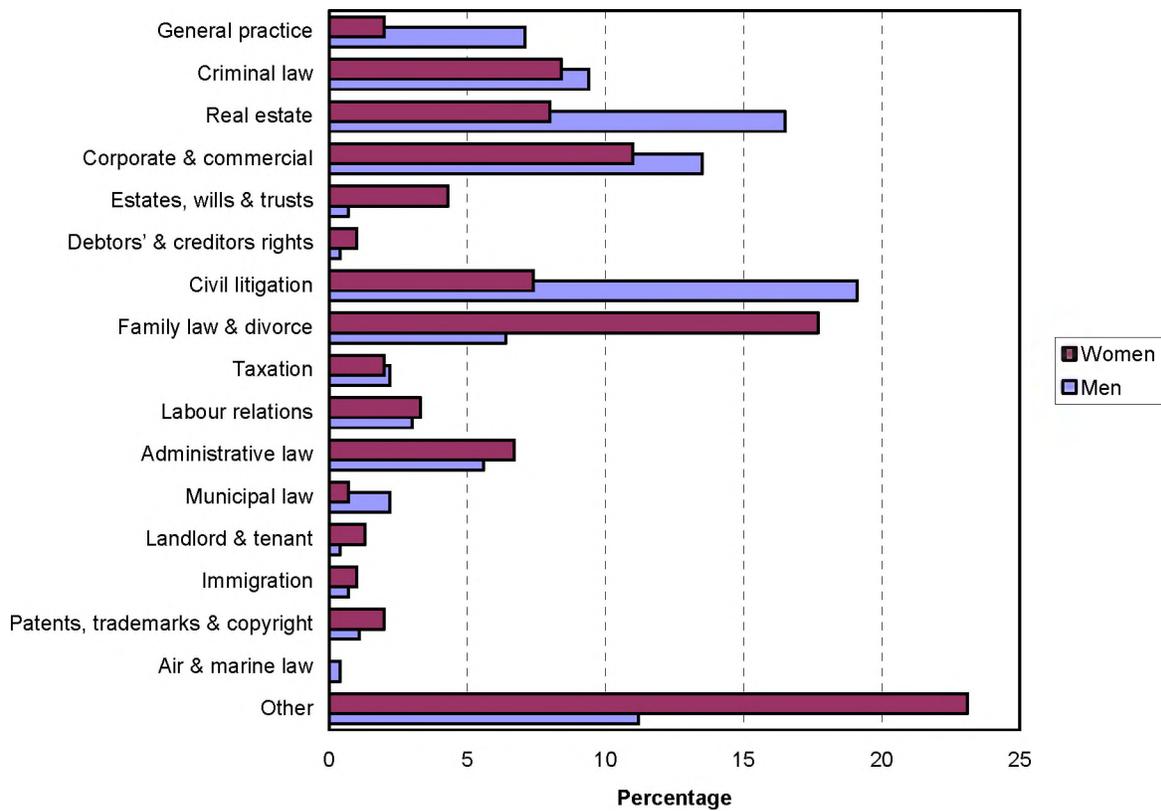
- administrative law (14%)
- estates, wills & trusts (13%)
- “other” (12%)

There are a number of differences between the fields of law ranked as most commonly practised by women and men. Men are more likely to be engaged in general practice (7% of men compared with 2% of women), real estate (17% of men compared with 8% of women), and civil litigation (19% of men compared with 7% of women). Women are more likely to be engaged in family law & divorce (18% of women compared with 6% of men), estates, wills

and trusts (4% of women compared with 0.7% of men), and “other” (23% of women compared with 11% of men).

The differences between men and women are statistically significant for the first ranked field practised, but insignificant for fields of law ranked second and third. In Figure 2.3 the main fields of law practised (top ranked in terms of time investment) are displayed graphically.

Figure 2.3: Main Field of Law Practised, 2002



Time Allotment for Law-Related Tasks

In order to determine the tasks that lawyers spent the majority of their time on, respondents were asked: “In the *last month*, approximately what percentage of your working time was spent on the following?” The eight response categories were:

- administrative work
- promotion and client development
- keeping up-to-date
- uncompensated law-related work (CLE, free legal advice, CBA, Law Society committees)
- teaching
- practising law
- legal research
- other

Table 2.5 presents the mean average percentage of time spent on various tasks. The results suggest that, on average, both men and women spend the majority of their time practising law. However, men spend more time in the actual practice of law (64%) than their female colleagues (53%). Men also spend, on average, slightly more of their time on promotion and client development. Women spend, on average, more of their time doing other, non-specified, law-related tasks (12%) than their male counterparts (3%). The differences between men and women are statistically significant for the categories of promotion and client development, practising law, and “other” tasks.

Table 2.5: Average Percentage of Time Spent Working on Particular Types of Tasks, 2002

	Men		Women		t-value of Difference
	%	N	%	N	
Administrative work	13.62	260	12.27	303	1.01
Promotion & client development	5.29	256	3.71	300	2.79*
Keeping up-to-date	6.06	257	6.20	299	-0.28
Uncompensated law-related work	3.06	255	3.90	300	-1.78
Teaching	1.74	249	2.48	302	-1.15
Practising law	63.56	255	53.33	302	4.47***
Legal research	4.61	256	6.25	299	-1.83
Other	2.65	251	12.18	301	-5.66***

* p < .05
 ** p < .01
 *** p > .001

Ethnicity

Respondents were asked to identify the ethnic or racial groups to which they belong (See Table 2.6). Specifically, they were asked the question: “How would you describe yourself?” Options for response included Caucasian, European Canadian; Indo-Canadian, East Indian; Other Asian Canadian; First Nations; blend of races/ ethnicities; and Other.

Ethnic variability is extremely low among lawyers called to the Ontario Bar between 1975 and 1990. The largest group by far is Caucasian, European (88% of men and 91% of women). The next largest group is “Other” (10% of men and 6% of women). The third largest group for women is Other Asian Canadian, containing 3% of women and 0.4% of the men in the sample. The third largest group for men is blend of races/ethnicities, containing 2% of the men and 3% of the women in the sample. All other groups (Indo-Canadian, East Indian, and First Nations) are very small (approximately 1% or less of men and women in each group). None of the male respondents reported that they considered themselves to be First Nations. The differences between men and women are statistically significant (p<.05).

Table 2.6: Ethnicity, All Those Practising Law, 2002

	Men (N=273)	Women (N=322)
Caucasian, European Canadian	87.5	90.7
Indo-Canadian, East Indian	0.4	0.6
Other Asian Canadian	0.4	2.5
First Nations	0.0	0.3
Blend of races/ethnicities	2.2	0.3
Other	9.5	5.6
Total (%)	100.0%	100.0%

Pearson Chi-Square Value = 13.15 d.f. = 5 p<.05
8 cells with expected frequency < 5.

Earnings

Earnings were examined through the question, “What were your gross annual earnings to the nearest one thousand dollars for the 2002 tax year (after business deductions and before taxes)?” Analyses in this section explore gender differences based on professional position, sector of law practice, and the authority and autonomy of lawyers’ positions. All analyses include only those who hold full-time positions in the practice of law.

In Table 2.7 and Figure 2.4, we examine the overall distribution of earnings for men and women. The most common income range reported by both men and women is \$100,000 to \$149,000. Unlike the 1996 survey, which revealed a notable difference in the percentages of men and women within this range of earnings (21% of men compared with 16% of women), in 2002 this gap was narrower: 29% of men earn between \$100,000 and \$149,000 compared with 31% of women.

Yet, women remain under-represented in the higher income categories and over-represented in the lower income categories:

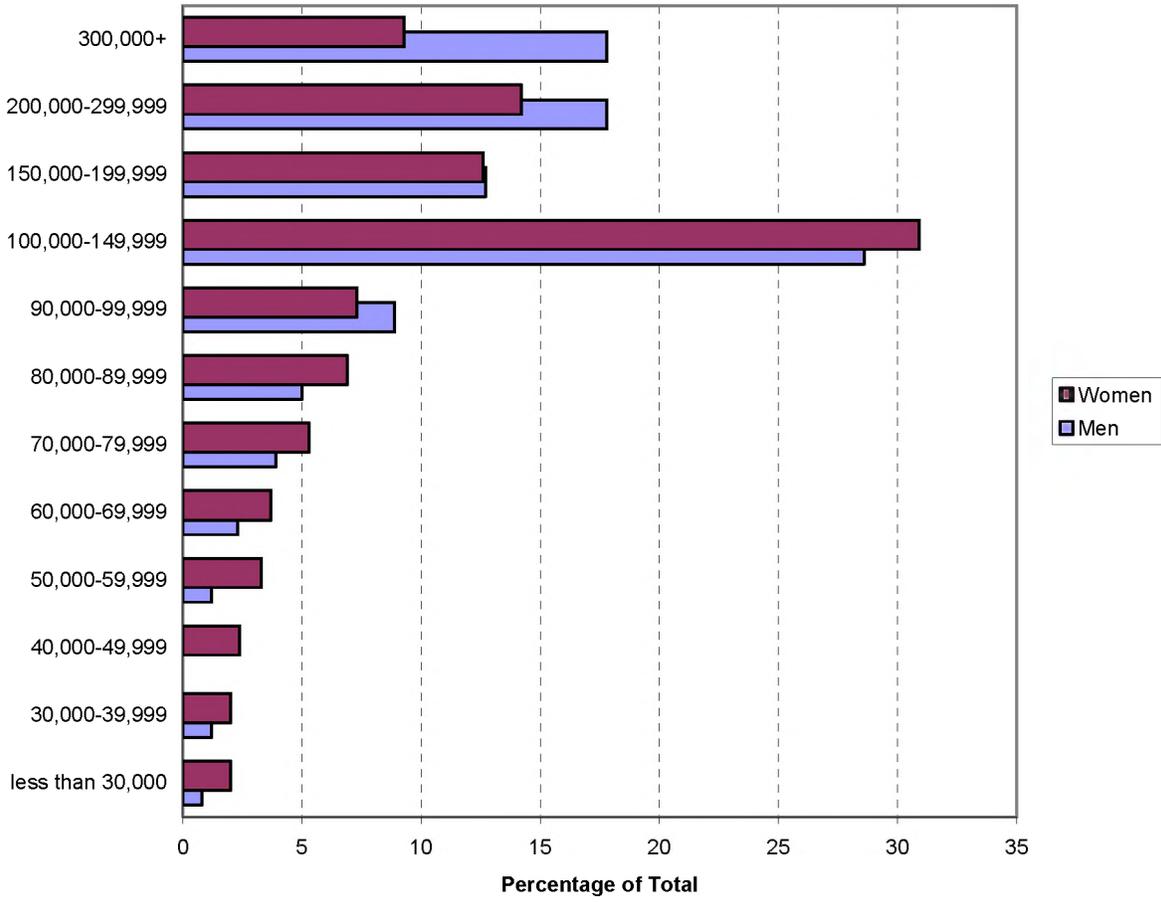
- 18% of men compared with 9% of women earn in excess of \$300,000
- 18% of men compared with 14% of women earn between 200,000 and 299,999
- 29% of men compared with 31% of women earn between 100,000 and 149,000
- 77% of men compared with 67% of women earn more than 100,000
- 20% of men, compared with 23% of women, report earning between \$60,000 and \$99,999
- 2% of men earn between \$30,000 and \$59,999 compared with 8% of women
- 0.8% of men earn under \$30,000 compared with 2% of women

Overall, earnings levels have increased since the 1996 survey, reflecting the career progress of this cohort of lawyers. Only 45% of men and 30% of women earned \$100,000 or more in 1995 (reported in 1996), compared with 77% of men and 67% of women in 2001 (reported in 2002). In particular, the proportion of lawyers in the higher levels of earnings have increased. In the 1996 survey, 7% of men and 1% of women earned over \$300,000, whereas in the 2002 survey 18% of men and 9% of women earned over \$300,000. Although earnings have increased for both men and women, gender differences remain.

Table 2.7: Categories of Earnings, 2002

	Men (N=259)	Women (N=246)
less than 30,000	0.8	2.0
30,000-39,999	1.2	2.0
40,000-49,999	0.0	2.4
50,000-59,999	1.2	3.3
60,000-69,999	2.3	3.7
70,000-79,999	3.9	5.3
80,000-89,999	5.0	6.9
90,000-99,999	8.9	7.3
100,000-149,999	28.6	30.9
150,000-199,999	12.7	12.6
200,000-299,999	17.8	14.2
300,000+	17.8	9.3
Total (%)	100.0%	100.0%
Pearson Chi-Square Value = 21.12 d.f. =11 p < .05		

Figure 2.4: Earnings from the Practice of Law, 2002



Earnings by Professional Position

Many factors can affect lawyers' earnings such as their position, the prestige of the field of law in which they practise, sector of legal practice, and the level of power or seniority they hold within their organization or firm. The effects of current professional position on the levels of earnings of men and women are explored in Table 2.8 and Figure 2.5. This type of exploration is useful to identify areas in which disparities occur.

In Table 2.8 we report the mean average earnings of men and women by their professional position. Standard deviations and significance levels are also presented in this table. Men have higher mean average earnings across the various professional positions, with the exception of judges (only one man in the survey was in this category) and legal academics (no women in the survey were in this category). The largest statistically significant differences in mean averages were found between the following positions:

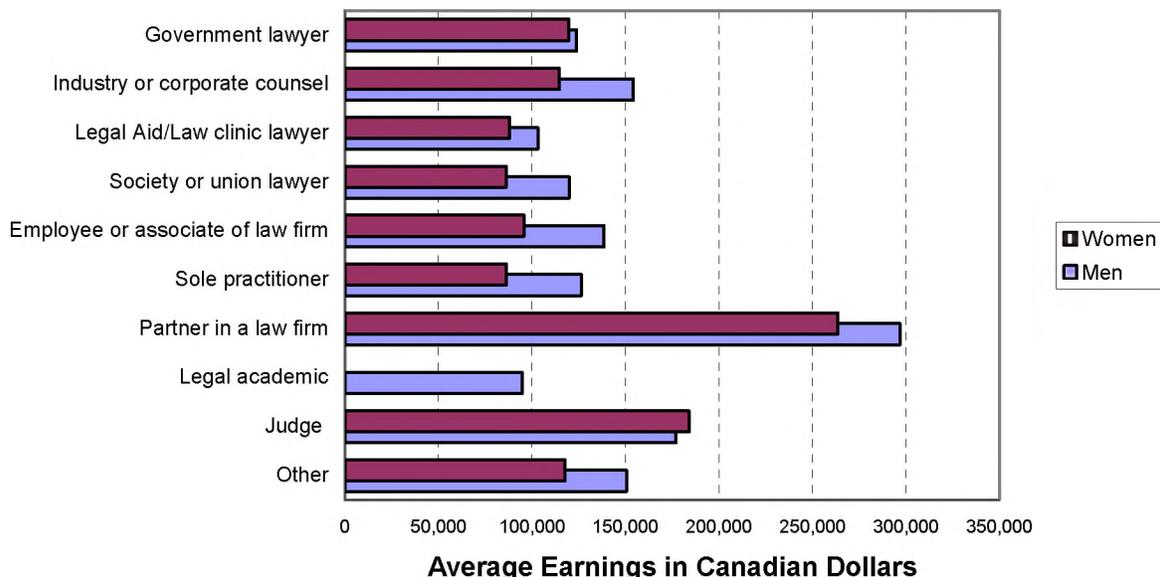
- legal aid/law clinic lawyer (men \$103,221 vs. women \$87,875)
- sole practitioner (men \$126,364 vs. women \$86,150)
- industry or corporate counsel (men \$154,176 vs. women \$114,733)

**Table 2.8: Average Gross Annual Earnings in Dollars, 2002
(Those Practising Law Full-time)**

	Men			Women			t-value of Difference
	Mean	N=235	SD	Mean	N=228	SD	
Government lawyer	123,818	33	23,291	119,757	53	21,035	.816
Industry or corporate counsel	154,176	17	55,207	114,733	21	37,126	2.520*
Legal Aid/Law clinic lawyer	103,221	8	14,534	87,875	8	25,295	1.488*
Society or union lawyer	120,000	3 ^a	32,000	86,221	4 ^a	13,124	1.723
Employee or associate of law firm	138,600	10	79,068	95,818	11	45,731	1.498
Sole practitioner	126,364	55	80,464	86,150	40	61,419	2.762**
Partner in a law firm	296,830	88	203,892	263,549	51	175,173	1.015
Legal academic ^b	94,667	3 ^a	9238	-	0 ^a	-	- ^b
Judge ^b	177,000	1 ^a	-	184,000	14	34,108	- ^b
Other	150,676	17	90,749	117,600	26	70,697	1.272

^a Indicates cells having fewer than 5 cases.
^b t-test could not be performed due to low number of cases.
* p < .05
** p < .01

Figure 2.5: Average Earnings by Full-time Professional Position, 2002



The positions in which the differences between men and women are statistically significant are industry and corporate counsel, legal aid and law clinic lawyers, and sole practitioners. The reason the income differences are so large within several categories, and yet statistically insignificant, is due to the huge spread in levels of earnings (as indicated by the high standard deviation levels).

The income levels of partners in law firms revealed no significant difference between women and men. This may be evidence that the wage gap between men and women partners is narrowing.

Policy Decision-Making

The following section examines the distribution of autonomy, policy decision-making power, and authority among lawyers. Analyses include only those lawyers currently working either full-time or part-time in the practice of law. Wherever possible, comparisons are made between the 1990, 1996, and 2002 surveys to assess changes in access to authority and autonomy for both women and men.

As part of the survey, respondents were asked “Do you participate in policy-making decisions (for example, having to do with budgets, investments, and various other aspects of operation) in your place of work?” Responses from the 1990, 1996, and 2002 surveys are presented in Table 2.9 and in Figure 2.6.

In Table 2.9, the figures for 2002 indicate that a greater percentage of men than women directly participate in all or most policy decision-making: 53% of men compared with 39% of women. In 1996, women were slightly more likely than men to participate directly in *some*

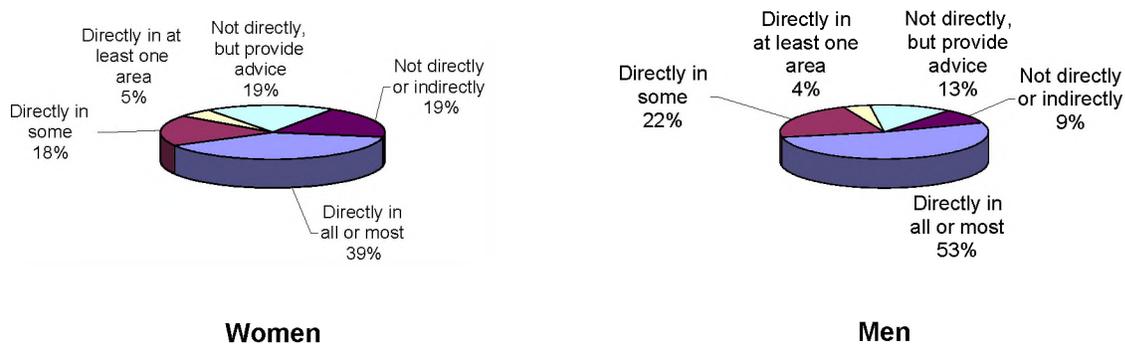
decisions (25% of women compared with 23% of men), and were equally likely to participate directly in decision making *in at least one area* (5% of both men and women). Men remain more likely to participate directly in all decision-making matters (53% of men compared with 39% of women). Women continue to be more likely than men to see participation limited to the role of giving advice (19% of women compared with 13% of men), or to having neither direct nor indirect input in policy decision-making (19% of women compared with 9% of men).

Table 2.9: Participation in Policy Decision-Making in the Workplace, 1990, 1996 and 2002

	Men			Women		
	1990	1996	2002	1990	1996	2002
Directly in all or most	27.2	49.4	53.2	17.6	32.1	39.2
Directly in some	16.4	23.3	21.5	7.6	25.0	18.4
Directly in at least one area	24.1	5.3	3.8	22.9	5.2	4.9
Not directly, but provide advice	17.1	13.2	12.8	22.7	18.2	18.8
Not directly or indirectly	15.2	8.9	8.7	29.2	19.6	18.8
Total (%)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

1990: Pearson Chi-Square Value = 60.36 d.f. = 4 p < .001 (N=1,389)
 1996: Pearson Chi-Square Value = 37.26 d.f. = 4 p < .001 (N=896)
 2002: Pearson Chi-Square Value = 20.66 d.f. = 4 p < .001 (N=575)

Figure 2.6: Policy Decision-Making, 2002



Across the 12 years of this study, lawyers increased their involvement in decision-making at their places of work. Twenty-seven percent of men in 1990, compared with 49% in 1996, and 53% in 2002, claimed to participate directly in all or most policy decision-making. In 1990, 18% of women claimed to participate directly in all or most policy decision-making, compared to 32% of women in 1996 and 39% of women in 2002. There were also increases between 1990 and 1996 in the proportion of respondents who participated directly in some policy decisions (16% of men and 8% of women in 1990, compared with 23% of men and

25% of women in 1996). The proportion of respondents in the remaining three categories decreased between 1990 and 2002, indicating that men and women in the sample were less likely to –

- participate only in one area of decision-making (24% of men and 23% of women in 1990, compared with 4% of men and 5% of women in 2002)
- participate only indirectly in decision-making (17% of men and 23% of women in 1990, compared with 13% of men and 19% of women in 2002)
- participate neither directly nor indirectly in decision-making (15% of men and 29% of women in 1990, compared with 9% of men and 19% of women in 2002)

These results are not surprising. As men and women in this sample progress in their careers, they are likely to gain greater input into policy decision-making. What is noteworthy, however, is that in spite of career advances, men are still much more likely than women to participate in all or most policy decision-making, while women are much more likely than men to have reduced input in these decisions.

Supervision

Lawyers were asked whether or not they supervised anyone (secretary, associate, etc.), or were supervised themselves (see Table 2.10). Eighty-nine percent of men supervise others (compared with 87% in 1996) and 28% receive supervision from others (compared with 34% in 1996); in contrast, 72% of women supervise others (compared with 79% in 1996) and 43% receive supervision from others (compared to 46% in 1996). Men are significantly less likely than women to be supervised, and significantly more likely to supervise others.

Table 2.10: Supervision in the Practice of Law, 2002

	Men	Women
Supervises Others		
Yes	88.7	71.7
No	11.3	28.3
Total (%)	100.0%	100.0%
Number of cases	266	311
Pearson Chi-Square Value = 25.52 d.f. = 1 p < .001		
Supervised by Others		
Yes	28.3	42.9
No	71.7	57.1
Total (%)	100.0%	100.0%
Number of cases	265	303
Pearson Chi-Square Value = 13.07 d.f. = 1 p < .001		

Hierarchy

Respondents were asked several questions relating to their hierarchical placement within their current professional position. These questions were used to create the following three levels of hierarchy:

- (1) supervises other(s) and receives no supervision him/herself
- (2) supervises other(s) and is supervised him/herself
- (3) does not supervise anyone and is supervised him/herself

As reported in Table 2.11, the majority of both men and women are in the top level of hierarchy, where they supervise others, and receive no supervision themselves (93% of men and 84% of women). There are no statistically significant differences between men and women.

Table 2.11: Hierarchical Placement in Professional Position, 2002

	Men (N=116)	Women (N=77)
Supervises other(s) and receives no supervision him/herself	93.1	84.4
Supervises other(s) and is supervised him/herself	6.0	11.7
Does not supervise anyone and is supervised him/herself	0.9	3.9
Total (%)	100.0	100.0
Pearson Chi-Square Value = 4.23 d.f. = 2 NS		

Summary

The results of this section suggest that this cohort of Ontario lawyers has experienced considerable career advancement since 1990. These lawyers, with 12 to 27 years of experience as of 2002, have moved into professional positions offering greater opportunities for policy decision-making, authority, supervisory roles, autonomy, and hierarchical classification. Despite these advances, women have not been rewarded with levels of professional responsibilities similar to their male colleagues of equivalent experience. Women remain less likely to supervise others or to have a considerable degree of decision-making power.

Hours Spent on Law-Related Matters

This chapter describes lawyers employed in the private practice of law. Topics such as hours worked, size of firm, partnership, and type of clientele are explored. All respondents who reported their position to be an employee or associate of a law firm, a sole practitioner, or a partner were included in the following analyses. Unless otherwise noted, figures include only those who work full-time.

In the survey, respondents were asked to report the number of hours worked per weekday and weekend day, as well as the number of evening and weekend hours worked at the office. These measures are presented in Table 3.1. The average number of hours worked on weekdays is approximately 9.3 hours for men and 9.1 hours for women. On weekend days, the average is approximately 3.6 hours for both men and women. Finally, the average number of hours worked in the office on evenings and weekends is approximately 4.3 for men and 4.5 for women. All of these gender differences are statistically insignificant.

Table 3.1: Average Number of Hours Worked (Private Practice), 2002

	Men		Women		<i>t</i> -value of Difference
	Mean	SD	Mean	SD	
Weekdays	9.31 (N=171)	1.48	9.09 (N=118)	1.67	1.14
Weekends	3.60 (N=172)	2.72	3.61 (N=117)	3.48	-0.02
Evening and weekend hours worked at the office	4.26 (N=161)	5.61	4.53 (N=111)	4.72	1.17

In Table 3.2 we examine the number of hours billed in the last year. The majority of men billed between 1,500-1,999 hours (42.8%), whereas the majority of women billed between 1,000-1,499 hours (39.6%). Approximately 84% of men billed between 1000-1999 hours, whereas 69% of women fell within this billing category. A major difference between women and men can be seen in the category of 0-999 hours billed, where approximately 6% of men billed those hours compared with 20% of women.

However, it is important to note when examining the mean average hours billed between men and women, that these differences are statistically insignificant. The large standard deviation (504.38 for women) indicates that women are more dispersed across billing categories, both above and below the mean, than men who are more concentrated around the mean average hours billed. On average, men billed 1,444 hours, while women billed 1,342 hours.

Table 3.2: Hours Billed During Fiscal Year, 2001

	Men (N=145)	Women (N=91)
0 - 999	6.2	19.8
1,000 – 1,499	41.4	39.6
1,500 – 1,999	42.8	29.7
2,000 +	9.7	11.0
Total (%)	100.0%	100.0%
Pearson Chi-Square Value = 11.69 d.f. = 3 p ≤ .01		
Overall Mean T-value = 1.62 NS	1,443.92 (SD = 415.41)	1,341.71 (SD = 504.38)

Number of People Employed at Firm

Lawyers engaged in private practice were asked, “How many lawyers (including partners) are employed by your firm?” The results are displayed in Table 3.3. Responses were grouped into eight categories:

- 1
- 2-9
- 10-19
- 20-49
- 50-74
- 75-200
- 201-500
- 501+

The differences in sizes of firms where men and women lawyers work are statistically insignificant. The largest percentage of men work in firms of 2 to 9 lawyers (34%), followed by offices of sole practitioners (27%), and firms of 201 to 500 lawyers (13%). The most common firm sizes for women are sole practitioners (37%), 2 to 9 lawyers (30%), and 501 or more lawyers (8%). The largest percentage of lawyers work as sole practitioners (31.8%), followed closely by firms of 2 to 9 lawyers (31.6%), and firms of 201 to 500 lawyers (10%).

Table 3.3: Number of Lawyers in Law Firms (Full- and Part-time Lawyers), 2002

	Men (N=175)	Women (N=139)
1	26.9	36.7
2 - 9	33.7	29.5
10 - 19	6.3	6.5
20 - 49	5.7	2.2
50 - 74	2.9	3.6
75 - 200	6.9	7.2
201 - 500	13.1	6.5
501 +	4.6	7.9
Total (%)	100.0%	100.0%

Pearson Chi-Square Value = 10.16 d.f. = 7 NS
1 cell with expected frequency < 5

Partnership

There are statistically significant differences not only between the percentage of men and women who are partners, but also in the types of partnership arrangements they occupy. As reported in Table 3.4, 78% of men compared with 65% of women are currently partners. However, the level of partnership is very different for each sex: fewer women are senior partners (51% of women compared with 71% of men) and more women have a form of alternative partnership (40% of women compared with 18% of men).

When looking at the 1996 survey results, some interesting observations can be made.⁹ First of all, there is an increase in the numbers of both men and women who have moved into a position of senior partnership. In the 1996 report, 55% of men and 36% of women were senior partners, whereas in 2002, 71% of men and 51% of women have attained this position.

Also, the percentage of junior partners has decreased from approximately 28% of men and 44% of women in 1996, to 11% of men and 9% of women in 2002. For men, the decrease is almost identical to the increased numbers who have moved into positions of senior partnership. To understand the situation of women partners, it is useful to look at the change in alternative forms of partnership. This category encapsulated approximately 21% of women in 1996, but now includes almost 40% of women partners. To summarize, while many men and women in private practice have ascended to positions of senior partnership, an accompanying trend can be seen of women moving into alternative forms of partnership such as part-time, salaried, and other partnership arrangements.

⁹ Fiona Kay, Nancy Dautovich, and Chantelle Marlor, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*, a report to the Law Society of Upper Canada (Toronto: Osgoode Hall, 1996)

Table 3.4: Partnership, 2002

	Men	Women
Have Partnership		
Yes	78.1	65.1
No	21.9	34.9
Total (%)	100.0%	100.0%
Number of cases	151	109
Pearson Chi-Square Value = 5.40 d.f. = 1 p ≤ .05		
Type of Partnership		
Senior	71.0	51.3
Junior	11.3	9.2
Other	17.7	39.5
Total (%)	100.0%	100.0%
Number of cases	124	76
Pearson Chi-Square Value = 11.62 d.f. = 2 p ≤ .01		

In Table 3.5, we see that 83% of men and 73% of women replied that their firm did not have part-time partnerships. These differences are not statistically significant. However, there are significant differences between men and women regarding the numbers of respondents who, at some point, were part-time partners (0.9% of men compared with 9% of women).

Table 3.5: Availability of Part-time Partnerships, 2002

Question	Men		Women	
	N	%	N	%
Does your firm have part-time partnerships?				
Yes	20	17.2	28	27.2
No	96	82.8	75	72.8
Total	116	100.0	103	100.0
Pearson Chi-Square Value = 3.15 d.f. = 1 NS				
Are you or have you been a part-time partner?				
Yes	1	0.9	9	8.8
No	111	99.1	93	91.2
Total	112	100.0	102	100.0
Pearson Chi-Square Value = 7.54 d.f. = 1 p ≤ .01				

When we examine Table 3.6, we see that men are much more likely to be satisfied with their firm's partnership policies: 80% of men compared with 61% of women. Fourteen

percent of men and 27% of women were dissatisfied, and 17% of men and 25% of women were undecided ($p \leq .05$).

Table 3.6: Satisfaction With Partnership Policies, 2002

Question	Men		Women	
	N	%	N	%
More generally, are you satisfied with your firm's partnership policies?				
Highly satisfied	31	29.8	19	22.6
Satisfied	52	50.0	32	38.1
Undecided	34	17.2	41	25.3
Dissatisfied	15	14.4	18	21.4
Very dissatisfied	0	0.0	5	6.0
Total	104	100.0	84	100.0
Pearson Chi-Square Value = 11.92 d.f. = 4 p ≤ .05 2 cells with expected frequency < 5				
Have you tried to change your firm's partnership policies?				
A great deal	6	5.9	7	8.2
To some extent	40	39.6	22	25.9
Very little	14	13.9	12	14.1
Not at all	41	40.6	44	51.8
Total	101	100.0	85	100.0
Pearson Chi-Square Value = 4.22 d.f. = 3 NS				
Have you been successful in these efforts?				
Successful	30	51.7	15	38.5
Uncertain	23	39.7	13	33.3
Unsuccessful	5	8.6	11	28.2
Total	58	100.0	39	100.0
Pearson Chi-Square Value = 6.56 d.f. = 2 p ≤ .05				

There are no statistically significant differences between the responses of men and women regarding their efforts to change partnership policies: 46% of men and 34% of women had made some effort; 14% of both men and women had made little effort; and 41% of men and 52% of women had made no effort to change partnership policies.

When asked if they had been successful in their efforts for change, men appear to have had greater success (52% of men compared with 39% of women). Women are more likely than men to claim that they had been unsuccessful in their attempts to make changes (28% of women, compared with 9% of men).

Clientele Responsibilities

Two questions were asked regarding the type of clients for which respondents had responsibility. These findings are reported in Table 3.7 and Table 3.8. The first question investigated the amount of time respondents spent representing institutional and individual clients, and is summarized in Table 3.7.

Table 3.7: Proportion of Time (40%+) Representing Clients, 2002

	Men	Women
Institutional Clients		
0 - 39%	47.1	51.3
40 - 100%	52.9	48.7
Total (%)	100.0%	100.0%
Number of cases	172	119
Pearson Chi-Square Value = 0.49 d.f. = 1 NS		
Overall Mean	45.26	42.87
T-value = 0.53 NS	(SD = 36.11)	(SD = 39.25)
Individual Clients		
0 - 39%	37.2	37.0
40 - 100%	62.8	63.0
Total (%)	100.0%	100.0%
Number of cases	172	119
Pearson Chi-Square Value = 0.00 d.f. = 1 NS		
Overall Mean	54.74	56.20
T-value = -0.32 NS	(SD = 36.11)	(SD = 39.40)

The difference between men and women in the amount of time spent with institutional and individual clients is statistically insignificant. Time spent was measured as 40% or more, or 39% or less, of the lawyer's time. There is very little difference between the percentage of time spent by client type: 53% of men and 49% of women spend 40% or more of their time with institutional clients, and 63% of both men and women spend 40% or more of their time with individual clients. Differences between men and women in the average percentage of time spent with institutional clients (45% for men and 43% for women) and individual clients (55% for men, compared to 56% for women) are also not statistically significant.

Lawyers were also asked, "In your practice, do you deal primarily with (1) clients you bring in, or (2) clients of the firm?" The results between men and women are similar and statistically insignificant. As seen in Table 3.8, 70% of men and 69% of women dealt primarily with clients they brought in to the firm, while approximately 30% of men and 31% of women dealt mainly with clients of the firm.

Table 3.8: Clientele Responsibilities, 2002

Question	Men		Women	
	N	%	N	%
In your practice, do you deal primarily with...?				
1. clients you bring in	121	70.3	82	68.9
2. clients of the firm	51	29.7	37	31.1
Total	172	100.0	119	100.0
Pearson Chi-Square Value = 0.07 d.f. = 1 NS				

While earlier sections of this report investigated the characteristics of current jobs held by lawyers, this section explores the subjective measures (or experiences and assessments) of those in the legal profession. In this section, we discuss respondents' perceptions of the legal profession, satisfaction with work taken on by the firm, sexual discrimination, workplace benefits, and career and family.

Perceptions of Law

Lawyers were asked to score a number of job qualities based on their level of agreement with the various statements. The results are summarized in Table 4.1. For most qualities, the mean score is greater than 3.0 (neutral), but less than 4.0 (agree), indicating that respondents, on average, are more inclined to agree with the statements describing their current or most recent job. This table is based only on those respondents who are currently engaged in the practice of law. There are no significant differences between male and female lawyers with regards to the following statements (overall mean scores are reported in brackets):

- I control the scheduling of my own work (mean = 3.63)
- The benefits are good (mean = 3.18)
- The job allows me to use my talents and legal skills (mean = 4.14)
- The work is intellectually challenging (mean = 4.08)
- The job gives me a feeling of accomplishment (mean = 3.84)
- I look forward to coming to work (mean = 3.58)
- I am rewarded fairly considering the responsibilities I have (mean = 3.36)
- I am rewarded fairly in view of my experience (mean = 3.17)
- There are plenty of good jobs that I could have outside this organization (mean = 2.90)
- I find real enjoyment in my work (mean = 3.66)
- The job allows me to balance career and family (mean = 3.42)

Table 4.1: Qualities of Present or Most Recent Job, 2002

Quality	Men (N=276) Mean	Women (N=322) Mean	t-value of difference
The pay is good	3.66	3.45	2.20*
I control the scheduling of my own work	3.62	3.65	-0.26
The benefits are good	3.23	3.16	0.62
The job allows me to use my talents and legal skills	4.14	4.14	0.01
The opportunities for promotion are excellent	2.54	2.29	2.72**
The work is intellectually challenging	4.05	4.10	-0.73
The job gives me a feeling of accomplishment	3.80	3.87	-1.04
I look forward to coming to work	3.60	3.50	0.59
My co-workers help me to get the job done	3.73	3.57	2.03*
Promotions in this organization are based primarily on one's ability	3.17	2.78	4.09***
I am rewarded for the amount of effort that I put in	3.40	3.16	2.56*
I am rewarded fairly considering the responsibilities I have	3.39	3.35	0.51
I am rewarded reasonably given the market for legal services	3.44	3.23	2.46*
I am rewarded fairly in view of my experience	3.26	3.09	1.79
There are plenty of good jobs outside this organization that I could have	2.94	2.87	0.86
I find real enjoyment in my work	3.68	3.65	0.34
I feel a real loyalty to this organization/firm/company	3.77	3.59	2.10*
I am proud to tell others that I am part of this organization	3.98	3.80	2.42*
I have stayed in this job because of financial necessity	2.90	2.66	2.40*
The job allows me to balance career and family	3.37	3.47	-1.04

* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$

Respondents were asked: "To what extent do you agree that the following describes your present or most recent job?" Responses were coded on a 5 point scale, on which strongly disagree = 1, and strongly agree = 5. A mean response of less than 3 indicates disagreement that the quality describes the individual's job. The higher the mean response, the more agreement that the quality describes the present/most recent job.

There are, however, a number of qualities for which men and women responded differently. Male lawyers showed higher levels of agreement that:

- The pay is good (men 3.66, women 3.45)
- My co-workers help me get the job done (men 3.73, women 3.57)
- Promotions in this organization are based primarily on one's ability (men 3.17, women 2.78)
- I am rewarded for the amount of effort that I put in (men 3.40, women 3.16)
- I am rewarded reasonably given the market for legal services (men 3.44, women 3.23)
- I feel a real loyalty to this organization/firm/company (men 3.77, women 3.59)
- I am proud to tell others that I am part of this organization (men 3.98, women 3.80)

However, men are also more likely to report that they stayed in their job because of financial necessity (men 2.90, women 2.66).

Women are more likely than men to *disagree* with these statements:

- The opportunities for promotion are excellent (men 2.54, women 2.29)
- Promotions in this organization are based primarily on one's ability (men 3.17, women 2.78)

Overall, both male and female lawyers showed the strongest agreement that their present or most recent job had the following qualities:

- The job allows me to use my talents and legal skills (men 4.14, women 4.14)
- The work is intellectually challenging (men 4.05, women 4.10)
- The job gives me a feeling of accomplishment (men 3.80, women 3.87)
- I am proud to tell others I am a part of this organization (men 3.98, women 3.80)

The difference between men and women on these last four evaluations are statistically insignificant, with the exception of "I am proud to tell others that I am part of this organization." Men are more likely to agree with this statement ($p \leq .05$).

We also investigated respondents' perceptions toward various issues related to the legal profession. All respondents were included, and the results are summarized in Table 4.2. For most qualities, the mean score is greater than 3.0 (neutral), but less than 4.0 (agree), indicating that, on average, respondents are more inclined to agree with these statements.

Table 4.2: Perceptions of the Legal Profession, 2002

How strongly do you agree with the following statements?	Men (N=313)	Women (N=420)	t-value of difference
	Mean	Mean	
Experienced senior lawyers must be compensated for their years of service	3.32	3.45	-1.62
It takes years to build a legal reputation and established lawyers must be compensated accordingly	3.51	3.59	-1.03
Results rather than reputation must always determine remuneration for legal services	3.67	3.49	2.76**
We can no longer afford to reward seniority among lawyers, we must all earn our way every day	3.28	3.14	2.06*
The practice of law is primarily concerned with generating profits	3.17	3.17	-0.04
Productivity must above all else be the most important factor in determining the rewards in legal practice	3.04	2.76	3.84***
Too much emphasis is placed on rewarding hours and billings in the practice of law	3.56	3.92	-4.92***
There is a competitive atmosphere among members of the legal profession	4.17	4.23	-1.14
There are clear limits to how much we can do for others	3.32	3.12	2.44*
The most important things that happen to me involve my job	2.35	2.06	4.09***
The most important thing in life is achievement	2.62	2.38	3.12**
Most of my colleagues are responsible	3.97	4.00	-0.54
On average, our justice system is fair	3.42	3.37	0.82

* $p \leq .05$ ** $p \leq .01$ *** $p \leq .001$
 Responses were coded: 1 = strongly disagree; 5 = strongly agree. Therefore, the higher the mean score, the greater the agreement with the statement. Missing cases have been recoded to the mean.

Male and female lawyers shared the following perceptions of the legal profession (overall mean averages reported in brackets):

- Experienced senior lawyers must be compensated for their years of service (mean = 3.40)
- It takes years to build a legal reputation and established lawyers should be compensated accordingly (mean = 3.56)
- The practice of law is primarily concerned with generating profits (mean = 3.17)
- There is a competitive atmosphere among members of the legal profession (mean = 4.21)
- Most of my colleagues are responsible (mean = 3.99)
- On average, our justice system is fair (mean = 3.39)

There are, however, a number of qualities for which men and women responded differently. Male lawyers showed higher levels of agreement with these statements:

- Results rather than reputation must always determine remuneration for legal services (men 3.67, women 3.49)
- We can no longer afford seniority among lawyers, we must all earn our way every day (men 3.28, women 3.14)
- There are clear limits to how much we can do for others (men 3.32, women 3.12)

Women are more likely than men to agree that:

- Too much emphasis is placed on rewarding hours and billings in the practice of law (men 3.56, women 3.92)

Women are more likely than men to *disagree* with these statements:

- Productivity must above all else be the most important factor in determining the rewards in legal practice (men 3.04, women 2.76)
- The most important things that happen to me involve my job (men 2.35, women 2.06)
- The most important thing in life is achievement (men 2.62, women 2.38)

Overall, both male and female lawyers most strongly agreed that the legal profession has the following qualities:

- There is a competitive atmosphere among members of the legal profession (mean = 4.21)
- Most of my colleagues are responsible (mean = 3.99)

Satisfaction with Work

Table 4.3 compares the levels of satisfaction of male and female lawyers regarding the type of work taken on by their firm. This table includes all those currently practising law. Lawyers are, on average, satisfied with the work taken on by their firms. There are no statistically significant gender differences. Women are less likely to try to change this range of work (men 2.26, women 1.89, where 4 = a great deal, and 1 = not at all), although both men and women reported that their efforts for change had been somewhat successful.

Table 4.3: Satisfaction With Work Taken on by Firm, 2002^a

Question	Men Mean	Women Mean	t-value of difference
Are you satisfied with the range of work your firm or organization as a whole takes on? (5 = Highly satisfied, 1 = Very dissatisfied)	4.16 (N=184)	4.20 (N=233)	-0.66
Have you tried to change the range of work that your firm or organization as a whole takes on? (4 = A great deal, 1 = Not at all)	2.26 (N=241)	1.89 (N=271)	4.85***
Have you been successful in these efforts? (5 = Very successful, 1 = Very unsuccessful)	3.48 (N=169)	3.44 (N=140)	0.76

^a Includes all those currently engaged in the practice of law.
 *** p ≤ .001
 Missing values recoded to the overall mean for both sexes.

One possible interpretation is that even though men and women display similar levels of satisfaction with the work taken on by their firms, women are less likely to be in positions of seniority or supervision that allow them to effect change (see the section titled, *Current Professional Position*, in this report). Also, the perceptions that women have of their ability to effect change within their firms may be influenced by this lower professional standing.

Sexual Discrimination

The issue of sexual discrimination was addressed in the 1990, 1996, and 2002 surveys. The 1990 survey explored various forms of discrimination. The 1996 survey examined aspects of preferential and discriminatory treatment and, in 2002, an additional measure was included to analyze these treatments.

In the 2002 survey, respondents were asked: (1) “Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the *clients* objected to your sex, race, physical ability, or sexual orientation? (2) “Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a *person in your firm* objected on the basis of your sex, race, physical ability, or sexual orientation? (3) “Have you been assigned or referred cases/files because of your sex? (e.g., family law, sexual assaults, family violence, cases involving children).” (4) “More generally, have you noticed a pattern in which you receive fewer opportunities to take responsibility for interesting and challenging cases/files?” For this report, these measures have been divided into two separate tables, one that focuses on the denial of opportunity (Table 4.4) and one that concentrates on sexual discrimination by cases/files (Table 4.5). All respondents were included in the analysis.

As in 1990 and 1996, women are much more likely than men to perceive discrimination as having happened to them, as can be seen in Table 4.4. When asked about clients’ objections, 18% of women replied that they had been denied responsibility for a case/file, whereas only 6% of men claim to have had this experience. Men (89%) are more likely than women (80%) to respond that they had never been denied responsibility for a case/file based on a client’s objection. Five percent of men and 2.3% of women claimed that the situation had not happened to them, but had happened at their firm.

When asked if discrimination had occurred as a result of a person in their firm objecting to their sex, race, physical ability, or sexual orientation, 9% of women compared with 0.7% of men claimed that they had been denied responsibility for a case/file on this basis. Ninety-seven percent of men, and 87% of women said this experience had not happened to them, and 2.8% of men and 3.7% of women said that although this type of discrimination had not happened to them, they were aware of it happening at their firm. For both of these questions, the results are statistically significant.

Table 4.4: Denial of Opportunity, 2002

Question	Men		Women	
	N	%	N	%
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the CLIENTS objected to your sex, race, physical ability, or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times	11	3.8	43	12.1
2. yes, on one occasion	7	2.4	21	5.9
3. no, the situation has not occurred	259	89.0	282	79.7
4. no, the situation has not happened to me, but I am aware of it happening at my firm	14	4.8	8	2.3
Total	291	100.0	354	100.0
Pearson Chi-Square Value = 22.64 d.f. = 3 p ≤ .001				
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a PERSON IN YOUR FIRM objected on the basis of your sex, race, physical ability, or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times <u>OR</u> on one occasion	2	0.7	31	8.9
2. no, the situation has not occurred	278	96.5	306	87.4
3. no, the situation has not happened to me, but I am aware of it happening at my firm	8	2.8	13	3.7
Total	288	100.0	350	100.0
Pearson Chi-Square Value = 22.20 d.f. = 2 p ≤ .001				

Table 4.5 displays the measures that focus on sexual discrimination by cases/files. The first measure asked, “Have you been assigned or referred cases/files because of your sex? (e.g., family law, sexual assaults, family violence, cases involving children).” Again, there are statistically significant differences between men and women. Approximately 5% of men compared to 29% of women answered that they had been assigned cases because of their sex. Ninety-one percent of men and 68% of women said this experience had not happened to them. Five percent of men and 3.4% of women said that this type of discrimination had not happened to them, but that they were aware of it happening at their firm.

When asked, “More generally, have you noticed a pattern in which you receive fewer opportunities to take responsibility for interesting and challenging cases/files,” 5% of men, as opposed to 11% of women, said yes, they had noticed such a pattern.

Table 4.5: Sexual Discrimination by Cases/Files, 2002

Question	Men		Women	
	N	%	N	%
Have you been assigned or referred cases/files because of your sex? (e.g., family law, sexual assaults, family violence, cases involving children).				
1. yes, I have been denied assigned cases with some frequency <u>OR</u> a few times <u>OR</u> on one occasion	14	4.9	102	28.9
2. no, the situation has not occurred	261	90.6	239	67.7
3. no, the situation has not happened to me, but I am aware of it happening at my firm	13	4.5	12	3.4
Total	288	100.0	353	100.0
Pearson Chi-Square Value = 61.81 d.f. = 2 p ≤ .001				
More generally, have you noticed a pattern in which you receive fewer opportunities to take responsibility for interesting and challenging cases/files?				
1. yes	14	4.8	39	11.1
2. no	277	95.2	312	88.9
Total	291	100.0	351	100.0
Pearson Chi-Square Value = 8.34 d.f. = 1 p ≤ .01				

Workplace Benefits

Many law firms try to offer attractive benefit packages in order to enhance employee satisfaction and to reduce stress, thereby reducing absenteeism, job turnover, and increasing workplace productivity. In this section, we compare the results from the 1996 and 2002 surveys, when all lawyers currently practising law were asked about benefits offered by their firm or employer (see Table 4.6).

The benefits offered may be divided into four categories. The first category includes pension plan, medical insurance, dental plan, sick leave, and long-term disability income support. The second group consists of work arrangements: part-time work, flexible work hours, job-sharing, and part-time partnerships. The third category contains continuing legal education, leave of absence/sabbatical, and professional/association memberships. The last group of benefits revolves around children and child care: maternity leave (paid or unpaid), Employment Insurance top-up on maternity leave, paternity leave (paid or unpaid), child care benefits, and daycare facilities.

The availability of the first set of workplace benefits (pension plan, medical insurance, dental plan, sick leave and long-term disability coverage) appears to have declined. In 1996, 57% of respondents claimed that their firm or employer offered long-term disability, compared with 47% of respondents in 2002. Similarly, in 1996 34% of respondents claimed that their

firm offered a pension plan, and 44% claimed that their firm/employer did not. In 2002, only 27% of respondents claimed that the benefit was offered. The percentage replying that they did not know whether their firm/employer offered this benefit increased substantially, from 22% to 39%. The majority of respondents in 1996 also claimed that their firm offered a medical insurance plan (55%), a dental plan (60%), and a sick leave policy (61%). However, by 2002 a lower percentage of respondents claimed that their employer offered a medical insurance plan (50%), a dental plan (47%), and a sick leave policy (48%).

Benefits in work arrangements have also decreased between 1996 and 2002. Thirty-nine percent of respondents in 2002 claimed that their firm offered part-time work, compared with 43% of respondents in 1996. In 2002, 19% of respondents stated their employer did not offer part-time work, a decrease of 11% from 1996. Similarly, decreases were noted in the availability of flexible work hours (43% in 2002 compared with 56% in 1996), job sharing (16% in 2002 compared with 18% in 1996), and part-time partnerships (8% in 2002 compared with 10% in 1996). In 2002, a greater number of respondents replied that they did not know if their firm offered any of the above work arrangement benefits, which may reflect a greater uncertainty over changing benefit plans.

The third category of benefits focuses on leaves of absence/sabbaticals and continuing legal education. In 2002, 33% of respondents claimed that their firm offered leaves of absence/sabbaticals, compared with 36% in 1996. Similarly, 21% reported that leaves were not available in 2002, compared with 30% in 1996. It is difficult to ascertain whether leaves of absence and sabbaticals are in fact less likely to be offered, as a greater percentage of respondents are uncertain as to the availability of these benefits (33% in 1996 to 46% in 2002). Firms in 1996 seemed to be fairly supportive of continuing legal education (65% reported the presence of this benefit). By 2002, 54% of respondents claimed that their firms supported continuing legal education.

The fourth category of benefits (children and child care) reveals a lack of support for parental responsibilities. In 1990, 60% of respondents replied that their firm offered maternity leave, either paid or unpaid. In comparing the presence of maternity leaves between 1996 and 2002, we must take into consideration the fact that in 1996 respondents were asked to specify whether maternity leaves were paid or unpaid whereas in 2002 only unpaid maternity leaves were specified. In 1996, 40% of respondents replied that their firm offered paid maternity leave, and 40% said that unpaid maternity leave was offered. In 2002, 34% of respondents said that unpaid maternity leave was available. Thus, the percentage of respondents reporting that their employer offers unpaid maternity leave has decreased.

Between 1990 and 1996, there was an increase in the percentage of firms offering paternity leave (paid or unpaid) but this decreased in 2002. In 1990, only 7% of respondents claimed their firm offered paternity leave, compared with 29% in 1996. In 2002, when asked if their firms offered unpaid paternity leave, 26% said yes, 15% said no, and 59% did not know. The increase in the percentage of respondents answering “don’t know” (from 44% in 1996 to 59% in 2002) makes it difficult to assess if men have lost ground since 1996 in the area of parental leave.

Child care benefits showed little improvement between 1996 and 2002. In 1996, 3.1% claimed their workplace offered child care benefits, 62% said their firm did not, and 35%

said they did not know. In 2002, 3.5% of respondents said their firm offered child care benefits, 46% said their firm did not, and 50% did not know if these benefits existed. The presence of daycare facilities also declined. While 4.2% of employers offered daycare facilities in 1996, only 2.5% offered these facilities in 2002.

Table 4.6: Comparison of Benefits Offered 1996 and 2002 (All Those Practising Law)

Benefit	1996 (N=902)			2002 (N=603)		
	% yes	% no	don't know, N/A ^a	% yes	% no	don't know, N/A ^a
A pension plan	33.9	44.3	21.7	27.4	33.7	39.0
Medical insurance	54.5	16.2	29.3	49.6	12.1	38.3
Dental plan	60.1	19.8	20.1	46.6	14.8	38.7
Part-time work	42.8	30.0	27.2	38.5	18.6	43.0
Flexible work hours	56.0	20.5	23.5	43.0	15.1	41.9
Job sharing	18.0	48.1	34.0	15.6	35.0	49.4
Unpaid maternity leave	39.7	19.2	41.2	34.3	11.4	54.2
Paid maternity leave	39.9	24.5	35.5	--	--	--
E.I. top-up on maternity leave	30.0	25.1	44.9	--	--	--
Paternity leave (paid or unpaid)	28.6	27.6	43.8	26.0 ^b	15.3 ^b	58.7 ^b
Part-time partnerships	10.2	37.3	52.5	8.1	29.4	62.6
Child care benefits	3.1	62.2	34.7	3.5	46.4	50.1
Daycare facilities	4.2	70.3	25.5	2.5	52.6	44.9
Sick leave	61.1	13.9	25.0	48.3	11.4	40.3
Long-term disability income support	57.0	19.6	23.4	46.9	14.3	38.8
Continuing legal education	65.2	13.0	21.8	54.1	7.3	38.7
Leave of absence or sabbatical	36.3	30.4	33.4	32.8	21.4	45.7
Professional/assoc. memberships	59.2	18.3	22.5	--	--	--

^a Missing cases included in this category.
^b Survey question referred to unpaid only.

We found notable differences in the availability of benefits in the private practice of law (employee or associate of a law firm, partner, sole practitioner), compared with non-private practice (government, industry or corporate counsel, Legal Aid, society or union lawyers, legal academics, judges, and other categories). As illustrated in Table 4.7, those engaged in the non-private practice of law receive, on average, superior benefits in the area of health care. This group is also more likely than those in private practice to receive: pension plans (53% compared with 7%), dental plans (59% compared with 37%), sick leave (60% compared with 39%), long-term disability income support (58% compared with 38%), and medical insurance (59% compared with 42%).

In terms of work arrangements, both groups are likely to have the option of flexible work hours (42% in non-private practice compared with 44% in private practice); however, non-private practitioners are more likely to have the option of job sharing (23% compared with 10%). Part-time work is available more often to non-private practitioners (42% compared with 35%). Part-time partnerships in private practice are relatively rare: only 14% of law firms offered such arrangements.

Non-private practitioners receive slightly greater benefits in the area of continuing legal education (57% compared with 52%). This stands in sharp contrast to the 1996 survey, when private practitioners received superior benefits in this area (67% of non-private practitioners compared with 81% of private practitioners).¹⁰ Non-private practitioners are also more likely to report the availability of leaves of absence or sabbaticals (42% compared with 26%).

Finally, in the area of child care and family, non-private practitioners receive slightly better benefits. Thirty-six percent reported the availability of unpaid maternity leave compared to 33% of private practitioners. Although child care benefits and daycare facilities are available to only a very small percentage of non-private practitioners (7% and 5%, respectively), even fewer private practitioners (less than one percent) reported the presence of these benefits.

In summary, between 1996 and 2002, all respondents currently practising law reported an overall decline in benefits. Large differences remain in the benefits available to those engaged in private practice compared with non-private practice. Non-private practitioners are more likely to receive equal or superior benefits in the areas of health care, family and child care, and benefit plans including pension, medical insurance, dental plan, part-time hours and job sharing arrangements, leave arrangements (sick leave, leave of absence or sabbatical, and parental leaves), and long-term disability income support.

¹⁰ Fiona Kay, Nancy Dautovich, and Chantelle Marlor, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*, a report to the Law Society of Upper Canada (Toronto: Osgoode Hall, 1996), p. 115.

Table 4.7: Comparison of Benefits Between Non-Private Practice and Private Practice, 2002

Benefit	Non-Private Practice of Law ^a (N=270)			Private Practice of Law (N=333)		
	% yes	% no	don't know, N/A ^b	% yes	% no	don't know, N/A ^b
A pension plan	52.6	10.7	36.6	6.9	52.3	40.8
Medical insurance	59.3	4.1	36.7	41.7	18.6	39.6
Dental plan	58.9	4.1	37.0	36.6	23.4	39.9
Part-time work	42.2	15.2	42.6	35.4	21.3	43.2
Flexible work hours	41.9	17.0	41.1	43.8	13.5	42.6
Job sharing	22.6	25.6	51.8	9.9	42.6	47.4
Unpaid maternity leave	35.6	7.4	57.1	33.3	14.7	51.9
Unpaid Paternity leave	33.7	7.8	58.5	19.8	21.3	58.8
Part-time partnerships	0.7	16.3	83.0	14.1	39.9	45.9
Child care benefits	6.7	40.4	52.9	0.9	51.4	47.7
Day care facilities	5.2	47.4	47.5	0.3	56.8	42.9
Sick leave	60.0	3.7	36.3	38.7	17.7	43.5
Long term disability income support	58.1	5.6	36.3	37.8	21.3	40.8
Continuing legal education	56.7	4.8	38.5	52.0	9.3	38.7
Leave of absence or sabbatical	41.9	13.3	44.8	25.5	27.9	46.5

^a Includes government, industry or corporate counsel, Legal Aid, society or union, legal academics, judges, and other categories. Does not include solo practitioners, partner in law firm, or employee/associate of law firm.

^b Includes missing values.

Work and Family

Although previous sections concentrated on the experiences and perceptions that lawyers have of the legal profession, this section will focus on the private lives of lawyers, such as their marital status, number of children, and the hours worked with children in the home.

One of the most striking differences between the men and women lawyers is their marital status (see Table 4.8). Men (90%) are more likely than women (79%) to be either married, or to be living with someone of the opposite or same sex. Men are also less

likely to be widowed, divorced, or separated (7% of men compared with 12% of women) or never married/cohabited (3.5% of men and 9% of women).

Table 4.8: Marital Status, 2002

Marital Status	Men		Women	
	N	%	N	%
Married/cohabiting with someone of opposite or same sex	280	89.7	328	79.0
Widowed, divorced, or separated	21	6.7	50	12.0
Never married or cohabited	11	3.5	37	8.9
Total	312	100.0	415	100.0
Pearson Chi-Square Value = 15.44 d.f. = 2 p ≤ .001				

Another interesting trend relates to the number of children in the home (Table 4.9) and the total number of children that respondents have (Table 4.10). The largest percentage of men have two children (34%), followed by no children (30%) or one child (20%). The same trend can be seen for women, where the largest percentage have two children in the home (32%), followed by no children (29%), or one child (20%).

Table 4.9: Number of Children in the Home, 2002

Number of Children in the Home	Men		Women	
	N	%	N	%
None	89	29.7	113	29.4
One	60	20.0	76	19.7
Two	102	34.0	124	32.2
Three	42	14.0	60	15.6
Four or more	7	2.3	12	3.1
Total	300	100.0	385	100.0
Pearson Chi-Square Value = 0.833 d.f. = 4 NS				

Table 4.10: Total Number of Children, 2002

Total Number of Children	Men		Women	
	N	%	N	%
None	33	11.0	59	15.3
One	33	11.0	59	15.3
Two	132	44.0	147	38.2
Three	73	24.3	71	18.4
Four or more	29	9.7	49	12.7
Total	300	100.0	385	100.0
Pearson Chi-Square Value = 10.27 d.f. = 4 p ≤ .05				

Although the differences between men and women regarding the number of children in the home are not significant, the differences in the number of children they have are significant. As can be seen in Table 4.10, women are more likely to have no children or one child (31% of women compared with 22% of men) and men are more likely to have two or more children (78% of men compared with 69% of women).

In the 1996 report, the differences between men and women with regards to the number of children in the home was significant, whereas this is no longer the case. This factor, in conjunction with differences in the total number of children, indicates a complicated trend. One possible interpretation may be that men and women started their families at different times. Men were more likely to have had children when surveyed in 1996, whereas women at that time were less likely to have children.¹¹ By the 2002 survey, some of the children of the male respondents may have grown up and moved out of the home. At the same time, some of those women who did not have children may have started their families. This may help to explain why differences in the number of children in the home have diminished, while differences in the absolute number of children have not.

Table 4.11: Number of Hours Spent on Child Care, 2002

Number of Hours Spent on Child Care	Men		Women	
	N	%	N	%
0	56	24.9	41	15.2
1-10	77	34.2	33	12.3
11-20	45	20.0	42	15.6
21-30	25	11.1	29	10.8
31-40	15	6.7	34	12.6
41-50	3	1.3	34	12.6
51-60	2	0.9	22	8.2
61 or more hours	2	0.9	34	12.6
Total	225	100.0	269	100.0
Pearson Chi-Square Value = 95.61 d.f. = 7 p ≤ .001				
Overall Mean	13.23		34.61	
T-value = -9.70 p ≤ .001	(SD = 13.84)		(SD = 32.81)	

Table 4.11 compares the average amount of time that men and women spend on child care. Men spend 13.23 hours per week while women spend 34.61 hours per week. These figures are down slightly from the findings of the 1996 survey, in which men reported an average of 16.28 hours per week and women 41.67 hours per week. As noted in the 1991

¹¹ Fiona Kay, Nancy Dautovich, and Chantelle Marlor, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*, a report to the Law Society of Upper Canada (Toronto: Osgoode Hall, 1996), p. 96.

(pp. 47) and 1996 *Transitions* report (pp. 96), this trend may be due in part to different interpretations of the question: some individuals may report only the hours they are “actively” caring for their children, whereas others may include the total number of hours during which they felt responsible for their children’s welfare.

In Table 4.12, we compare the average number of hours worked per day, on both weekends and weekdays, by the men and women in this sample who have children in the home more than four days per week. Men, on average, work more hours per day than women. These differences are not statistically significant in the following categories: (1) no children in the home, (2) children under 6 years of age in the home, and (3) when children over the age of 18 in the home.

The only statistically significant differences between men and women in the hours worked occur when the children are between the ages of 6 and 18 years. Men with children in the home between the ages of 6 and 12 reported working an average of 9.80 hours per day, while women reported an average of 8.84 hours per day. When the children are between 13 and 18 years old, men work an average of 9.93 hours per day compared with 8.58 hours per day for women. Women decrease their office hours slightly with school age children in the home, whereas men do not. When children in the home are over 18, women increase their hours and gender differences become statistically insignificant.

Table 4.12: Children in the Home and Hours Worked, 2002

Age of Children in the Home	Mean Hours Worked Per Day ^a						t-value of difference
	Men			Women			
	N	Mean	SD	N	Mean	SD	
No Children	75	9.80	2.26	84	9.16	2.44	1.73
Children under 6 years of age	39	9.83	2.41	47	8.77	2.57	1.96
Children between 6-12 years of age	94	9.80	2.16	111	8.84	2.43	2.95**
Children between 13-18 years of age	101	9.93	1.63	113	8.58	2.50	4.61***
Children over 18 years of age	31	9.47	2.03	16	9.01	2.61	0.66

^a This includes hours worked both on weekends and weekdays.
 ** p ≤ .01
 *** p ≤ .001

We also concentrated on the overall mean hours worked per day for all those currently practising law (see Table 4.13). The largest category of average hours worked for men is 10 or more (50%), whereas for women the largest category is between 5 to 9.99 (57%). Women are more likely to work between 0 to 4.99 hours (7% of women, compared with 0.8% for men). With regards to the overall mean, men work on average 9.80 hours compared with 9.02 for women. For both of these measures the results are statistically significant.

Table 4.13: Overall Mean Hours Worked Per Day, All Those Practising Law, 2002

Number of Hours/Day	Men		Women	
	N	%	N	%
0 – 4.99	2	0.8	18	6.7
5 – 9.99	122	48.8	154	57.0
10 or more	126	50.4	98	36.3
Total	250	100.0	270	100.0
Pearson Chi-Square Value = 19.27 d.f. = 2 p ≤ .001				
Overall Mean^a	9.80 (SD = 1.90) (N = 250)		9.02 (SD = 2.32) (N = 270)	
T-value = 4.20	p ≤ .001			
^a Cases with missing values for the number of hours worked have been excluded.				

Professional Work Histories

The 2002 survey was designed specifically to gather information regarding professional work histories. The 1990 and 1996 surveys had begun this process, asking respondents to report their professional positions since being called to the Ontario Bar. In the 1990 survey, respondents were provided with eight blocks (one block per page) in which to describe the characteristics of their employment positions, and asked to complete a separate block for each change in position. Changes included promotions (e.g., associate to partner), hours (full-time to part-time work), departure from and entry to private practice or the practice of law. The 1996 survey built on this catalogue by asking participants to describe their professional positions from 1990 to 1996, using six separate blocks/pages. In 2002, an additional six blocks/pages were included to complete the work history to date.

Through computer programming, these histories were connected using identification numbers and the 1990 and 1996 contemporary job descriptions. These unique data allow us to examine lateral movement (between sectors of law practice) and upward mobility (promotions) within the legal profession. We also have the opportunity to study periods of unemployment, leaves from law practice, as well as departures and re-entries to the practice of law.

For each professional position, all three waves of the study asked respondents about start and end dates of positions, type of position (full-time or part-time), a description of the position (not engaged in law practice, government employment, partner, and so on), number of lawyers working in their firm or office, main fields of law practised, and gross annual earnings. They were also asked about any time taken between professional positions and the activities during these periods.

These work histories are particularly important since they allow us to consider early, middle and later stages of career development among a 15-year cohort of bar admissions. In the 1990 survey, many lawyers were still relatively junior in their careers and had yet to be considered for promotions, or to contemplate lateral mobility within law practice. By 1996, many lawyers had reached the critical time of partnership decisions in law firms, promotions elsewhere in law practice, and the arrival of children in their lives. The 2002 data afford us the opportunity to examine changes that have taken place since 1996, and provide an overall profile of up to 27 years of experience in law practice. All of the lawyers in this sample have at least 12 years of experience and many have over 20 years of experience.

This work history analysis represents the overall patterns observed among the careers of male and female lawyers; it does not detail individual career trajectories. It is important to remember, especially when making comparisons to the 1991 *Transitions* report and the 1996 *Barriers and Opportunities Within Law* report, that these data are unweighted.¹² Five aspects of work histories are examined:

- (1) total number of professional positions
- (2) types of positions (full-time or part-time)
- (3) sectors of practice (government, private practice, etc.)
- (4) amount of time between professional positions
- (5) activities during gaps between professional positions

Number of Professional Positions Since 1996

The 2002 survey reveals that approximately half (53%) of the lawyers called to the bar between 1975 and 1990 have remained in the same professional position over the last 6 years (since 1996). Men are more likely to have remained in this position (64%) compared with their female colleagues (44%). Women are more likely than men to have experienced one or more job changes during the last 6 years; 32% of women compared with 22% of men have had two jobs since 1996, and 16% of women compared with 12% of men had three job changes (See Table 5.1 and Figure 5.1). This difference may, in part, reflect that women are slightly more junior in their careers than men in the sample. Close to 50% of all women in the sample were called to the bar between 1985 and 1990, while men were more evenly distributed across the 15-year cohort. This finding is consistent with observed actions in the 1991 *Transitions* and 1996 *Barriers and Opportunities Within Law* reports: women tend to have, on average, more job changes than men, and their mobility is more often lateral than upward.

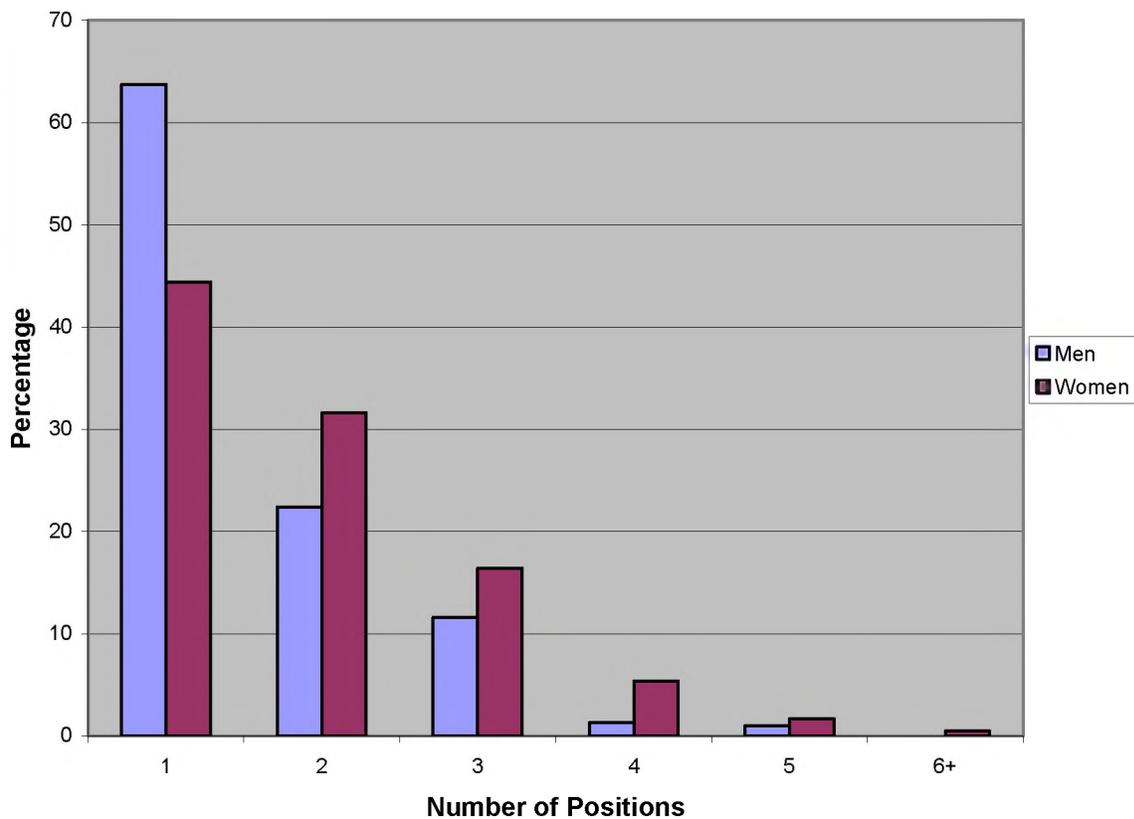
¹² Figures reflect the actual number of respondents in the study. As such, the total number of men and women in the 1996 and 2002 samples will vary from the 1991 *Transitions* report, where data were weighted to reflect proportionate representation within the stratified sampling scheme. Numbers also vary due to attrition in the second (1996) and third (2002) waves of the longitudinal survey.

Table 5.1: Number of Professional Positions by Gender, 1996 and 2002

Position Number	Men (%) (N=303)	Women (%) (N=408)	Overall (%) (N=711)
1	63.7	44.4	52.6
2	22.4	31.6	27.7
3	11.6	16.4	14.3
4	1.3	5.4	3.7
5	1.0	1.7	1.4
6	0.0	0.5	0.3
Total	100.0%	100.0%	100.0%

Pearson Chi-Square Value = 30.53 d. f. = 5 p<.001
4 cells with expected frequency < 5.

Figure 5.1: Number of Professional Positions



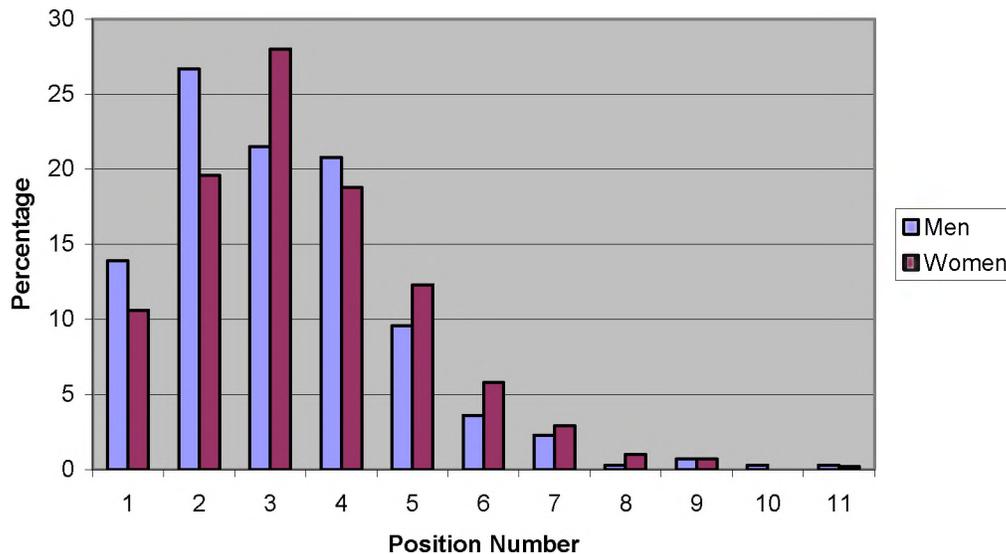
Total Number of Professional Positions Across Work Histories

The combined results of the 1990, 1996 and 2002 surveys provide us with a broader overview of the career patterns of male and female lawyers. Table 5.2 offers the full work histories of lawyers in the study (see also Figure 5.2). The table shows that, on average, a slightly greater percentage of men are in their first and second positions, while a slightly greater percentage of women have experienced as many as three or more jobs. The mean average number of jobs was 3.2 for men and 3.4 for women. This difference is statistically significant ($p < .05$). The most common number of jobs held is two for men and three for women. This finding is interesting given that men in this sample have, on average, 20 years of experience compared with 18 years among women ($p < .001$). It is important to remember that these results do not control for the number of years of experience. When we consider that women are on average slightly younger (44 years of age compared with 47 years among men, $p < .001$) and more recent entrants to the legal profession, it is rather surprising that they should have more job changes than men in the overall sample.

Table 5.2: Number of Professional Positions by Gender

Number of Positions	Men (%) (N=303)	Women (%) (N=414)	Overall (%) (N=717) ^a
1	13.9	10.6	12.0
2	26.7	19.6	22.6
3	21.5	28.0	25.2
4	20.8	18.8	19.7
5	9.6	12.3	11.2
6	3.6	5.8	4.9
7	2.3	2.9	2.6
8	0.3	1.0	0.7
9	0.7	0.7	0.7
10	0.3	0.0	0.1
11	0.3	0.2	0.3
Total	100.0%	100.0%	100.0%
Mean	3.2	3.4	3.3
Median	3.0	3.0	3.0
Mode	2.0	3.0	3.0
SD	1.67	1.7	1.7
T-test = -.908 d.f. = 718 $p < .05$			
^a Includes all participants in the study (those practising law and those no longer engaged in law practice).			

Figure 5.2: Number of Professional Positions by Gender, 2002



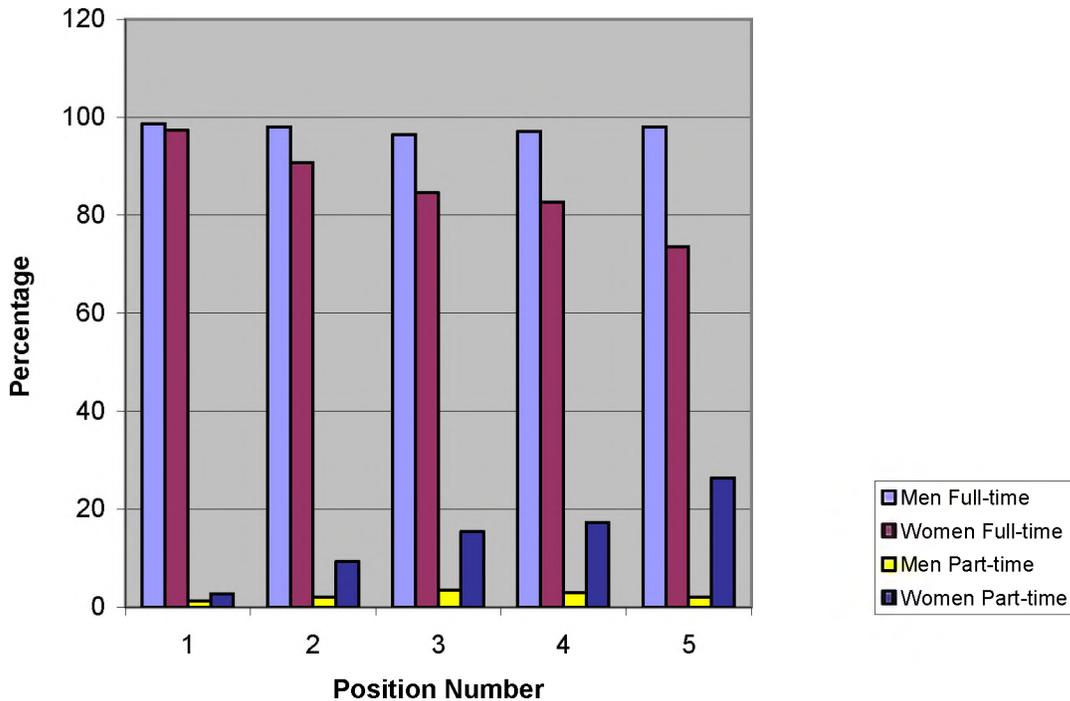
Types of Positions (Full-time or Part-time)

Table 5.3 provides data for women and men in full-time versus part-time work across their first five professional positions. The majority of lawyers, both men and women, work on a full-time basis. Clearly, women are more likely than men to work part-time. Both men and women are slightly more likely to consider (or secure) part-time work in later career positions than in first jobs, which involve full-time work for 99% of men and 97% of women. In second jobs, 2% of men worked part-time compared with 9% of women. By the third position, 15% of women and 4% of men worked part-time. The contrast is even more dramatic in fourth and fifth positions (3% compared with 17%, and 2% compared with 26%, men versus women working part-time). These findings suggest that while most lawyers, men and women, enter the profession working full-time hours, women are more likely than men to seek out part-time arrangements in later positions.

Table 5.3: Types of Positions (Full-time or Part-time) by Gender, 2002

Position	Men			Women			Significance Level
	Full-time	Part-time	N	Full-time	Part-time	N	
1	98.7	1.3	303	97.3	2.7	414	NS
2	98.0	2.0	251	90.7	9.3	365	p<.001
3	96.5	3.5	170	84.6	15.4	272	p<.001
4	97.1	2.9	105	82.7	17.3	162	p<.001
5	98.0	2.0	51	73.6	26.4	91	p<.001

Figure 5.3: Types of Position (Full-time or Part-time) by Gender, 2002



Characteristics of Professional Positions Across the Work History

Table 5.4 shows the proportions of men and women in each professional position at different points in their work histories. It does not attempt to describe individual transitions.

The largest percentage of lawyers work in the private practice of law. Well over half of all junior lawyers begin their careers in law firm settings. Overall, men are more likely to become partners across each job change than women. Consistent with the 1991 and 1996 reports, women are slightly more likely than men to begin their careers in government employment and to move within government positions.

Women are considerably more likely than men to leave the practice of law. In second jobs, 10% of women reported not practising law compared with 8% of men. In third jobs, 11% of women were no longer practising law, compared with 9% of men. By the fourth position, 18% of women and 16% of men were not practising law. These figures are likely significant underestimates, as individuals who have left law practice are both difficult to track across time and less likely to complete a questionnaire mailed from the Law Society. However, these figures suggest that a sizable proportion of both men and women will leave law practice at some point in their careers.

Another interesting finding of Table 5.4 is the percentages of men and women reporting their work to be in the category of “other.” The category suggests that law graduates find employment in diverse settings. Anywhere from 3 to 14% of lawyers across work histories,

and a higher percentage of women than men, work in these other settings. These work settings, outside private practice and outside of employment with government or private industry, merit further study.

Table 5.4: Professional Positions by Gender

Professional Position ^a	Men				Women			
	1	2	3	4	1	2	3	4
Not practising law	2.6	8.1	8.9	15.7	3.9	10.3	11.1	17.5
Employee of:								
Government	7.6	10.4	14.0	8.7	10.9	17.3	18.1	22.2
Corporation / Private Industry	4.3	6.6	12.3	10.4	5.1	8.4	10.1	9.9
Legal Aid / Law Clinic	1.7	2.3	3.4	5.2	2.4	4.1	4.5	3.5
Private Practice:								
Employee / Associate	60.4	29.0	21.2	13.9	57.2	27.6	16.0	10.5
Sole Practitioner	7.9	13.5	10.1	15.7	7.7	8.9	15.7	9.9
Partner	11.6	20.8	27.4	22.6	2.9	14.1	11.8	12.9
Other work settings	4.0	9.3	2.8	7.8	9.9	9.2	12.5	13.5
Total (%)	100%							
Number of cases	303	259	326	115	414	369	287	171
^a Differences between women and men for positions 1 and 3 are statistically significant at the p<.001 level. Differences for positions 2 and 4 are statistically significant at the p<.05 level.								

Table 5.5: Number of Months Between Career Positions, 2002

Taking Time After Position	Men		Women	
	1	2	1	2
Mean	8.22	5.40	7.43	8.76
Median	3	3.00	3.00	7
Mode	1	1	1	1
Standard Deviation	10.94	5.14	13.39	8.60
Range	47	17	101	35
Minimum	1	1	1	1
Maximum	48	18	102	36
Number of cases	51	15	89	55

Activities Between Professional Positions

Participants in the three surveys (1990, 1996 and 2002) who had experienced interruptions between professional positions were asked to describe their activities during this period. The 1996 and 2002 surveys were revised to include a greater selection of possibilities:

- travel
- further education/research
- looking after my children
- looking after parents or in-laws
- unemployed
- illness or injury
- community service
- other

In order to create full work histories across the three surveys, it was necessary to use the categories displayed in Table 5.6. These categories allow for comparative analyses between the 1990, 1996, and 2002 surveys.

The table examines interruptions after the first and second positions. The largest proportion of lawyers, 40% of men and 30% of women, reported unemployment following their first job. For women, care of their children also figured prominently: 22% following their first professional position and 40% after their second position reported child care as their main activity. In sharp contrast, only 2% of men reported child care as their main activity after their first job, and none after their second job.

Travel and education were also common. Men were more likely than women, however, to travel or continue their educational studies following first and second jobs. Twenty-eight percent of men travelled after the first job, compared with 19% of women. Fifteen percent of men continued their education after first jobs, while only 6% of women returned to school. Similar differences exist following second jobs.

Women are more likely than men to experience job interruptions. The duration of these interruptions, however, tends to be similar among men and women. Time between professional positions is often related to unemployment (for both men and women); however, a sizable proportion of women are likely to engage in child care, while men are more likely than women to travel or further their education during job interruptions.

Table 5.6: Primary Activities Between Professional Positions, 2002

Activities Following First and Second ^a	Men		Women	
	1	2	1	2
Travel	28.3	29.4	18.9	19.3
Further education	15.1	11.8	5.6	8.8
Looking after my children	1.9	0.0	22.2	40.4
Unemployed	39.6	47.1	30.0	22.8
Illness or injury	0.0	0.0	2.2	1.8
Other	15.1	11.8	21.1	7.0
Total (%)	100.0%	100.0%	100.0%	100.0%
Number of cases	53	17	90	57

^a Differences between men and women in activities between first and second employment positions are statistically significant at the $p < .05$ level.

In summary, the analysis of work histories among lawyers called to the Ontario Bar between 1975 and 1990 reveals several important findings. First, women on average tend to have held more professional positions despite their relatively recent entry to the profession. Second, although the vast majority of lawyers work on a full-time basis, women are more likely to work part-time. Initial jobs tend to be full-time, and part-time work increases among women as they move through their careers. Third, the majority of lawyers work in the private practice of law, and over half began their careers in law firm settings. Men are more likely than women in subsequent professional positions to be made partners. Women are more highly represented among government employed lawyers, and in settings outside sectors listed in the questionnaire (government, private practice, corporate/private industry lawyer, Legal Aid). Women are also more likely to leave the practice of law. Fourth, the majority of lawyers move between professional positions without interruptions. Interruptions are more likely to occur for women, and for a similar mean duration as men, although with greater variation in those durations. Unemployment is the most common activity for both men and women between positions. Women, however, are more likely than men to report child care as a primary activity during work interruptions, while men are more likely to travel or further their education.

Departures from the Practice of Law

In this next section, we explore the extent of departures from law practice among this cohort of lawyers. While there are several means by which departures from the practice of law can be measured, in this section we will focus on those respondents who indicated they were not in the practice of law. This is the same method by which departures were measured in the 1991 *Transitions* and 1996 *Barriers and Opportunities Within Law* reports.

Table 5.7 presents the percentages of men and women who are practising law, and who have left law practice. The differences between the percentage of men and women, 11% and 13% respectively, who no longer practise law are statistically insignificant. Please note, however, that these percentages under-represent the full extent of departures, as respondents who have left law practice are more difficult to track and they are also less inclined to participate in such a survey.

Table 5.7: Departures from the Practice of Law, 2002

	Men (N=299)	Women (N=342)
In practice of law	88.6	86.8
Not in practice of law	11.4	13.2
Total (%)	100.0%	100.0%
Pearson Chi-Square Value = 0.52 d.f. = 1 NS		

While surveying men and women who are presently not practising law is important, it may be misleading. If we look only at people whose *current* position is outside the practice of law, we miss part of the picture: some of the respondents who are currently practising law have been employed outside the practice of law at some point during the last 12 years, between 1990 and 2002. Table 5.8 illustrates that 12% of men and 21% of women have had at least one position outside the practice of law between 1990 and 1996. In the 2002 survey, we did not ask specifically why individuals had left the practice of law. However, comments written by participants yielded thoughtful insights into why many lawyers opt for careers outside the practice of law. The next section of the report explores these comments.

Table 5.8: Work Outside the Practice of Law Between 1990 and 1996

	Men (N=314)	Women (N=412)
Yes	11.5	21.1
No	88.5	78.9
Total (%)	100.0%	100.0%
Pearson Chi-Square Value = 11.8 d.f. = 1 p<.001		

Analysis of Comments offered by Participants in the Study

Participants in the study were provided with several opportunities to elaborate on their experiences within and outside the practice of law. They were invited to identify the main challenges confronting today's legal profession, to discuss their work experiences or to elaborate on their reasons for leaving, and to comment on any other topics addressed in the survey. This last question was intentionally broad, offering participants an opportunity to discuss whatever issues concerned them. Many respondents wrote several pages describing their experiences in the legal profession as well as in careers outside of law practice where their legal education has been an asset.

The comments are tremendously insightful and provoke serious thought about the contemporary legal profession and directions for change. Many respondents expressed satisfaction with the substance of their work and with arrangements they had found most effective in meeting their career and personal goals. A large percentage of respondents, however, articulated frustration with the profession. Their criticisms provide insights into arenas of struggle and dissatisfaction within law. Many of these respondents went beyond criticism to provide concrete suggestions for reform in the legal profession. On average, female participants wrote more extensive comments than their male colleagues.

The goal of this section is to allow respondents to articulate their experiences – accomplishments, struggles, and decisions – in their *own* words. For this reason, the researchers have minimized interpretation of the comments beyond organizing them into general thematic categories. Only a portion of the comments could be detailed in this report, but as far as possible the number of quotes on each theme is proportionate to the overall number of statements on this topic. Themes were induced from these data. That is, the researchers started with the transcribed quotes and developed thematic categories (or generalizations) from these particular cases. A total of 29 thematic categories, listed in order of presentation, were established:

1. Satisfaction in Law Practice
2. The Diversity of Careers
3. Mentorship
4. Networks
5. Health Issues
6. Problems with Billing
7. Balance Between Career and Family
8. Balance More Generally
9. Government Lawyers
10. Disillusionment and Dissatisfaction

11. Law as a Business versus a Profession
12. The Image of the Legal Profession
13. Adversarial versus Non-Adversarial Strategies
14. Departures from the Practice of Law
15. Increasing Numbers of Lawyers
16. Discrimination (Diversity Issues)
17. Ethics
18. Accessibility of Law
19. Legal Aid
20. Fees and Insurance
21. Competition from Outside the Profession
22. Remuneration
23. Clientele
24. Technology
25. Complexity of Law
26. Legal Education
27. The Law Society of Upper Canada
28. Comments and Criticisms of the Survey
29. Future Research

Some statements have been edited to protect the anonymity of participants. Edited passages are indicated with the symbols, "...". Following each quotation, a brief description of the respondent is provided in brackets (survey case number, gender, professional position, size of firm). These demographic and professional descriptors are intended to provide a context for the comments and to distinguish the different participants.

Satisfaction in Law Practice

Several participants commented on rewarding aspects of their work as lawyers, including their satisfaction with the substance of law practice and the organization of work (increased autonomy, selection of cases, firm structure). A sampling of these comments is provided below:

I am very happy with my decision to go to law school and become a lawyer. I have found my experiences very fulfilling and interesting. It is a challenging

profession and most who are not lawyers do not understand what our training involves. I know that I am my own worst enemy in expecting too much from myself and I know that it has to be me who establishes the boundaries in my life. When I encounter difficulties I assume that there is a reason for them and that I can learn from them, therefore I don't really see them as bad. I do believe that it is up to me to take advantage of my opportunities, but I also believe that I have been given the qualities I have as a gift. (Case # 011749: female, not practising law)

Law is a means to an end. While I enjoy certain aspects and certain files (legally stimulating and helping someone in need) most of the work is routine. What keeps me going is that enjoyment of working with people, clients, staff and colleagues. Law provides the opportunity to meet a variety of people, to balance my life with the opportunities to do community work and enjoy my family and friends. I cannot see myself doing any other work, and while retirement is not a goal I would like to reduce the workload and pick and choose only those files that interest me and do not require full-time work. Reduced hours would be my semi-retirement goal. I see the problems of [large city] lawyers and their workload as being something I was glad to get away from. The financial rewards are less but the life benefits are more than worth it. (Case # 022537: male, small firm)

The practice of law has provided me with independence and more freedom than I would otherwise have. However, you have to run your own ship. The problem is you don't have enough time to run the ship as smoothly as you would like! (Case # 011710: female, sole practitioner)

Numerous lawyers discussed how they had achieved satisfaction in their work, including balance between career and family, regular working hours, and successful careers.

I work a standard 40-hour week – this I consider a very positive aspect of my job. (Case # 151165: female, in-house counsel)

I thoroughly enjoy practising law, but have needed to practise in a corporate setting to ensure that I can balance my home life (husband, three children) and my career without stretching myself too thin. Even so, it is a challenging balancing act. To practise in the corporate setting there are some advantages like pension, vacation etc. but *also* much lower salary with no control and a complete lack of clerical support. Life is choices! (Case # 151120: female, corporate counsel)

The Diversity of Careers

One characteristic of the 2002 survey is that considerably more participants compared with earlier surveys of this cohort of lawyers (1990 and 1996) discussed diverse career paths. Because respondents were further along in their careers, it is not surprising that they had experienced movement across sectors of law practice and changes in job titles. Several lawyers discussed leaving the practice of law to explore business ventures, careers in art and writing, and government employment. Others chose to continue their law practice, but within a non-traditional format (such as mediation practices, part-time work arrangements, and research positions). Their comments point to the need for greater awareness of potential career avenues for graduates of law school, as well as the need for further research into the diversity of careers outside traditional law practice.

Looking for a new challenge in sales and marketing – diversify experience
(Case # 011363: female, working full-time, not practising law)

Continued to advise, but not as a lawyer, for more money and more work/life balance (Case # 011750: female, full-time, partner in a mid-sized law firm)

I had several contract positions doing legal research until ... 1985. At that time I was offered a position at the City of ... in the Finance Department. The position was that of a Tax Collection Supervisor and, while it was not a legal position per se, I used many of my legal skills in my job including analysis, writing, advocacy skills, and my knowledge of some areas of law on almost a daily basis. I also had overall supervisory responsibilities which encompassed everything and anything to ensure that my collections staff of 15 individuals kept tax collections high. (Case # 011391: female, not working for pay)

I have found it difficult to find an appointment to practise law which also involves a balanced life. I have taken a part-time appointment at a tribunal and have a part-time private practice as an arbitrator and mediator. While I don't particularly enjoy the work at the tribunal, it provides a guaranteed income and allows me the opportunity to build my own practice.

My preference would be to have a full-time tribunal appointment which provides some level of job security and an adequate level of remuneration. This does not appear to be available as most tribunals are underfunded and are subject to partisan appointments. (Case # 011405: female, working full-time)

While I think this is a much needed, comprehensive and well-executed study, I find it difficult to fit my circumstances into the parameter of the study. I have recently returned to a part-time practice after ten years of a combination of volunteer work, work for family business, and parenting. I've received pay for very little of my work but use my legal skills often. I am able to be without income because of an inheritance which provides me with an income. Since receiving the inheritance, my career path has been secondary to my children and my extended family obligations to assist with the estate. Arguably, I chose this path rather than the path of continued practice, which I was not

enjoying. Through it all, my legal skills have been invaluable both in my work with my family and in my extensive volunteer work. (Case # 011718: female, part-time associate in a law firm)

I have worked part-time since 1995. The advantage is work/life balance. The disadvantages are 1) not being able to take senior legal positions due to interest in making only a part time commitment, 2) sometimes not being compensated adequately for extra time put in.

In industry (as opposed to law firms) “face time” is not relevant. No one cares where you are so long as you can be reached and get your work done. This makes it easier to manage flexible work arrangements such as working at home. (Case # 011743: female, working part-time as corporate counsel)

I currently have two jobs. I work as a lawyer (associate) in a small firm 3 days a week and am self-employed in my own mediation practice 2 days per week. I am basically happy with the law firm *because* they allow me the freedom to have my own mediation practice as well. Mediation is a nice break from the adversarial nature of law practice. (Case # 151109: female, working part-time, associate in a law firm)

I love my job as a legal academic. I was in practice for 5 years in Toronto at a large firm before going to graduate school. I learned a tremendous amount from practice – it makes graduate school worthwhile and continues to inform my teaching. But I don’t regret leaving it for a single day. Despite reaching my final practice salary of \$75,000 (1987) just a couple of years ago, I would not give up the control over my life that I have as an academic. (Case # 162055: male, legal academic)

I am so much happier practising on my own, with colleagues that are friends, rather than working as a partner in a traditional law firm (or as an associate in a firm). As a partner in a traditional firm, there was much bickering and undue numbers of meetings plus a feeling of non-control due to the influence of senior partners.

Now, I am responsible for my own success (or failure) and the challenge is great. I feel much more in control. Now, I also feel much more stability. There is no one to “impress” but the client and all my working *energy* can go into that.

I also feel more flexibility of time in that I can schedule breaks or holidays when my schedule allows, rather than at the whims of others.

It is more work in some ways (more financial matters, administrative work and client promo), but there is greater control over one’s destiny and that is a good feeling. Women are natural managers and can really “blossom” on their own. (Case # 011841: female, working full-time, not practising law)

I do not believe that I could attain a work/life balance practising law for a firm or in-house (these days). The only way I could determine to stay in law and

have a life was to invent my own world. So I started my own firm in 1993 and worked very hard. I now work 4 days a week (mostly) and make good money. (Case # 011894: female, partner in a small law firm)

I doubt I will ever return to private practice, except perhaps in the field of mediation. The private practice of law is far too pressure-filled (particularly in terms of “eat what you kill” client promotion and billings practices) and much less collegial than it once was, including outside Toronto. I don’t miss it, and would not encourage my child to consider private practice. (Case # 022598: male, government lawyer)

The best thing I ever did was leave Bay Street and start my own firm. It has given me a level of job satisfaction and control over my life that I do not believe would be possible in the context of a large firm. I choose my hours, my clients, and the nature of my work. I have found clients are far more interested in what I can do for them than what firm I work for. I have a high level of work from the same calibre of clients that I did when I worked for the Big Guys. I take time for my family and answer to my clients – not some stuffy committee. Yes, Virginia, this is life after Bay Street – and it’s very, very good! (Case # 151187: female, partner in a small law firm)

Mentors

Mentorship was not as prominent a theme as it was in the earlier 1996 and 1990 surveys; however, participants mentioned the need for more formal and informal mentoring within law practice, particularly for women and ethnic/cultural groups.

[I had] only one [mentor]. He just gave me files from his practice to start me out – he did not actually mentor on each file. I did not require a lot of legal assistance but I wish I had had bookkeeping training! Law Society really FAILS us there. (Case # 011365: female, sole practitioner)

Lack of sponsorship/help/direction is why I left law. (Case # 151180: female, working full-time, not practising law)

I never received *any* mentoring at work, sadly. (Case # 011240: female, government lawyer)

If a firm is a circle, you have to determine how far away from decision-making, etc. you want to be [from the centre]. In a large firm, it’s harder to feel you are anywhere near the centre. You may or may not be “comfortable” at other ranges of the spectrum. I find that I am extremely bitter – I was naïve – about any mentorship I encountered. I continue to lament the inability of lawyers to work on a team, to create synergies or to have long-range vision. (Case # 022222: male, partner in a medium-sized firm)

I then started to look for work and applied to several Children's Aid Societies because I wanted to work in the field of advocacy for children. I never did obtain a job in this area, nor did I have any support or resources to turn to in order to assist me in finding such a job. There were no "mentors" in the form of individual lawyers, nor did this concept exist within the LSUC to assist young lawyers at that time. I hope that today there is more support for young lawyers. It would have changed the course of my professional life, I'm sure. (Case # 011391: female, not working for pay)

Too many new lawyers have no mentors or offers to turn to for help and guidance. Sole practitioners with less than 10 years' experience are a hazard legally, professionally and morally. (Case # 022519: female, partner in a law firm)

I found it impossible to obtain a mentor when I began my practice in 1981. Other young women who searched out mentors were able to find good mentors, but some found themselves in situations which bordered on harassment. I encountered overt sexual harassment in my articling year, and it disturbed me greatly. I was on the lookout for behavioural patterns of senior counsel with whom I worked. This may have had a "chilling effect" on my ability to find a good mentor. I currently run a legal services unit for over [x number of] clients. I am the sole counsel in the unit. All other similarly situated units have male counsel at the head. These colleagues are one or two levels of rank higher than me and the majority have less experience than I have. Although I am recognized for my work in the private bar ... I was bypassed for promotions when I took 5 months maternity leave. Since then, the "career" has been stunted. In my current positions, I have no secretarial help. In addition to my legal work, I do all my own clerical work. My practice is hectic and I deal with very complex legal issues (fiduciary law, constitutional law, admin. law and environmental law). All my male colleagues have secretarial and paralegal help. I find that having a pleasant and approachable nature does not command respect with some colleagues and clients. It seems that people expect lawyers to be "crusty" or "terse." (Case # 011240: female, government lawyer)

Networks

The importance of networks surfaced in discussions about leadership in the profession, innovation, and client recruitment.

Lack of innovation by the Old Boys Network that runs the profession (Case # 051001: female, working full-time, not practising law)

Now that I have participated in this survey three times, I am left with the sense that my fairly “positive” answers do not reflect the level of malaise I often feel about my position at this stage of my career. There are more subjective constraints on female lawyers that are not always apparent in the seemingly neutral evaluation tools of hours worked, clients brought in, etc. Women are routinely excluded from informal networking and business development opportunities – this survey didn’t deal with this topic. (Case # 011348: female, partner in a large law firm)

Health Issues: Stress & Related Illnesses

Health issues emerged as a new theme in the 2002 survey. Of particular concern was mental health, including stress, depression, and stress-related physical problems. Many respondents wrote at length about the struggles they faced as a result of poor health. Stress and burnout were mentioned frequently.

I hit a wall this summer and, coping with my third major depression in 30 years, could not go on doing what I was doing. I’m on indefinite medical/disability leave and working with a therapist and medication to get well. Then we’ll see if I go back to law. I feel the firm does not value the work I do or the folks I help – my values are at odds with theirs. My opinions are not respected at my work and service to clients is undervalued. “Value” in my mind does not mean monetary value. I think I’m a classic case of burnout from family law and this particular firm. (Case # 011064: female, not working for pay)

Too many colleagues are stressed. (Case # 011180: female, government lawyer)

major obstacles – stress (Case # 022243: male, part-time, not engaged in law)

[I suffer from] chronic illness, partly brought on by stress of job and disappointment in profession. (Case # 01855: female)

Left practice of law due to depression/burnout. Main challenges/reasons for leaving for many women seem to be *stress and burnout*. (Case # 011243: female, sole practitioner)

Leaving law practice:

1. I left practice because being a sole practitioner was a huge burden.
2. I had the opportunity of a very interesting and worthwhile paid position in professional regulation.
3. My husband was anxious for me to do something less stressful. (Case # 011186: female, not working for pay)

I am currently on stress leave (for depression, post-traumatic stress, and other illness) that is work-related, caused in part by a bully boss... Other contributing factors include workload, deadlines, unreasonable client expectations and pressure to compromise re: ethics on political issues. [Also], budget cutback to resources and severe limitations on continuing education budgets and time to attend [courses], at the same time as the Law Society reporting requirements and higher expectations were introduced. Plus, the ever-increasing complexity and changing legal environment makes practice without continuing education a greater source of anxiety given our responsibilities. In short, we have lots of responsibility and little control. (Case # 011337: female, government lawyer)

I plan to leave in 2 years when I turn 50 – it is too emotionally draining and demanding and the remuneration is not that high for the stress. The stress of the business end has been way worse than the practice of law. (Case # 011365: female, sole practitioner)

Why I left law: 1) total mental breakdown 2) major depression (Case # 011427: female, sole practitioner)

I used to have a high percentage of my files on legal aid. It was far too stressful and not properly paid. I took courses in the evenings since 1997 to obtain my CFP designation, as I wanted to use my legal knowledge to help people plan their financial futures in a non-confrontational setting, all the while still practising law full-time. I am much happier in a non-stressful career that is intellectually challenging and I feel energized, not having the stress level of practising law. (Case # 011433: female, full-time, not engaged in law)

I consider myself extremely fortunate that I have good health and no tendency towards depression. I see many people who are at least borderline depressed and that lawyers in this group have a hard time functioning. (Case # 011510: female, sole practitioner)

Problems with Billing

Several lawyers commented on the pressure to bill long hours. This aspect of law practice was viewed by many lawyers to be an inappropriate measure of quality of legal services and effort invested in a case. The system of billing also tended to structure work in ways that were unsatisfactory for several groups.

Firms need to find ways to measure value and productivity beyond merely billing. (Case # 011185: female, working full-time, not practising law)

The worship of the almighty dollar, docketing and billing has taken over our lives at the expense of serving the public. (Case # 022590: male, partner in a large law firm)

Lawyers have lost considerable standing/prestige/respect for those in private practice, slavery to billing and excessive hours and stress. (Case # 151218: female, government lawyer)

Like many women in the practice of law, I have made choices that cannot be measured in dollars or billable hours. I have no doubt that had I dedicated the time and energy to my career that I have to my family, that I could be a senior partner in any firm earning as much as I wanted. Whether male or female, lawyers like any other professional must make compromises and choices – these will necessarily and should rightly affect earning and career advancement. I have considered the ability to work part-time while my children were small to be an incredible benefit. My children are now well on their way to becoming adults and I have the skills and experience to move smoothly into full-time practice. Having work[ed] for many years part-time, I have no doubt that part-time lawyers have a role and can be valuable assets to firms. But the value of part-time work is different and so must the compensation be. It isn't discrimination – it's business – and that's what the practice of law is at this point. (Case # 011764: female, sole practitioner)

When I was working I was always in what they used to call “soft law” – i.e. legal aid clinic, human rights, etc. Meaningful work, helping people, trying to be responsible, ethical, caring, competent, fair, and not making huge amounts of money. In general, I liked my work and tried to be a good role model and mentor for younger lawyers, especially women. Having said all that, I was *totally estranged* from the “profession”.... What I did seemed to have little value in the greater scheme of things so far as the Law Society and Bar Association were concerned. Unfortunately, “value” in the legal profession is primarily defined in terms of big clients, big billings, big offices.... Sad, but true. (Case # 011026: female, not working for pay)

Balance Between Career and Family

Across all three surveys, the challenge of balancing career and family surfaced as a pressing issue among legal practitioners. The following quotes are organized into three recurring themes: (1) lack of recognition for family commitments; (2) lack of supports such as paid maternity leave and part-time work arrangements; and, (3) the strain placed on lawyers with responsibilities for elderly parents and children with special needs.

Family responsibilities

I hope women have equal opportunities to reach positions of importance in the future. I believe many female professionals make compromises that help their families and hinder their career opportunities. If more value were placed on balancing family with results at work, rather than politics, perhaps there would be more equality. I do not believe that will happen in my generation. (Case # 011363: female, working full-time, not practising law)

I still believe that the legal profession is more partial to men and does not fully accept women lawyers balancing work and family. I believe that I have not achieved what I should have, or could have in this profession, despite my successes academically. This is because I have to make many career sacrifices in order to raise a family. I was unable to reach my potential in my career because of divided interests in this regard. Thus I now find myself as a single mother working for far less money than I should be making for someone of my vintage, and unable to make ends meet. Unfortunately I did not marry very well and found myself without financial support or emotional support. (Case # 011501: female, in-house counsel)

The problem of priorities in the profession is not a systemic one. It is an individual one of those who focus completely on money, and then wonder why it impacts (leaves no room for) the rest of their lives. Members of the profession need to redress their expectations. If an individual's goal is to maximize income, then don't also expect to be the best dad, community leader, spouse, etc. If you value those things, and I do, then accept that you'll make less: you're not working as hard! But the benefits you get are better adjusted children, community involvement, etc. The core problem is greed. (Case # 022549: male, partner in a large law firm)

Maternity leaves and availability of part-time work

I am one of only a tiny handful of women who have left the profession and returned. I practised for 5 years, left for 10 (when I had my kids)... My husband did most of the child care while I got re-established in practice; and since then we have shared parental duties. However, my career has definitely

been set back by this 10-year absence. In retrospect, maybe a shorter absence from practice would have been better for my career – but maybe not for my kids! I think my choice is seen by some as extreme but many women say they envy me for having that choice (although it meant living in relative poverty!). I look at today's young mothers and think that ANY choice would be better than the full-time practice most of them keep up. And most don't seem to feel they have much choice (3-4 months leave is the norm for partners, 6 months for associates). (Case # 151022: female, partner in a large firm)

I am surprised that the survey doesn't ask about paid maternity leave as a benefit. In most (if not all) large Toronto firms a paid maternity leave for associates is included as a benefit – sending a positive message to young female lawyers. Unfortunately, where maternity leaves are taken as a partner (as in my case) policies are less certain. (Case # 011348: female, partner in a large law firm)

Times have changed since 1979 when I was called to the bar. Part-time work would have been ideal – I agonized for years over my choice to be the primary caregiver for our children. It caused me great anguish to drop out of the profession, especially when women were encouraged to “do it all.” I always hoped that I would be able to find satisfying work to do when my children were grown. Eventually I pursued mediation training, which has suited my personality and family responsibilities. (Case # 151046: female, part-time, not engaged in law)

I cannot comment on whether law firms today are more open to hiring women lawyers. I assume that they likely are. However, my experience in the late '70s was very disheartening. I was one of the top students at my law school, but was turned down by firms in smaller cities – and I can only assume that they did so on the basis of my gender. Both in Ottawa and London, I was asked about my intentions regarding having children at job interviews in both locations. I did eventually get a job with a small firm but there was no opportunity to work part-time while my children were young, so I left the firm and stopped practising law. I subsequently worked for [company]. I found both of these employers to be very welcoming and happy to accommodate [the] juggling that I had to do over the years. I would NEVER go back to a law firm. (Case # 151048: female, full-time, not engaged in law)

The private practice of law is unattractive to women when compared with other fields, such as teaching, that provide significant job benefits, pensions, extended maternity leave, sick leave with supply staff, shorter working hours, no weekends, holidays and summer off. These options are largely unavailable to women in the private practice of law. Thus it becomes very difficult to balance the demands of child care, household management, personal, social, and family relationships and job/professional responsibilities. (Case # 011269: female, partner in a small law firm)

Women lawyers have a tough time balancing work and family. Men don't! I see it over and over and they never *get it*. Compensation schemes are usually designed to

reward hours and productivity as “the boys” (perceived stars or stars to be). The problem for most women lawyers is that they are too smart to want to be one of “the boys,” and would rather spend their limited free time with their family – this works against them, especially in compensation. (Case # 011231: female, not working for pay)

Our office refused to make one [maternity leave policy]. We lose all our women lawyers when they want to start a family. (Case # 011064: female, not working for pay)

Caring for elderly parents and children with special needs

In May 1998 I was trying to manage my ailing parents while working 14-hour days. The employer would not make alternate job arrangements – part-time or use vacation days to extend workloads. The inflexibility of this situation led to a termination of employment. After my parents’ passing, prospective legal employers and placement agencies suggested that I had damaged my [professional advancement] during this time of family need and were not referring me to jobs that I had skills and training [for].... The profession needs to recognize that women often have responsibilities outside the workplace that male members do not have or choose not to deal with. We should not be penalized for being caregivers. (Case # 011022: female, in-house counsel)

My job is time limited and running out because I am older and have experience.... I am having trouble getting a new job. I have discouraged my son from becoming a lawyer. My problems now that my children are adults, but still at university, are a) financial, as I have no pension b) a very elderly parent and, 3) ageism which seems a barrier to getting another job when this runs out. But, I shall be glad to leave my current employment as it has been awful! (Case # 011001: female, in-house counsel)

All during this time I was a full-time caregiver for two parents, one of whom had Alzheimer’s. ...When caring for my parents I found a knowledge of law to be quite useful. Because of this experience I have developed an interest in elder law. I am presently looking into situations where I might work in legal medicine. (Case # 162026: male, not working for pay)

I am the parent of a disabled child, which has required me to abandon most of my original ambitions and much of the practice of law, and has forced sole practice if I am to practise at all. (Case # 011183: female, sole practitioner)

My son has special needs. He requires a lot of parenting right now and as a result I have become very tired (my husband’s work requires him to travel). So I am in the process of trying to cut my practice back to 3 days per week.

(Case # 011321: female, sole practitioner)

Consequences of Having Children

Having young children limits my willingness to take on certain assignments.
(Case # 011088: female, working full-time, not practising law)

I have what many working mothers in this profession might consider the ideal job – work in a child-focused field of public law, no billing pressures, an assured salary, some promotion abilities (although limited), and much opportunity for secondment (for those who work full-time). Yet I have developed a pervasive resentment for what I have “given up” in order to accommodate work and family, while my colleagues seem to have developed their own resentment for precisely the same reason – what they have each had to assume in order to accommodate my work and my family! We all pass each other in the hallway, dissatisfied with the arrangement, while the executive staff gives itself a collective pat on the back for approving an arrangement that enables me to work part-time.

Working part-time is the exception here. To be approved, I have to present evidence of “exceptional” circumstances. In my case, having two (of three) children with special needs who require various therapies and direct parent involvement in school activities satisfied that criterion. But I constantly feel that pressure to work on my “off days” – at times giving in and incurring the wrath of disappointed children; or that pressure to be with my kids on my “on days” – often giving in and sneaking guilt-ridden from my office. I spend an inordinate amount of time rearranging schedules and getting down on myself for being so ungrateful for what I have....

So, 22 years after my call, I find myself feeling “hard done by” while all around me – spouse included – marvel at the accommodation provided!
(Case # 011263: female, working part-time, government lawyer)

My health has been affected by the stress and the long hours. I waited too long to have children in order to get my career to a certain point. I wish I had started earlier. I have some freedom now and it is much easier but the cost (physically and emotionally) was very great to get here. With a child, I am now in the difficult position of senior partner and rainmaker for the firm, and yet the primary homemaker and child care person at home. I wonder how many other senior partners have this second job. It does become overwhelming at times and I do harbor resentment at my less than helpful husband. (Case # 011894: female, partner in small law firm)

Other lawyers described the barriers to re-entering law practice following leaves to raise children.

I still grieve that I can't practise law. When I started, I had several (3) bad experiences (including harassment, discrimination, and intimidation) and by the time

I wanted to return to practice after having my children nothing I did would convince a firm to give me a break. This was despite having made Dean's List in Law School, law journal board of editors, and having published a book. I needed to get confidence back and was willing to start at the bottom but couldn't get into a firm because of lack of experience. Then age became a drawback. I feel very sad about this. (Case # 151041: female, full-time, not practising law)

I was a good, successful lawyer for 6 years. I stopped to raise my children and couldn't get back into it. I regret not working part-time to keep "my finger in it." I think it is a difficult profession to do part-time work in but it is very difficult to return after several years away and try to build a practice. (Case # 151040: female, legal academic)

I am a woman who left the practice of law to raise my children. I am recently separated and now am in a *terrible* position financially. I now need to earn and with three children, all still fairly young, and all who are having a terrible time adjusting, I cannot possibly return to the practice of law because...

- 1) I wouldn't be able to mother my kids the way they need me to.
- 2) I haven't practised in more than 14 years. I am 44 years – who will hire me?
- 3) I feel and am considered no longer qualified.
- 4) I have been suspended from the Law Society for nonpayment of fees for more than 10 years.
- 5) There should be a program geared at helping women in my situation. I am not alone. (Case # 151145: female, not working for pay)

Balance in Life More Generally

Several lawyers discussed the need to balance their careers with diverse interests outside the practice of law.

I worked 7 days a week for about 9 years straight and then took a sabbatical. I decided that I would restrict my practice to project work (I draft legislation) and only take on as much work as I needed financially and to meet my qualification requirements annually. I have too many interests outside law and had no time to pursue them before I took my sabbatical. I realized that I can only be happy if I am actively engaged in these other interests while practising law. For me, practising law is not enough. I am also an artist and a writer. Law pays the bills and is intellectually stimulating, but art and writing feed my soul. (Case # 151077: female, sole practitioner)

I realized that I had become too wrapped up in my career and had shut down too many important facets of my life. I know my spouse and children better than I ever could have if I had continued working 12 hour days. I have recaptured

things I used to enjoy – working outside in the sun, talking to an old friend, listening to peaceful music. (Case # 022791: male, not working for pay)

I was extremely disappointed in the practice of law, as is likely obvious. It was unfortunate to spend so much money only to find such a high level of dysfunction and old, out-of-date thinking. I would suggest the LSUC hire some management consultants, who are used to operating in the “real” world, and obtain some suggestions about what might be done to “humanize” the profession. To expect lawyers who have never worked outside the profession to know or plan anything different for lawyers is not practical. Outside advice is necessary. I have *never* missed the profession and that is a shame. (Case # 151180: female, full-time, not practising law)

Gradually I began to resent the domination that work exerted over the rest of my life. My life became my work, but I knew I could achieve something more. So in my fourth year as an associate, and despite assurances I was “on track” for partnership, I sought and secured a position as an associate in a small town law firm (in a town that was entirely new to me). The transition was amazingly easy. Although I continued to practise law (albeit no longer the “big” cases) my life also quickly expanded to include community service, sports, theatre (acting and directing) and a much larger circle of friends. Although I was comfortable at the firm (and therefore stayed 7 years), circumstances were such [that] I did not want to be a partner there. So I became a sole practitioner – my own boss – and I love it. I do note that my income did drop precipitously that year after a modest increase during my first full year. That was a result of holiday and volunteer time I chose to take and do; however, I am confident my revenue will return to last year’s (2001) levels in 2003. For me, these changes have worked out well indeed. I know I made the right choice in leaving Bay Street and later in starting my own practice. The money was great, but the life was not. Now the money may not be great, but the rewards of enjoying my life are immeasurably greater. (Case # 151234: female, sole practitioner)

Government Lawyers

Several lawyers working in government settings commented on the Ontario Legal Aid Plan, adjudication/mediation work, compensation, quality of life, and challenges unique to government employment.

As a single working parent with a busy career as a crown attorney it is a constant struggle to have any personal life beyond my work and child care obligations. There must be a way to assist people/lawyers in finding a healthy balance so they can lead a balanced life. I left private practice due to the decimation of the Ontario Legal Aid Plan and became a Duty Counsel. This work was limiting and poorly paid. I have opted for a much higher stress level as a crown to be able to support my family. The Ontario government has a lot to answer in destroying so many lives and denying people access to adequate representation in criminal matters. (Case # 011587: female, government lawyer)

Many adjudication/mediation positions do not require lawyers but lawyers are the preferred choice in selection. By classifying these positions as other than crown counsel, government need not pay at the higher level, and often demonstrates less respect of legal knowledge and ability. Despite this, the work is interesting and the hours provide for a much better balance in personal/professional life. (Case # 011619: female, working full-time, not practising law)

I'm a government lawyer. Survey doesn't capture the essence of challenges faced by government lawyers. For example, questions relating to influencing "policy" are out of context. I am a litigator. My colleagues at legal services (solicitors) influence policy. That is their job. I influence policy/law by the results of the cases I argue and the advice I offer in the context of litigation. In addition, structure of management in public sector is very much different than at a private law firm. (Case # 011687: female, government lawyer)

I left private practice in January 2001 after my firm dissolved (largely due to business pressures which led to disputes amongst the partners). I have been very pleased with my experience to date with the federal government. Although not perfect, the federal department of justice strives to be an enlightened employer (perhaps you should examine their programs and policies). (Case # 022598: male, government lawyer)

I moved from private practice to government in 1989 and regard it as the best move of my life. I have greatly enjoyed the practice of law in government. I have found it challenging and satisfying. My only regret is the significantly lower compensation; however, other factors more than make up for that. Very importantly, government practice has permitted me to maintain a healthy balance between work and family. I have worked part-time (4 days per week)

since my return to work after the birth of my first child in 1995. The extra day

at home during the week has been invaluable in letting me spend more time with my children, volunteer in their school etc. I am now a group leader in our branch (some management duties). (Case # 151111: male government lawyer)

Disillusionment and Dissatisfaction

Several respondents expressed genuine dissatisfaction and distress with their careers in law. The following quotes offer insights into the frustrations and disappointments experienced by lawyers.

Employment with previous law firm was terminated, and I never wanted to go through that awful experience again. (Case # 011784: female, sole practitioner)

Being angry, worry, being ill, being bankrupt.... It becomes relevant to my other answers, so please understand that I was defrauded in 1996 (Sept.) – \$85,000 is what I was on track to make before that happened. Afterwards, I made about \$5,000 for the year. I lost everything, couldn't work, was ultimately bankrupt.... Once I had declared bankruptcy, and since I had no other ideas and was still ill with stress and worry, I began to practise again. I was in no shape to do so. In my first year of recovery, I made only \$10,000 after overhead. I no longer had the stamina or willingness to work long hours, and could not cope with the adversarial aspect of practice – it literally made me sick. My work began to shift to ADR and teaching. I was very unhappy. (Case # 011178: female, sole practitioner)

- 1) There was way too much stress and panic attacks
- 2) Far too little remuneration
- 3) No upward mobility opportunities (Case # 011433: female, working full-time, not practising law)

I don't contemplate "the profession." Being in-house gives one a different perspective. Personally, I find that my dealings with outside lawyers (often) are extremely unpleasant. In the past year, I have had the misfortune to have to deal with many lawyers that are bullies – nasty, arrogant and aggressive – being learned in the law is not of any interest to them and being minimally respectful is totally foreign. I am looking forward to my next position, which I hope will be intellectually challenging, socially useful, and with a minimum dealing with unpleasant people! (Case # 011200: female, government lawyer)

I'm so happy you have me do this twice – I'm sure all it shows is how law has both embittered me and made me present multiple personalities. Do I feel

disaffected in my chosen profession? Damn right!

I think law was an interesting education, but a horrible career. Not

only do I feel that I have nothing to show for 17 years in practice, I believe the amount of positive difference I have made in a client's life is so minimal. (Case # 011542: female, sole practitioner)

Although I have a very stimulating job, wonderful colleagues and excellent work conditions, pay and benefits, I feel after 16 years of practising law (preceded by 3 years of law school, 1 year of articling and 6 months of Bar Ads - total 20 years) quite tired of law as a professional and intellectual discipline. However, I have become reliant on the good income and work conditions and so I do not feel that changing my work is really feasible. This sense of powerlessness, and of simply "doing my job" as best I can, rather than enjoying it, is the defining emotion of my professional life at this time. I feel that the job market has become so specialized that there is little realistic possibility of converting my skills in law to a new field that would be more challenging. (Case # 022703: male, government lawyer)

Law as a Business versus a Profession

As in 1990 and 1996, many respondents were concerned that the practice of law was no longer a noble profession, but a business. Three different aspects of this issue surfaced in the comments. First, some respondents noted the lack of business management training in either law school or the Bar Admissions course.

The main problem is that no one trains us to manage a business. We know how to practise law, but I knew no bookkeeping or tax info and I have not had good accountants at all – no one cared. After I struggled for 15 years, I heard of a legal ed. program about running a practice – it was good but very late for me. The stress of the business end has been way worse than the practice of law. (Case # 011365: female, sole practitioner)

A second dimension concerned running a business versus keeping law accessible to the economically disadvantaged. Several lawyers commented on how they must charge clients fees in order to stay afloat, but many people in need of legal services cannot afford the fees.

Providing adequate service at an affordable price, i.e. managing lawyers' financial expectations so that the cost of legal services is reasonable. (Case # 011185: female, working full-time, not practising law)

On the business side, keeping fees low enough for individual clients to be able to afford your legal services while still making a profit or enough of a profit to enjoy a comfortable (upper middle class) standard of living. (Case # 011784: female, sole practitioner)

How to balance the desire for ever-increasing salaries with the need for professionalism and access to justice. Law seems more a business than a profession. (Case # 011629: female, partner in large law firm)

A third theme was the commodification of law at the expense of a service ethic and a greater passion for law and social justice.

Crisis of values / death of service ethic. The practice of law has been too much contaminated with business thinking. Litigation should not be thought of as a product – the fact that hours are spent does not mean they were of value, etc. etc. The profession will not recover public respect until it restores an ethic of service and is seen to do so. Initiatives like collaborative family law and mediation are doing some good. But the “Rambo” mentality [of] big litigators and the clients they represent do great public harm – continuing to show that might can be more important (certainly louder) than right. If lawyers are to have a future as an honored profession, they must become known for sage advice, reason, balance/fairness, and so conduct themselves. Otherwise, the huckster image is going to stick. (Case # 011178: female, sole practitioner)

There is too much administrative, office, business work involved in practising law and not enough emphasis on the law itself. After almost 20 years in practice I am contemplating continuing my formal education to give me greater options including leaving practice, although I will regret this in many ways. (Case # 011781: female, working full-time, not practising law)

The Image of the Legal Profession

Concerns over the reputation of the legal profession and public confidence in lawyers were expressed frequently. Some lawyers felt that respect for the profession, and the overall status of legal practitioners, had declined in recent years.

General negative public image – fueled by a few very high billers and fraud artists – and yet individuals who graduate from law school are generally respected by family and community. This may create pressure to appear to be living a higher economic lifestyle than the lawyer can support from actual earnings (for those at lower salaries/new to practice), leading to depression, etc. and illegal or unethical practices. (Case # 011103: female, working full-time, not practising law)

Public distrust is ever growing, which is often justifiable with some who practice today. (Case # 011331: female, government lawyer)

Stigma attached to the profession as being untrustworthy, apathy towards

clients, and inefficiencies despite technology (Case # 011501: female, in-house counsel)

A significant loss of respect for lawyers and the “justice” system by the public (Case # 011721: female, not working for pay)

Dealing more effectively with the few rogue lawyers out there so as to enhance the reputation of the vast majority of good, honest lawyers (Case # 022791: male, not working for pay)

Overcoming the image of the profession as a closed elite... as money grubbing and underhanded (Case # 122015: male, working full-time, not practising law)

Adversarial versus Non-Adversarial Strategies

A few lawyers commented on adversarial versus other strategies for dispute and conflict resolution. Some criticized the courts and litigation as ineffective means of resolving many conflicts.

1. Hated the adversarial forum – prefer collaboration
2. Hated having to watch my back at every turn
3. Overly high standard to which legal profession and courts hold its practitioners (Case # 011021: female, working part-time, not practising law)

I mediate and arbitrate as an alternative to the adversarial process. (Case # 011121: female, sole practitioner)

Inability to deal with aggression/adversary behaviors in litigation (Case # 011178: female, sole practitioner)

- 1) Sharp practice of lawyers
- 2) Dog eat dog mentality of lawyers (Case # 011251: female, working full-time, not practising law)

I have a very challenging and interesting job. I do not earn as much money as the private bar; however, I can balance work and family life. I never have to look for work nor market my service – this is a big plus for me. I often work with the private bar and find some of them to be very aggressive and not always pleasant to work with. I work with many other lawyers throughout justice everyday and find it very stimulating. (Case # 011652: female, government lawyer)

Adversarial methods are for me the most part counter-productive, wasteful, and not in the average client’s best interests. (Case # 011246: female, sole practitioner)

Departures from the Practice of Law

Participants commented that a desire to balance career and family/personal life was the most common reason for leaving law practice. Related issues included the availability of part-time employment, part-time partnerships, predictable hours, job sharing, and flexibility in hours more generally.

I am having to think about whether to remain in law or return to it.

- 1) Depression
- 2) Stress and burnout
- 3) Weary of my worth being measured by the firm in terms of dollars rather than by people helped, service given, and leadership shown (Case # 011064: female, not working for pay)

- 1) I came to hate running a business.
- 2) I was bored, and dissatisfied.
- 3) I wanted to work with colleagues but I was afraid to join a firm because there are so many splits. (Case # 011062: female, working full-time, not practising law)

1. Intellectual structure too restrictive
2. Social structure too restrictive
3. Too much effort and anxiety for the available compensation (Case # 011160: female, working full-time, not practising law)

Difficulty in balancing demands of my job in terms of hours and travel with the needs of my four children (e.g. I would be grocery shopping after midnight at a 24-hours store to get that fitted in, but be at my desk at 7a.m.). Once child care costs were factored in, I wasn't earning all that much and my quality of life was terrible. My husband also has had a job (i.e. physician) with very demanding and erratic hours. (Case # 011535: female, not working for pay)

My firm concluded that I was not serious about my practice because I took an 8-month maternity leave and had a fourth child. They told me I either had to return to the practice of law full-time and get on "partnership track," or leave. (Case # 011677: female, not working for pay)

- 1) All-consuming nature of private practice
- 2) Desire to raise my children and spend significant amount of time with them
- 3) Spouse employed full-time (Case # 011719: female, working part-time, not practising law)

Increasing Numbers of Lawyers: Rising Competition

The rising numbers of lawyers and increasing competition for clientele were subjects of considerable discussion by participants in the study.

Too many lawyers – the numbers problem. (Case # 022025: male, working full-time, not practising law)

Too many graduates and not enough business. (Case # 042001: male, working full-time, not practising law)

There are too many practitioners in the system. (Case # 151166: female, not working for pay)

When I was called to the bar, there were about 15,000 or 16,000 lawyers in Ontario. Over 20,000 new lawyers have been called to the bar since then. Working as a full service investment advisor, I estimate that I have approximately 8,000 peers in this profession in all of Canada; this is in a growing field. The practice of law in many areas is a “mature” industry. Excessive competition has hurt the profession significantly, unfairly reducing most young lawyers’ ability to earn a living, with competitive pressures resulting in reduced standards of practice and oppressive working conditions for many lawyers. (Case # 022455: male, working full-time, not practising law)

Discrimination (Diversity Issues)

Women in the study wrote extensively about experiences of sexual discrimination. Comments ranged from overt sexual discrimination to systemic barriers to women’s advancement in the profession.

Some clients prefer to deal with the male in the office although he is less qualified than I am. (Case # 151165: female, in-house counsel)

Clients who chose me have told me on several occasions that they chose me because they believe women “must be smarter and work harder” to survive in practice. (Case # 011178: female, sole practitioner)

Some reservations were expressed to my becoming Principal [of a college] because I am female; however, the decision was made to hire me despite these reservations. (Case # 071002: female, working full-time, not practising law)

Yes, due to being female practising law – still lots more male judges and males in positions of influence (i.e. [in] top positions still treated as “minority”). (Case # 011365: female, sole practitioner)

Governance does not reflect cultural and economic diversity of the profession. The benchers tend to be the highest-earning male mainstream professionals, not those of us who work “in the trenches.” (Case # 011529: female, sole practitioner)

I think there may be lots of issues for the justice system, but not certain there are big challenges for the legal profession apart from encouraging diversity in access to law schools, articling positions, and jobs. (Case # 011610: female, partner in a large law firm)

1. Total disregard for women in the profession – reproduction issues – women leaving the profession.
2. Male dominated profession. It is a man’s world – men who are concerned with the dollar and who have no concern for non-work life. They look down on women who want to be lawyers and mothers. They regard those who can bill the most with the highest esteem. Those men are compensated well and are promoted in the system, while the women are terminated or left behind. It is still a very backward profession. (Case # 011864: female, associate in a small law firm)

While others my age are planning for retirement in a few years, I can only hope that I can keep a job until age 65. It was very difficult for me to find an in-house counsel position at my age and I know that after having sent out over 100 resumes and having 10 or more interviews, many of those positions were served by males, without my experience. There is still a tendency to favour males for positions in firms, companies or otherwise. That fact that a male has a family does not “hinder” his chances, in fact it is looked upon as an asset and a measure of stability. Unfortunately, women in similar positions are not regarded in the same way. (Case # 011501: female, in-house counsel)

In my opinion law firms are twenty years behind the corporate world in recognizing the specific needs of women in the profession. They have been unable to “change with the times” and find a way to accommodate the development of women, both in terms of teaching women the required skills to develop independent practices and in terms of accommodating women during their child-bearing years. The reality is that most women are in the midst of bearing children at precisely the time when they are supposed to be billing sufficient time to make partnership targets. Firms have a very short term focus and are not interested in doing what is necessary to keep women until a time in their life when they are able to focus on their careers and contribute with their male counterparts on an equal footing. (Case # 011677: female, not working for pay)

I have been very fortunate in the practice of law in that I have rarely, if ever, experienced discrimination regarding my gender. However, early in my career, I was a mature student [and] my age was an issue for several large firms. I graduated from law school when I was 33 years old and at the time many firms clearly stated they preferred younger articling students as they felt I was too independent. Ultimately, this was an advantage when starting my practice, but at the time was very discouraging. The only other issue that arose was that I became pregnant during my last year of law school and several firms made it clear that they did not believe that the mother of a young child would be able to meet the demands of articling. Those firms were large downtown firms. Again, however, I ultimately articulated at a small downtown firm who were not only supportive but who provided me with excellent articles and mentoring. (Case # 011737: female, associate in a small law firm)

I have held positions in a number of law firms, large and small, over the years. In my experience, the profession is still very male-oriented – and instead of progressing towards a work/life balance approach, it seems to be moving further away. Billing by the hour is still the order of the day and it's all about high billings. Outside interests and pursuits are, in general, discouraged and the one-sided “workaholic” is revered. I have encountered many obstacles while trying to juggle work and family (including being told not to get pregnant, having all files taken away by senior lawyer on finding out I was pregnant, etc.). I have also encountered harassment (physical touching by opposing lawyer, advances by senior lawyers). While one has the energy to withstand these incidents and the overall work stress and billing pressures for a time, after a number of years it just doesn't seem worth it. So when family demands increase (growing children, aging parents), it seems logical to turn one's attention to that full-time. The practice of law is exciting for the intellectual stimulation and challenge it provides. But that comes at a cost that is too high – the discrimination, work pressures and stresses. At this point, I am torn. I would like to go back to work part-time. I am hesitant to search for such a position within the profession. I may make a full career change at this point. (Case # 011778: female, not working for pay)

I am a sole practitioner – that is why I practice alone, because I see a lot of sexism from males in law. (Case # 011365: female, sole practitioner)

I believe gender plays a big part in who does well in labour law. Even though women have taken their place to a much greater extent, the people who make more money for less effort are still men. The fact that the Law Society continues to put energy into these issues is a very important structural support for the very positive trend to diversification of the profession. (Case # 031003: female, government lawyer)

One lawyer identified the neutrality of judges as an important issue with regard to equity. She argued that the three most important challenges confronting the legal profession were –

- 1) Complexity – difficult in knowing many areas of law.
- 2) Affordability of legal services for most consumers.
- 3) Ensuring judges are genuinely neutral, and not selected for political or ideological leanings, to represent the diverse population of Canada. (Case # 011104: female, working full-time, not practising law)

Another lawyer expressed concern at the demands placed on lawyers to reform the profession and address issues of racial and sexual discrimination.

It struck me in completing this survey that there is still concern over racial, sexual and other forms of discrimination in our profession. That these forms of discrimination exist is undoubted. However, it is of far greater concern to see the demands for accommodation and abolition of these evils fall on the shoulders of those lawyers who are not members of visible minorities. These increased demands and pressures only exacerbate the already existing tensions arising from shrinking client bases, client demands for even faster response as a result of technological advance, and higher overhead costs. We can change the profession for the better but, as with all things legal, we as a society and [as] a profession are trying to make up too much room too fast. We are “burning out” a generation of lawyers. (Case # 022633: male, partner in a large firm)

Another lawyer raised the issue of law graduates entering Canada to practise law.

The law society should seriously consider giving those of us who came to Canada with law degrees and experience from other countries, especially English common law jurisdictions, a fair shake. In other words, the Law Society should recognize what we come with. To me, unless that is done, there will be no credibility in whatever equity initiative the Law Society undertakes. (Case # 031029: female, part-time, not practising law)

Ethics

The following quotes touch on some of the issues raised concerning professional ethics.

Loss or erosion of ethical core; loss of integrity in practice – lack of moral/ethical core in the profession (Case # 011240: female, government lawyer)

Lack of adequate focus on ethical conduct within and outside of the practice of law (Case # 022757: male, partner in a mid- to large-sized law firm)

Maintaining professionalism and ethical standards in context of financial pressures and declining public respect for our profession (Case # 151236:

female, sole practitioner)

I have practised law for 15 years in a variety of settings. It seems to me that over this time frame the practice of law has become altogether too commodified. ...I believe that we have allowed ourselves to lose sight of the essential elements of the lawyer/client relationship – integrity, trust, principled conduct and discretion. (Case # 022757: male, partner in a large firm)

Accessibility of Law

Accessibility of the legal system was an issue raised by numerous participants in the survey. The discussion centred around two themes: (1) the increasing inability of many Canadians to afford legal services; and, (2) the barriers to a new generation of lawyers imposed by rising tuition fees at law schools.

To the extent that it's accessible it's fair. It seems people with money can use the system to beat up on those who can't afford to hang in to the bitter end. (Case # 011021: female, working part-time, not practising law)

1) Accessibility – cost is too high for most people.
2) Accessibility of the profession – minorities and those with limited funds – costs of law school. (Case # 011074: female, working full-time, not practising law)

1. Providing good, effective legal service to those who cannot afford to pay.
2. Making legal services more affordable. (Case # 011198: female, working full-time, not practising law)

Balance between accessibility to justice and burden on public purse. (Case # 011316: female, part-time in-house counsel)

Access to justice – lawyers such as myself cannot assist average people with important problems except on a pro bono or reduced fee basis which is not encouraged at large firms. (Case # 011348: female, partner in a large law firm)

1) To ensure that all are represented or change system.
2) No ability to pay for counsel makes justice unfair to poor. (Case # 011401: female, part-time sole practitioner)

Expense for the average person (family law client in particular) is very high, yet there is little that we can do to prevent the expense without compromising service. (Case # 011470: female, part-time associate in a large law firm)

1) Access to justice by disadvantaged.

2) Equitable distribution of clientele/worth/wealth in private practice. (Case # 011720: female, government lawyer)

- 1) Providing legal service to “working poor” and average income families.
- 2) Covering legal services for poor and disadvantaged. (Case # 022234: male, working full-time, not practising law)

Provide access to justice at a cost the average working person can afford, so every citizen can have a meaningful right to secure and enforce his or her rights. (Case # 022431: male, society or union lawyer)

It disturbs me that the gap in legal services provision is constantly growing. I take calls from the public looking to find ways they can deal with estate makers(?) without lawyers. The profession will not deal with smaller estates, but the process is beyond most lay people.

The profession, government, and the courts have got to work together to make access to the law universal. There is a growing feeling on the part of the public that the law is not for them – and this is not a good thing. On a personal note, I am much happier all round than I was in either 1990 or 1996. (Case # 011472: female, working full-time, not practising law)

Legal Aid

Many participants identified the following issues as pressing: justice for the poor, access to legal services, and the Legal Aid system – especially recent difficulties in Legal Aid in Ontario.

Legal Aid tariff. (Case # 011211: female, not working for pay)

Continued viability of the Legal Aid bar. (Case # 011211: female, not working for pay)

Legal Aid and legal services for low-middle income earners. (Case # 011302: female, partner in a large law firm)

Low payment especially of Legal Aid – I do a lot of Legal Aid on principle as mostly women are on Legal Aid. (Case # 011365: female, sole practitioner)

Remuneration – Legal Aid restrictions and inability of middle class clients to pay for needed legal services. (Case # 011435: female, sole practitioner)

Bad funding in Legal Aid for family law and bureaucracy is beginning to increase. (Case # 011575: female, sole practitioner)

Cutbacks to Legal Aid and the provision of legal services to lower income and middle class clients. (Case # 011694: female, society or union lawyer)

Legal Aid – ensuring people in court are adequately represented by legal counsel. (Case # 011743: female, part-time in-house counsel)

Restoring some meaningful Legal Aid system that compensates those providing the services fairly. (Case # 011764: female, sole practitioner)

Fees and Insurance

Several lawyers identified practice fees and insurance costs as critical issues for the profession. These issues were often raised in the context of economic decline and cutbacks in Ontario, as well as the difficulties confronting lawyers who work in smaller firms, as sole practitioners, or with reduced hours. The following comments were made by lawyers working for Legal Aid as well as lawyers more generally.

Identifying and isolating those few lawyers who drive up our E&O insurance by their unethical practices. (Case # 011407: female, sole practitioner)

Proper fees (too much fee cutting – tariff should be honored like dentists, surveyors, etc.). (Case # 022218: male, sole practitioner)

Too low fees too much competition. (Case # 022252: male, sole practitioner)

On a final note, since I am sending this to the Law Society I feel I must comment on the issue of LSUC's fees and the fact that I have not paid them for several years and have no intention of paying them ever again. For 13 years after I was called to the bar, I paid the Law Society the 50% fees it demanded from members not engaged in the practice of law. For one year after I stopped working, I paid the 25% fee for unemployed members. Finally, with a heavy heart, I stopped paying that fee because I realized there was simply no point in continuing to pay it. I paid all those years what, in my view, was a windfall to the Law Society simply because I couldn't bear the thought of having "thrown away all my education." However, when I calculated that for the next 20 years I would have to pay at least \$500 per year simply to retain my membership in the Law Society (amounting to over \$10,000 by the age of 65, even as an unemployed member and assuming that the annual rate for that category remains only \$500 or so) I realized I could not continue to pay this fee in good conscience. While I would happily pay a modest fee and forego receiving the OR's just to retain my membership, the amount demanded by the current LSUC's fee structure is simply not worth it. In fact, if I were younger and cared passionately about retaining my membership, I would have challenged the Law Society on the issue of Law Society's fee structure as it related to women who are not currently working and who will never again work in the law. However, I shall leave that fight to another generation. (Case # 011391: female, not working for pay)

Overhead control is important to creating lifestyle freedom. If overhead is 50% you can't work half-time in your own practice or small practice. For people like me who are part-time (50%), LSUC fees are onerous. Caring for my family and aiding separating families is consistent with my values and priorities. Making money is not a priority, although a proper rate of pay for time spent is. This rewards my skills and training and lets me work part-time. (Case # 071024: female, part-time, not engaged in law)

Competition from Outside Profession

A new theme to emerge in the 2002 survey was that of rising competition from outside the legal profession. Paralegals, accountants, real estate agents, notaries, as well as legal kits (for example, will kits) were perceived as being competition for clientele.

Legal Aid [and] public recognition of the value of lawyers – for instance, paralegals and will kits give the impression competent legal service is unnecessary. (Case # 011278: female, working full-time, not practising law)

Competition from outside sources – accountants/paralegals. (Case # 011307: female, working part-time, not practising law)

Keeping our “territory” – much work has eroded to non-lawyer business. (Case # 011468: female, partner in a small law firm)

Preserving the need for legal services by lawyers and delegating to non-lawyers services that do not need legal training. (Case # 011469: female, in-house counsel)

Competition from other professions – accountants, paralegals. (Case # 011484: female, partner in a large law firm)

Educate consumers of legal services as to the value of proper legal advice, not “bargain” lawyers or paralegals or self-help kits. (Case # 022791: male, not working for pay)

Competition from US and international firms (Case # 011667: female, partner in a large law firm)

Alternative service providers, i.e. banks, insurers, etc., eroding the main revenue services. (Case # 011685: female, not working for pay)

Competition/overlap from non-legal trained professionals. (Case # 011762: female, working full-time, not practising law)

Lower remuneration due to increased competition (real estate law, etc.). (Case # 022160: male, sole practitioner)

Competition from paralegals. (Case # 022632: male, Legal Aid lawyer)

Remuneration

Many lawyers feel that remuneration does not match the effort and hours they invest in the practice of law. This was particularly the case for sole practitioners, but applied to many other work contexts. Some individuals who had left the practice of law argued that their new employment or business ventures were more profitable.

Remuneration of a small practitioner is far too low for all of the responsibilities undertaken especially in family law on Legal Aid certificates. (Case # 011433: female, working full-time, not practising law)

Being appropriately paid and appearing to and giving value for such payment. (Case # 011576: female, associate in a mid-sized law firm)

Young (new) Bay Street lawyers paid too much relative to seasoned non-Bay Street lawyers. (Case # 011678: female, working full-time, not practising law)

Ensuring integrity of members of profession by ensuring adequate income so loss of one's license to practice will mean substantial drop in income. (Case # 022100: male, sole practitioner)

Sole practitioner incomes are too low given the education required and hours worked – perhaps too much competition from paralegals – lawyers have to work too many hours. (Case # 022594: male, working full-time, not practising law)

I generally feel, and many others also, that the level of remuneration to lawyers for what they do and accomplish for clients and the responsibility and stress they take on, on behalf of clients, is seldom “recognized” or compensated for in financial well-being, especially so in areas of practice funded by Legal Aid. This is more so when compared to the compensation packages for lesser or similar responsibilities in government and private industry. In short, the independent lawyer, who I feel is the most important category to servicing the general public, is the most poorly recognized or rewarded, and the future doesn't appear very bright. In my experience few young lawyers are considering criminal defense work and of those that start, many leave simply because they cannot financially make it. In the last 10-15 years, while compensation for Crown attorneys and judges has steadily and rightfully escalated, greater financial pressure is being placed on the defense bar which is now “graying” at an alarming rate. (Case # 022410: male, sole practitioner)

The practice of law is a “mature” industry. Excessive competition has hurt the profession significantly, unfairly reducing most lawyers’ ability to earn a living, with competitive pressures resulting in reduced standards of practice and oppressive working conditions for many lawyers. (Case # 022454: male, partner in a large law firm)

Clients

Although this theme was not pervasive, there did seem to be a sense among several lawyers that many clients make excessive demands. Some lawyers commented on clients who proved difficult, demanding, disrespectful, and who failed to pay their bills.

Difficult/poor clients. (Case # 011211: female, not working for pay)

Fed up with clients not paying. (Case # 011251: female, working full-time, not practising law)

Earning enough yet dealing with clients’ complaints about the high cost of legal services. (Case # 011527: female, partner in a small law firm)

Clients are more demanding. (Case # 011528: female, sole practitioner)

Making clients understand that there is value in the service we provide to them. It is a huge problem; the answer lies mainly in public relations. The Q is why should they pay that kind of money to us? What value did they get? Are we worth it? (Case # 011871: female, associate in a small law firm)

Finding decent clients who can afford to pay and who do pay for our legal services. (Case # 022341: male, sole practitioner)

Providing good and efficient service at top speed at a fair price and gaining the client’s appreciation and respect; and getting paid! (Case # 022433: male, partner in a small law firm)

Technology

Technology was an issue identified by several lawyers as a challenge to the legal profession. Technology impacts the nature of legal research, volume of information, expectations as to how quickly legal research can be completed, and service expectations of clients. In particular, several lawyers noted that clients expect their lawyer to be available “24/7” and that the pace of law practice is increasing with technology.

Instantaneous technology and multiple clients requiring attention immediately. (Case # 011206: female, part-time partner in a large law firm)

1) Sharing knowledge.

2) Impact of internet. (Case # 011403: female, part-time partner in a large law firm)

Keeping fully up-to-date re: technology. (Case # 011468: female, partner in a small law firm)

Using technology to improve legal services. (Case # 011469: female, in-house counsel)

Keeping up with the increased speed in which projects need to be completed due to a faster paced technology. (Case # 011527: female, partner in a small law firm)

Increasing demands for legal advice on very short notice (due to technology, therefore less time to reflect and think). (Case # 011584: female, government lawyer)

Electronics means 24/7 service industry – where did time to think and analyze go? (Case # 011286: female, associate in large law firm)

Keeping up with modern world (technology, being accessible to public as this is what society demands). (Case # 011778: female, not working for pay)

Complexity of Law

Complexity of law was a theme closely tied to technology. The following quotes illustrate various dimensions of this issue.

Rules of court system are far too complex and change too often. (Case # 011433: female, working full-time, not practising law)

Constant change in laws, procedure, technology, etc. (Case # 011435: female, sole practitioner)

Keeping current – the information overload is almost intolerable. (Case # 011482: female, sole practitioner)

1. Rapid pace of deals – not always enough time to think.

2. Volume of change – I practise tax – keeping up-to-date is a major challenge. (Case # 011500: female, partner in a large law firm)

Explosion of information and difficulty in keeping expert in your area of

practice. (Case # 011547: female, in-house counsel)

On the professional side, trying to keep up with all the substantive and procedural changes in the law as well as all the technological changes. (Case # 011784: female, sole practitioner)

Constant changes in the law and problem of keeping up-to-date. (Case # 022409: male, sole practitioner)

The difficulty of coping with constant tinkering with laws, changing technology, etc. (Case # 151146: female, partner in a small law firm)

Legal Education

Concerns were expressed about the lack of practical training and business training for lawyers, as well as issues related to rising tuition and accessibility of legal education.

(I taught for Bar Ad. for ... years) I am very concerned about the state of legal education. At a time when the law schools are substantially divorced from practice issues and concern themselves largely with delivering a liberal arts training in law, and when small general firms have almost ceased to exist, and there is substantial mobility and job change amongst lawyers – in other words, at a time when the schools and the profession do not offer stable practice-oriented skills training to students and young members of the profession in any general way – Bar Ad has been restructured to do away with the old 6-month course of core courses and examination as a foundation for the call to the bar. For many students, as grueling as that course may have been, that was the only introduction to practice of any serious substance that they had. As a lawyer and as a mediator I have seen the results of this – specialization too early, insufficient grounding in general legal basics – again and again. It makes for bad law. It leaves too much of legal education to the luck (and privilege) of [those] who happen to get the few really good mentoring relationships. The others learn by error, at their own expense and [that of] the public, and really superb practice is never open to them – they scramble just to keep their heads above the waves. I don't think there is any point spouting high-minded professional rhetoric at youngsters who aren't being given a decent chance to function competently from the outset. Without a mentoring structure to go to, today's candidate at the bar is not getting that chance. Survival, not professionalism, will be his/her issue. (Case # 011178: female, sole practitioner)

Keeping law school affordable and therefore accessible to those with ability. (Case # 011482: female, sole practitioner)

Cost of education (law school costs). (Case # 011734: female, partner in a small law firm)

Lack of practical training and practical education. (Case # 011780: female, working full-time, not practising law)

Tuition costs do not favour the development of new poverty lawyers. (Case # 022293: male, Legal Aid lawyer)

High tuition rates at law schools. (Case # 022632: male, Legal Aid lawyer)

Legal education system is not very well suited to delivering required results. (Case # 022729: male, partner in a large law firm)

Accessibility (financial) to law school. (Case # 151161: female, part-time sole practitioner)

The Law Society of Upper Canada

Participants in the study also expressed various views of the Law Society of Upper Canada. A selection of quotes is offered below.

Law Society is too focused on policing the profession. (Case # 011529: female, sole practitioner)

- 1) Lawyer bashing by govt. and Upper Canada Law Society.
- 2) Poor cohesiveness of the profession.
- 3) No organization that represents the lawyers. (Case # 022048: male, sole practitioner)

Law Society does nothing for us but take our money. (Case # 022365: male, sole practitioner)

I have answered the questionnaire based on my recent return to a very part-time practice. In so doing, I've found LPIC to be very responsive to my situation in terms of information, reduced premiums and the like. The Law Society has been much less accessible. I have not found in-depth information about alternative work arrangements and/or part-time practice. There are courses but they are expensive because cost is based on year of call and it is hit and miss as to whether the course is likely to be useful. (Case # 011718: female, part-time associate in a small law firm)

1. requires LSUC to support Legal Aid.
2. requires LSUC to oppose tuition hikes and to assist minority students in school [to] get articling jobs and positions on graduation. (Case # 151020: female, working full-time, not practising law)

Comments and Criticisms of the Survey

The survey itself also received comments and criticisms. This feedback will be useful for improving the design of future surveys of the profession.

My comment would be that it [the survey] seems to apply to members of the big firms and does not ask questions of the lesser mortals battling in the trenches. Having left the big firm (now sole practitioner) just before your time frame for this survey commences means most of the questions were irrelevant. (Case # 011783: female, sole practitioner)

I found this document poorly designed, repetitive and in part, a psychological test rather than a questionnaire... The survey is worthwhile. I hope that the results will be published. (Case # 022077: male, government lawyer)

You have clearly tried very hard to make this survey as comprehensive as possible. However, I would be very cautious about the way I utilized results from questions like 155, 156, 93, 94, 95 and 96, if I were charged with tabulating results. There is so much scope for error in these lines of inquiry that I would be inclined to avoid them in future surveys. (Case # 022132: male, working full-time, not practising law)

This is a comment on the survey itself. It assumes certain types of practice, many of which are less common. Many lawyers do what I do – do contract work as a sole practitioner that is done for a larger firm. The survey was complicated by this! (Case # 022465: male, sole practitioner)

More effort required drafting your questions – too generic at times. Should ask about drinking, smoking, work-related health issues and if there have been changes in that regard. Also, if perceptions have changed since 1991, 1996 (i.e., more cynical, more depressed, happier, etc.). (Case # 022674: male, associate in a law firm)

Much of this survey confines one to choosing between pigeon-holes that do not apply entirely to one's actual status or condition. Although, it's a daunting task and this survey is already 28 pages long. (Case # 022776: male, sole practitioner)

Even though people who are no longer involved in the legal profession are asked to complete these questions, some are worked so that they only apply to that position (i.e., see questions 93-96 & 117-122). Also many of the questions seem to be framed assuming a business/corporate model which is not applicable to every employment situation. I think it would have been helpful to have more questions with N/A as an option for the answer. Thank you. (Case # 151050: female, working full-time, not practising law)

Future Research

Comments regarding future research suggested at least 14 avenues for further investigation by the Law Society of Upper Canada:

- The difficulty of balancing career and family / personal life
- Rising numbers in the profession
- Legal Aid and access to justice
- High cost of insurance, fees, and economic stresses
- Decline of professionalism, reputation, and ethics
- Equality for women in the legal profession
- Financial pressures on sole practitioners
- Accessibility to law schools with rising tuition
- Health issues including stress, stress-related illnesses, alcohol and drug abuse
- Keeping up with technology and changes in law
- Alternative careers and part-time work arrangements.
- Expanding family responsibilities: elder care and children
- Ethnic/cultural/racial diversity in the legal profession
- Departures from the legal profession

In 1991 the Law Society of Upper Canada published a report titled *Transitions in the Ontario Legal Profession*. This study involved a large-scale survey of lawyers called to the Ontario Bar between 1975 and 1990, a period in which women entered the profession in sizeable numbers. In 1996, a follow-up survey was conducted of the same panel of lawyers. The results were published in a report titled *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*. The two surveys provided assessments of gender differences in incomes, work experiences and responsibilities, levels of job satisfaction, and discrimination in law practice. These surveys also documented challenges involved in balancing career and family, and possible motives underlying departures from the practice of law. Six years later, the Law Society undertook a third survey to follow-up on the work experiences, career transitions, and challenges confronting this unique cohort of lawyers.

The findings of this report reveal considerable advancement in the career mobility of women and men within this cohort of lawyers (now in the middle to advanced stages of their careers). However, sizeable gaps remain between men and women in salaries, promotion opportunities, and levels of job satisfaction. Quality of life, balance between career and family, and workplace flexibility and benefits are important issues for both men and women.

Professional Positions

This cohort cohort of lawyers (called to the bar between 1975 and 1990) are now well along in their professional careers. Those individuals who continue to practise law have from 12 to 27 years experience in the profession. By now, we would expect most of these lawyers to have attained partnership status. But the study finds that men are much more likely than women to be partners (78% of men and 65% of women) in law firms.

Men are more often senior partners (71% compared with 51% of women), while women are more likely to be junior partners and to hold other partnership titles such as salaried, part-time partners (40% of female partners compared with 18% of male partners). Perhaps not surprisingly, men are more likely than women to be satisfied with their firm's partnership policies.

Further research is needed to study the mobility ladders of male and female lawyers, the extent of mobility between firms and across sectors of law practice, and the factors that contribute to success in obtaining partnerships within law firms. Research is also needed to examine the emerging "middle tier" of partnerships within law firms – such as part-time partners and salaried partners.

Men are more likely than women to be sole practitioners (21% of men compared with 15% of women). Women continue to be more likely to work as government lawyers (16% of women compared with 12% of men). Women also remain more likely than men to exit the profession. In this survey, 21% of women compared with 11% of men reported that they were no longer practising law.

Fields of Law

The three most common fields of law for men are civil litigation (19%), real estate (17%), and corporate and commercial law (14%). For women, the three most common fields are: other fields of law (23%), family law & divorce (18%), and corporate and commercial law (11%). There is some evidence of greater fluidity in the fields of law practiced by women. Sizeable numbers of women in our sample have changed the rankings of the fields of law in which they practice since the 1996 survey.

Hours Billed

In private practice, men and women on average worked equivalent hours on weekdays, weekends and evenings at the office. However, the differences between men and women in the number of hours billed in 2001 are statistically significant. On average, men billed 1,444 hours, while women billed 1,342 hours. Women report spending a larger proportion of their time than their male colleagues on administrative work and un-specified law-related work, while men spend more of their time in the actual practise of law, and promotion and client development.

Earnings

Although overall earnings increased for this cohort of lawyers, women continue to receive lower remuneration than men of equivalent experience and practice setting. Among government lawyers, men earn on average \$123,818 compared with \$119,757 among women. Male sole practitioners earn \$126,364, while women sole practitioners earn \$86,150. Among law firm partners, men earn \$296,830 and women earn \$263,549. The earnings gap among partners in law firms seems to be narrowing.

Further analyses are needed to study whether the earnings gap between men and women is widening or converging across stages of their careers. Moreover, more complex multivariate analyses are necessary to explore the question of how years of experience, billings, clientele, fields of law practised, and other factors might explain the observed gap in earnings between men and women.

Professional Responsibilities

Professional responsibilities have increased for this sample of Ontario lawyers. Since 1990, they have moved into professional positions offering greater opportunities for policy decision-making, authority, supervisory roles, autonomy, hierarchical classification, and ownership.

Yet, despite these advances, women have not been rewarded with professional responsibilities similar to their male counterparts of equivalent experience. Women remain less likely than men to own businesses, to be in positions of management, to supervise others, or to exercise and decision-making power.

Job Satisfaction

There are several aspects of job satisfaction for which men and women responded differently. Male lawyers showed higher levels of *agreement* that -

- The pay is good.
- My coworkers help me to get the job done.
- Promotions in this organization are based primarily on one's ability.
- I am rewarded for the amount of effort that I put in.
- I am rewarded fairly given the market for legal services.
- I feel a real loyalty to this firm/organization.
- I am proud to tell others I am a part of this organization.

Female lawyers, on the other hand, are more likely than men to *disagree* that -

- The opportunities for promotion are excellent.
- Promotions in this organization are based primarily on one's ability.

Overall, both male and female lawyers showed the strongest agreement that their present job possessed the following qualities:

- The job allows me to use my talents and legal skills.
- The work is intellectually challenging.
- The job gives me a feeling of accomplishment.

Sexual Discrimination

As in the 1990 and 1996 surveys, women are much more likely than men to perceive (or be aware of) sexual discrimination in the workplace (either themselves or others as victims). Lawyers were asked if they were aware of situations in which they had been denied major responsibility for a case/file because the client objected to their sex, race, physical ability, or sexual orientation. Eighteen percent of women but only 6% of men claimed to have had this experience. In contrast, men (86%) are much more likely than women (63%) to respond that they had never been denied responsibility for a case/file based on a client's objection.

When asked, "Have you been assigned or referred cases/files because of your sex?" approximately 5% of men compared with 29% of women responded "yes." When asked, "More generally, have you noticed a pattern in which you receive fewer opportunities to take

responsibility for interesting and challenging cases/files?” 5% of men, as opposed to 11% of women, said they had noticed such a pattern.

Balancing Career and Family

Men (90%) are much more likely than women (79%) to be either married or living with a significant other. Men are more likely than women to have children, and to have larger families. Earlier surveys suggested women had delayed having children while establishing their careers. The 2002 data suggest that the majority of women in this cohort have by now started families and are encountering a lack of workplace supports in the profession to accommodate family responsibilities.

Survey results indicate that men and women fall along fairly traditional gender lines in terms of child care responsibilities. On average, men spend 13 hours per week on child care compared with 35 hours per week reported by women. Interestingly, women with very young children (under 6 years of age) and adult children (over 18 years), as well as women without children, worked the same mean number of hours per day as their male colleagues with similar family situations. The one statistically significant difference in the mean average number of hours worked per day was for lawyers with school-age children (ages 6 to 18 years of age), with women working slightly reduced full-time hours.

Workplace Supports and Benefits

Although benefits improved over the 12 years of this study, the profession has witnessed a decline in benefits offered between 1996 and 2002. There appears to be slight declines in the percentages of employers offering a pension plan, medical insurance plan, dental plan, sick leave policy, and long-term disability income support. There is also a slight decline in the percentage of lawyers reporting that their firm or office offered part-time work, flexible hours, job sharing, or part-time partnerships. The availability of paternity and maternity leave options appears to have held its ground since the earlier surveys, yet the majority of parental leaves are taken by women rather than men. In 2002, more lawyers tended to respond that they did not know if their firm/employer offered various work arrangements and benefits. This tendency may reflect a greater uncertainty over changing benefit plans.

The most widely available benefit in private practice is continuing legal education. The benefits that are the least widely available are in the area of child care and daycare facilities.

On average, lawyers in non-private practice receive superior benefits than those in private practice. Non-private practitioners are more likely to have medical insurance, dental plans, sick leave, long-term disability income support, pension plans, leaves of absences and sabbaticals, job sharing, and part-time work arrangements available in their places of work.

Work Histories

The vast majority of lawyers, both men and women, work on a full-time basis. First jobs involve full-time work (99% of men and 97% of women started their careers in full-time positions); however, women are considerably more likely than men to pursue part-time work arrangements in subsequent jobs. In second jobs, 9% of women worked part-time compared with 2% of men. Similarly, 16% of women and 4% of men in third jobs, and 17% of women and 3% of men in fourth jobs worked part-time. By the fifth professional position, 26% of women and 2% of men worked part-time. The proportion of women lawyers working on a part-time basis increases across positions, while the numbers hold steady for men.

Consistent with the 1990 and 1996 reports, women on average, have more job changes than men relative to their years of experience.

The majority of lawyers (80%) move from one professional position to another without interruption. When interruptions occur, they are more common among women. Time between professional positions is often related to unemployment (for both men and women); however, women are likely to engage in child care during job interruptions, while men are more likely to travel or further their education.

The largest proportion of lawyers work in the private practice of law. Well over half of all lawyers began their careers in law firm settings. Overall, men are more likely to become partners across each job change than women. Consistent with the earlier reports, women are slightly more likely than men to pursue careers in government employment.

Women are more likely than men to leave the practice of law. Women are less likely to enter law practice after Bar admission, and more likely than their male colleagues to leave law practice in subsequent jobs. In second jobs, 10% of women reported not practising law compared with 8% of men. In third jobs, 11% of women and 9% of men were no longer practising. By the fourth position, 18% of women and 16% of men were not practising law. These figures suggest that a sizeable proportion of both men and women will leave law practice at some point in the early to middle stages of their careers. Twelve percent of men and 21% of women reported having at least one position outside the practice of law during the last 6 years.

Another interesting finding is the percentages of men and women reporting their work to be in a category other than those provided in the questionnaire. These figures suggest that law graduates find work in diverse settings. Within each job position, anywhere from 3 to 14% of lawyers work in these other settings, and women more than men are likely to seek employment in these positions. Comments offered by participants in the study (in response to open-ended question formats) point to the need for greater awareness of potential career avenues for graduates of law school, and further research into the diversity of careers outside of traditional law practice.

Balancing Career and Family

The difficulty of balancing career and family responsibilities was a pressing issue for many participants in the study. Numerous lawyers commented on the lack of support in the workplace to accommodate their family responsibilities and raised concerns about the lack of available part-time employment, part-time partnerships, job-sharing, and flexibility in hours more generally.

Main Challenges Confronting the Legal Profession

Participants in the study identified the following areas to be the main challenges confronting today's legal profession:

- The difficulty of balancing career and family / personal life
- Rising numbers in the profession
- Legal Aid and access to justice
- High cost of insurance, fees, and economic stresses
- Decline of professionalism, reputation, and ethics
- Equality for women in the legal profession
- Financial pressures on sole practitioners
- Accessibility to law schools with rising tuition
- Departures from the legal profession
- Health issues including stress, stress-related illnesses, alcohol and drug abuse
- Keeping up with technology and changes in law
- Alternative careers and part-time work arrangement
- Expanding family responsibilities: elder care and children
- Ethnic/cultural/racial diversity in the legal profession

Contents:

Mailing I: Covering letter to questionnaire

Mailing II: Postcard reminder

Mailing III: Follow-up cover letter



The Law Society of
Upper Canada

Barreau
du Haut-Canada

28 October 2002

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3300

Dear Colleague:

In 1990 and 1996, as one of a random sample of approximately 2,600 lawyers called to the Ontario Bar (between 1975 and 1990), you received a survey questionnaire sent out by the Law Society. The purpose of these surveys was to assist the Law Society in identifying work transitions in the legal profession, including entries and exits from private practice, changes across and within various work settings, and motives for leaving the practice of law entirely. Participation in both of these surveys was encouraging, with an average response rate of 70 percent.

The findings of each of these surveys were published in separate reports by the Law Society entitled *Transitions in the Ontario Legal Profession* (1991) and *Barriers and Opportunities Within Law* (1996). The findings of both of these surveys also contributed to a number of important Law Society policy initiatives (e.g., Rules of Professional Conduct dealing with discrimination and sexual harassment; model policies for alternative workplace arrangements; reduction in annual fee for members on parental leave).

We are very grateful for the important contribution you made by responding to both the 1990 and 1996 surveys. We are seeking your cooperation once again in a third survey to help us learn more about the experiences of men and women as they progress through their careers. This is the only study of its kind in Canada and will greatly extend our knowledge about career paths and the concerns of members of the legal profession.

The results of our study will only be reliable if the response rate is high. You will be making an invaluable contribution if you take a half hour to complete the questionnaire and return it in the self-addressed stamped envelope enclosed. If you are presently on leave or have left the profession, we encourage you to participate in this study. We are interested to learn more about the experiences of law graduates who have left the profession as well as those who continue to practice law. **We would appreciate your mailing the questionnaire by 18 November 2002, if possible.**

We assure you of complete anonymity and confidentiality. The questionnaire has an identification number; but that number is for mailing purposes and statistical analyses. There are only two persons who are able to link the identification number with your name and address. They are both staff members in the Information Systems Department of the Law Society. No access to the list of respondents' names is permitted without approval of the Secretary of the Law Society. Such permission will only be granted for follow-up mailings in connection with the study. Permission will never be given for any other Law Society purpose.

This project is titled "Professional Careers in Transition" and is funded by the Social Sciences and Humanities Research Council of Canada, the Law Foundation of Ontario, and the Law Society of Upper Canada. Dr. Fiona Kay of Queen's University is the principal investigator who will analyze data from the completed questionnaires. She will not have access to the names of participants. This mailing was made possible through a two stage process of matching the list of identification numbers contained questionnaires received in the 1996 survey to a list of random numbers, and then matching a list of random numbers to a list of members. After the data have been transcribed into a numeric form on computer, the questionnaires will be destroyed. The data will not include your name, address or any identifying information.

We realize that questions relating to background and family characteristics can be sensitive. The questions are, however, intended to provide information to the researchers concerning the context in which career opportunities and decisions are shaped, and, for that reason, they are an important part of the questionnaire. As with all your other responses, this information will be kept confidential.

There are no known physical, psychological, economic or social risks associated with your participation in this study. Your participation in this study is entirely voluntary and you are free to withdraw at any time. You are not obliged to answer any questions that you find objectionable or which makes you feel uncomfortable.

The results of this survey will be used for social science research. They will be compiled in a report, and after approval by Convocation, will be published. The report should be available in late 2003. You may receive a copy of the results of the survey by enclosing your business card, or a sheet of paper with your name and address printed on it, with the questionnaire. Please, do not put this information on the questionnaire itself.

If you have any questions or desire further information with respect to this study, you may contact Dr. Fiona Kay at Queen's University at (613) 533-6000, ext. 74486 or Ms. Josée Bouchard at the Law Society of Upper Canada at (416) 947-3984. If you have concerns about the research procedures, you may contact the Chair of the Research Ethics Board, Queen's University, Dr. Jane Knox, at (613) 533-2475.

On behalf of the Law Society, I would like to express our sincere appreciation for your cooperation and assistance.

Yours very truly,

Vern Krishna
Treasurer
Law Society of Upper Canada



The Law Society of
Upper Canada | Barreau
du Haut-Canada

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3300

4 November 2002

Last week a *Transitions* questionnaire was sent to you as part of a follow-up study of Ontario lawyers which you contributed to in 1990 and 1996. Your participation in this research will contribute to our understanding of the diversity of careers and challenges experienced by law graduates.

If you have already completed and returned the questionnaire to us, please accept our sincere thanks. If not, could you do so today?

If by some chance you did not receive the questionnaire or it got misplaced, please call Ms. Josée Bouchard at The Law Society of Upper Canada, (416) 947-3984 and she will get another one in the mail to you.

Sincerely,

Vern Krishna
Treasurer
Law Society of Upper Canada



The Law Society of
Upper Canada

Barreau
du Haut-Canada

18 December 2002

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3300

Dear Colleague:

The Law Society is conducting a third social survey as part of a study of transitions in the legal profession. We are very grateful for your participation in the first two surveys that took place in 1990 and 1996. A questionnaire for the 2002 follow-up was sent to you in late October but, as at the time of writing, we have not yet received a completed questionnaire from you.

The objective of the study is to help the Law Society learn more about the experiences of men and women as they progress through their careers. This study focuses on work transitions, including promotions and departures from the practice of law, and the diversity of career lines among members of the profession. This is the only study of its kind in Canada and will greatly extend our knowledge about career paths and the concerns of members of the legal profession.

We are very encouraged by the number of questionnaires already returned. Every completed questionnaire improves the usefulness of the study. Our hope is that the response rate will be sufficient to provide a valid representation of the opinions and experience of law graduates in Ontario.

It may be that your questionnaire did not reach you, or was misplaced. We are therefore enclosing a second copy. **We would appreciate your mailing the questionnaire by 31 January 2003, if possible.** If you have already returned the questionnaire, please disregard this request and accept our sincere thanks.

We assure you of complete anonymity and confidentiality. The questionnaire has an identification number; but that number is for mailing purposes and statistical analyses. There are only two persons who are able to link the identification number with your name and address. They are both staff members in the Information Systems Department of the Law Society. No access to the list of respondents' names is permitted without approval of the Secretary of the Law Society. Such permission will only be granted for follow-up mailings in connection with the study. Permission will never be given for any other Law Society purpose.

This project is titled "Professional Careers in Transition" and is funded by the Social Sciences and Humanities Research Council of Canada, the Law Foundation of Ontario, and the Law Society of Upper Canada. Dr. Fiona Kay of Queen's University is the principal investigator who will analyze data from the completed questionnaires. She will not have access to the names of participants. This mailing was made possible through a two stage process of matching the list of identification numbers contained questionnaires received in the 1996 survey to a list of random numbers, and then matching a list of random numbers to a list of members.

The results of this survey will be used for social science research. They will be compiled in a report, and after approval by Convocation, will be published. The report should be available in late 2003.

Once again, on behalf of the Law Society, I would like to express our sincere appreciation for your cooperation and assistance, and to underlie the importance of your response if we are to have data from which we can draw statistically valid conclusions.

Yours very truly,

Josée Bouchard
Acting Equity Advisor
Equity Initiatives Department
(416) 947-3984
jbouchar@lsuc.on.ca

Questionnaire 2002 Survey of the Legal Profession



The Law Society of
Upper Canada

Barreau
du Haut-Canada

SURVEY OF TRANSITIONS IN THE ONTARIO LEGAL PROFESSION

FALL 2002

In 1990 and again in 1996 you participated in a unique survey of Ontario law graduates, titled, *The Transitions Study*. This survey is a follow-up to the two previous surveys you participated in 6 and 12 years ago. The results of these surveys were published by the Law Society in two reports titled, *Transitions in the Ontario Legal Profession* (1991) and *Barriers and Opportunities to Change in the Legal Profession* (1996). The findings of these surveys also contributed to a number of important policy initiatives designed to better serve the profession.

We are seeking your cooperation in a third survey of the same panel of individuals to help us to learn more about the experiences of men and women law graduates as they progress through their careers. This sort of longitudinal research design, where individuals participate in a survey on more than one occasion, is extremely rare and invaluable to our ability to assess change and mobility in the legal profession. Your participation in this study is strongly encouraged, as the validity of the sample depends on a high response rate. This study is focussed on work transitions, including: promotions, departures from law practice and the diversity of career lines among members of the profession, both past and present.

Please read the instructions for each question carefully and indicate your response by circling the appropriate category. Not all questions may apply to your history and work situation. If this is the case please follow the instructions that will direct you to the next appropriate question or section. Reliable statistical analysis depends upon collection of all necessary data. Therefore, it is crucial that you answer *all* questions that apply to you. If you wish to comment on any questions or qualify your answers, please feel free to use the space in the margins and the space on the last page. Your comments will be read and taken into consideration.

This is an important survey. This study is the only one of its kind in Canada and will greatly extend current knowledge about work transitions and concerns of members of the legal profession. All of the information that you provide in this questionnaire is strictly confidential. Questionnaires contain identification numbers for mailing purposes and statistical analyses only. Completion of this questionnaire will be interpreted as consent to participate in the study.

Thank you for your time and important contribution to this study.

SECTION A: JOB SATISFACTION

Please answer the following questions in terms of your current position. (Circle one answer for each of the following questions below)

- 1. How satisfied are you with your job?**
 1. VERY SATISFIED
 2. SATISFIED
 3. NEITHER SATISFIED NOR DISSATISFIED
 4. DISSATISFIED
 5. VERY DISSATISFIED

- 2. Would you recommend your job to a friend?**
 1. RECOMMEND IT HIGHLY
 2. RECOMMEND IT
 3. NEITHER RECOMMEND IT NOR DISCOURAGE IT
 4. DISCOURAGE IT
 5. DISCOURAGE IT GREATLY

- 3. Given a choice, would you take the same job again?**
 1. DEFINITELY
 2. PROBABLY
 3. PERHAPS
 4. NO
 5. DEFINITELY NOT

- 4. How satisfied are you with the way your job allows you to balance work and your personal life?**
 1. VERY SATISFIED
 2. SATISFIED
 3. NEITHER SATISFIED NOR DISSATISFIED
 4. DISSATISFIED
 5. VERY DISSATISFIED

- 5. Have you applied for other jobs during the last 12 months?**
 1. YES
 2. NO

- 6. Do you plan to look for a new job in the next year?**
 1. DEFINITELY
 2. PROBABLY
 3. PERHAPS
 4. NO PLANS
 5. DEFINITELY NOT

SECTION B: PROFESSIONAL WORK HISTORY

This next section requests details of your work history and current position, beginning with your position in January of 1996. We are interested to learn more about general career patterns, including promotions, decisions to leave law practice, careers outside private practice and the greater diversity of careers taken by law school graduates.

Please complete a separate block (page) for each change in position. Changes include status changes (e.g., associate to partner), changes in area of practice, full-time to part-time, departure from or entry into private practice, and jobs outside the practice of law.

There are 6 blocks (each "block"/position is numbered and one page in length). However, if you have had less than 6 job changes since 1996 you will be instructed at the appropriate page in your work history to skip to SECTION C: OPPORTUNITIES AND CONDITIONS OF WORK (page 9).

POSITION 1
(Your position at the time of January 1996)

7. Start Date Month ____ Year 19 ____	End Date: Month ____ Year 19 ____
8. Type (circle one) 1. Full-time 2. Part-time	
9. Professional Position:	
1. Not engaged in the practice of law (Please skip to Question # 12)	6. Employee or associate of law firm
2. Government lawyer	7. Sole practitioner
3. Industry or corporate counsel	8. Partner in a law firm
4. Legal Aid/law clinic lawyer	9. Legal Academic
5. Society or union lawyer	10. Judge
	11. Other (please specify): _____
10. Including yourself, how many lawyers worked in your office (that is, at one physical location)? _____	
11. Main fields of law practised (rank top 3 in terms of time required with "1" indicating the most time):	
Rank:	
() 1. general practice	() 10. labour relations
() 2. criminal law	() 11. administrative law
() 3. real estate	() 12. municipal law
() 4. corporate & commercial	() 13. landlord & tenant
() 5. estates, wills and trusts	() 14. immigration
() 6. debtors' & creditors' rights	() 15. patents, trademarks & copyrights
() 7. civil litigation	() 16. air and marine law
() 8. family law & divorce	() 17. other (pleases specify): _____
() 9. taxation	
12. Ending annual salary, or most recent salary if still in position (after business deductions and before taxes): \$ _____	
13. How did you obtain this job? (Choose the most important factor)	
1. Law school classmate	7. Direct application (personal initiative/search)
2. Alumni contacts	8. Newspaper advertisement
3. Employment bulletins	9. I was asked to take the job
4. Client contacts	10. Not applicable, I am self-employed
5. Family contacts	11. Other (please specify): _____
6. Contacts from friends	
14. If there was any time between leaving this job and starting your next position, please specify the number of months: _____ month(s)	
15. IF YES, what was your primary activity during this period?	
1. Travel	5. Unemployed
2. Further education/research	6. Illness or injury
3. Looking after my children	7. Community service
4. Looking after parents or in-laws	8. Other (please specify): _____

If the position above is your current position (or if you have not worked for pay since this position), please skip the remaining "blocks" and continue with SECTION C: OPPORTUNITIES (page 9).

SECTION C: OPPORTUNITIES AND CONDITIONS OF WORK

ALL PARTICIPANTS in the survey are requested to complete this section. Please answer the following questions whether you are in private practice, other work settings, or not currently practicing law.

61. Type (circle one) 1. Full-time 2. Part-time 3. Not Working for Pay

62. Professional Position:

- | | |
|--|--------------------------------------|
| 1. Not engaged in the practice of law
(Please skip to Question #65) | 6. Employee or associate of law firm |
| 2. Government lawyer | 7. Sole practitioner |
| 3. Industry or corporate counsel | 8. Partner in a law firm |
| 4. Legal Aid/law clinic lawyer | 9. Legal Academic |
| 5. Society or union lawyer | 10. Judge |
| | 11. Other (please specify): _____ |

63. Including yourself, how many lawyers worked in your office (that is, at one physical location)? _____

64. Main fields of law practised (rank top 3 in terms of time required with "1" indicating the most time):

Rank:

- | | |
|-------------------------------------|--|
| () 1. general practice | () 10. labour relations |
| () 2. criminal law | () 11. administrative law |
| () 3. real estate | () 12. municipal law |
| () 4. corporate & commercial | () 13. landlord & tenant |
| () 5. estates, wills and trusts | () 14. immigration |
| () 6. debtors' & creditors' rights | () 15. patents, trademarks & copyrights |
| () 7. civil litigation | () 16. air and marine law |
| () 8. family law & divorce | () 17. other (pleases specify): _____ |
| () 9. taxation | |

65. Which of the factors below are particularly important to you in a job? (Please circle all that apply)

- | | |
|--|---|
| 1. Intellectual stimulation | 12. High prestige of profession |
| 2. Adversarial nature of work | 13. Helping people |
| 3. Independence | 14. Dealing with people |
| 4. Opportunity to work with a team of people | 15. Opportunity for leadership |
| 5. High income | 16. Importance of problems I handle |
| 6. Opportunity for advancement | 17. Opportunity to be of service to society |
| 7. People with whom I work | 18. Location of work |
| 8. Variety of work | 19. Speaking and writing skills required |
| 9. Organization for which I work | 20. Importance of the problems I handle |
| 10. Influence in the community | 21. Location of work |
| 11. Opportunity to participate in politics | 22. Clients for whom I work |

66. To what extent do you agree that the following describes your present job? (Please circle one answer for each line). If you are not working for pay please SKIP to Question #117.

	Strongly Disagree				Strongly Agree
1. The pay is good.	1	2	3	4	5
2. I have the freedom to decide what I do on my job.	1	2	3	4	5
3. I control the scheduling of my own work.	1	2	3	4	5
4. The benefits are good.	1	2	3	4	5
5. The job allows me to use my talents and legal skills.	1	2	3	4	5
6. The opportunities for promotion are excellent.	1	2	3	4	5
7. Job security is good.	1	2	3	4	5
8. The work is intellectually challenging.	1	2	3	4	5
9. My workload is too heavy	1	2	3	4	5
10. I do not have enough time to do my work to the best of my abilities.	1	2	3	4	5
11. The job gives me a feeling of accomplishment.	1	2	3	4	5
12. This is the kind of position I expected to hold at this stage in my career.	1	2	3	4	5
13. I have made good progress toward meeting my overall career goals.	1	2	3	4	5
14. I look forward to coming to work.	1	2	3	4	5
15. My colleagues can be relied upon when things get tough on my job.	1	2	3	4	5
16. My co-workers are helpful in my getting my job done.	1	2	3	4	5
17. The skills and knowledge I have learned on the job in this organization would transfer easily to most other organizations.	1	2	3	4	5
18. Promotions in this organization are based primarily on one's ability.	1	2	3	4	5
19. I am rewarded for the amount of effort that I put in.	1	2	3	4	5
20. I am rewarded fairly considering the responsibilities I have.	1	2	3	4	5
21. I am rewarded reasonably given the market for legal services.	1	2	3	4	5
22. I am rewarded fairly in view of my experience.	1	2	3	4	5
23. There are plenty good jobs outside this organization that I could have.	1	2	3	4	5

	Strongly Disagree				Strongly Agree
24. I find real enjoyment in my work.	1	2	3	4	5
25. My work is important to society.	1	2	3	4	5
26. By practicing law, I am making a difference to people's lives.	1	2	3	4	5
27. I feel a real loyalty to this organization/firm/company.	1	2	3	4	5
28. I am proud to tell others that I am part of this organization.	1	2	3	4	5
29. I have stayed in this job because of financial necessity.	1	2	3	4	5
30. The job allows me to balance career and family.	1	2	3	4	5
31. My job interferes with activities outside of work.	1	2	3	4	5

The following questions are directed to lawyers engaged in the private practice of law. If you are not currently working in private practice, please go to Question #75.

67. How many lawyers (including partners) are employed by your firm?

68. How many of these people who are lawyers are associates?

69. How many of these lawyers are partners?

70. How many of the lawyers at your firm are women?

71. How many of these women lawyers are partners?

72. Are you a partner?

1. YES
2. NO (PLEASE GO TO QUESTION #80)

73. How would you describe your partnership position?

1. SENIOR PARTNER
2. JUNIOR PARTNER
3. PART-TIME PARTNER
4. TAX PARTNER
5. OTHER (PLEASE SPECIFY): _____

74. Do you, as a partner, receive a share of the firm's profits beyond your own billings?

1. YES
2. NO

If you are working as IN-HOUSE COUNSEL in a firm or as LEGAL COUNSEL FOR GOVERNMENT please answer Questions #75 through #79. If you work in other settings or not practicing law, please skip to Question #80.

75. How many persons (all other employees not counting yourself) are employed by your firm or place of work?

76. How many of these people are lawyers?

77. How many of these lawyers are in management positions in your place of work?

78. How many of the lawyers employed by your place of work are women?

79. How many of these women hold management positions?

Please answer the following with regard to your present professional position. This section applies to ALL participants in the study (including those not practicing law), except those not working for pay. If you are currently not working for pay, please go to Question #93.

80. Do you participate in policy-making decisions (for example, having to do with budgets, investments, and various other aspects of operation) in your place of work? (Circle one)

1. I DIRECTLY PARTICIPATE IN ALL OR MOST POLICY-MAKING.
2. I DIRECTLY PARTICIPATE IN SOME POLICY-MAKING DECISIONS.
3. I DIRECTLY PARTICIPATE IN AT LEAST ONE AREA OF DECISION-MAKING.
4. I DO NOT DIRECTLY PARTICIPATE IN DECISION-MAKING, BUT I PROVIDE ADVICE IN ONE OR MORE AREAS OF DECISION-MAKING.
5. I DO NOT PARTICIPATE IN DECISION-MAKING.

81. Do you supervise anyone (e.g., a secretary, associate) on your job?

1. YES
2. NO (PLEASE GO TO QUESTION 85)

82. If yes, do you give directions to this person(s)?

1. YES
2. NO

83. Can you reward this person(s) with pay or promotions?
1. YES
 2. NO
84. Does anyone you supervise (e.g., a secretary, associate) in turn supervise anyone as part of his/her job?
1. YES
 2. NO
85. Do you receive supervision from anyone (e.g., a partner) on your job?
1. YES
 2. NO
86. If yes, does this person give you directions?
1. YES
 2. NO
87. Can this person reward you with pay or promotions?
1. YES
 2. NO
88. Does this person, in turn, receive supervision from someone else or others?
1. YES
 2. NO
89. How is your position classified?
1. AS A MANAGERIAL POSITION
 2. AS A SUPERVISORY POSITION
 3. A SALARIED POSITION
 4. NONE OF THE ABOVE
90. Are you required to design important aspects of your own work and to put your ideas into practice? (Circle one answer below)
1. I AM REQUIRED TO DESIGN ALL OR MOST IMPORTANT ASPECTS OF MY WORK AND PUT THESE IDEAS IN PRACTICE.
 2. I AM REQUIRED TO DESIGN SOME IMPORTANT ASPECTS OF MY WORK AND PUT THESE IDEAS INTO PRACTICE.
 3. I AM REQUIRED TO DESIGN A FEW IMPORTANT ASPECTS OF MY WORK AND PUT THESE IDEAS INTO PRACTICE.
 4. I AM NOT REQUIRED TO DESIGN ASPECTS OF MY WORK.
91. In the last *five years*, how often have you been involved in:

	Frequently	Sometimes	Rarely	Never	N/A
A: HIRING ARTICLING STUDENTS OR LAWYERS	1	2	3	4	5
B: ASSIGNING FILES TO OTHER LAWYERS	1	2	3	4	5
C: SUPERVISING OTHER LAWYERS	1	2	3	4	5
D: POLICY, MANAGEMENT OR REMUNERATION DECISIONS	1	2	3	4	5

92. In the last year, approximately what percentage of your working time was spend on the following:

- ___% ADMINISTRATIVE WORK
- ___% PROMOTION AND CLIENT DEVELOPMENT
- ___% KEEPING UP-TO-DATE
- ___% UNCOMPENSATED LAW-RELATED WORK (EDUCATION & PROFESSIONAL DEVELOPMENT, FREE LEGAL ADVICE, CBA, LAW SOCIETY COMMITTEES)
- ___% TEACHING
- ___% PRACTICING LAW
- ___% LEGAL RESEARCH
- ___% OTHER (PLEASE SPECIFY): _____
- 100% TOTAL

93. Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the client objected to your sex, race, physical ability or sexual orientation?

1. YES, FREQUENTLY
2. YES, A FEW TIMES
3. YES, ON ONE OCCASION
4. NO, THE SITUATION HAS NOT OCCURRED
5. NO, THE SITUATION HAS NOT HAPPENED TO ME, BUT I AM AWARE OF IT HAPPENING AT MY FIRM

94. Have you been assigned or referred cases/files/ because of your sex? (ex., family law, sexual assaults, family violence, cases involving children).

1. YES, FREQUENTLY
2. YES, A FEW TIMES
3. YES, ON ONE OCCASION
4. NO, THE SITUATION HAS NOT OCCURRED
5. NO, THE SITUATION HAS NOT HAPPENED TO ME, BUT I AM AWARE OF IT HAPPENING AT MY FIRM

95. Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a person in your firm/office objected on the basis or your sex, race, physical ability or sexual orientation?

1. YES, FREQUENTLY
2. YES, A FEW TIMES
3. YES, ON ONE OCCASION
4. NO, THE SITUATION HAS NOT OCCURRED
5. NO, THE SITUATION HAS NOT HAPPENED TO ME, BUT I AM AWARE OF IT HAPPENING AT MY FIRM

96. More generally, have you noticed a pattern in which you receive fewer opportunities to take responsibility for interesting and challenging cases/files?

1. YES
2. NO

97. How would you rank the prestige associated with the following fields of law?

	Very low prestige										Very high prestige
1. GENERAL PRACTICE	1	2	3	4	5	6	7	8	9	10	
2. CRIMINAL LAW	1	2	3	4	5	6	7	8	9	10	
3. REAL ESTATE	1	2	3	4	5	6	7	8	9	10	
4. CORPORATE AND COMMERCIAL	1	2	3	4	5	6	7	8	9	10	
5. ESTATES, WILLS AND TRUSTS	1	2	3	4	5	6	7	8	9	10	
6. DEBTORS' & CREDITORS' RIGHTS	1	2	3	4	5	6	7	8	9	10	
7. CIVIL LITIGATION	1	2	3	4	5	6	7	8	9	10	
8. TAXATION	1	2	3	4	5	6	7	8	9	10	
9. LABOUR RELATIONS	1	2	3	4	5	6	7	8	9	10	
10. ADMINISTRATIVE & CONSTITUTIONAL	1	2	3	4	5	6	7	8	9	10	
11. MUNICIPAL LAW	1	2	3	4	5	6	7	8	9	10	
12. LANDLORD & TENANT	1	2	3	4	5	6	7	8	9	10	
13. IMMIGRATION	1	2	3	4	5	6	7	8	9	10	
14. PATENTS, TRADEMARKS & COPYRIGHT	1	2	3	4	5	6	7	8	9	10	
15. AIR & MARINE LAW	1	2	3	4	5	6	7	8	9	10	
16. FAMILY LAW & DIVORCE	1	2	3	4	5	6	7	8	9	10	

If you are engaged in the PRIVATE PRACTICE of law, please answer the following questions. If not, please go to Question #106.

97. Does the work you do involve interaction with clients?

1. A GREAT DEAL WITH CLIENTS
2. CONSIDERABLE CONTACT WITH CLIENTS
3. SOME CONTACT WITH CLIENTS
4. LITTLE CONTACT WITH CLIENTS
5. NO CONTACT WITH CLIENTS

98. During the past 12 months, about what proportion of your time was spent representing institutional or corporate clients and what proportion representing individual clients? (Answer both 1 and 2 below)

1. WORK REPRESENTING INSTITUTIONAL CLIENTS ____ %
2. WORK REPRESENTING INDIVIDUAL CLIENTS ____ %

99. In your practice, do you deal primarily with...?

1. CLIENTS YOU BRING IN
2. CLIENTS OF THE FIRM

- 100. Can you make your own decisions about what clients (and specific cases) to take on?**
1. ALWAYS
 2. USUALLY
 3. SOMETIMES
 4. RARELY
 5. NEVER
- 101. How would you rate your ability to obtain business for your firm?**
1. VERY GOOD
 2. ABOVE AVERAGE
 3. AVERAGE
 4. BELOW AVERAGE
 5. POOR
- 102. Do you have responsibility for relations with one or more of the major clients of the firm?**
1. YES
 2. NO
- 104. How many hours did you docket in the last fiscal year? _____ HOURS**
- 105. How many hours did you bill (a rough estimate) in your last fiscal year? _____ HOURS**
- 106. On average, how many hours do you work each *weekday*?**
_____ HOURS PER WEEKDAY
- 107. On average, how many hours do you work each *weekend*?**
_____ HOURS PER WEEKEND
- 108. On average, how many of the evening (after 6pm) & weekend hours do you do work *at the office*?**
_____ HOURS

Please answer the following questions about how you found your current job. If you are currently not working for pay, please go to Question #117.

- 109. Which of the following best describes how you found your present job?**
1. THROUGH FORMAL METHODS OF REFERRAL (E.G., THROUGH LISTINGS OF OPENINGS OR ADVERTISEMENTS THAT WE GENERALLY DISTRIBUTED)
 2. THROUGH PERSONAL METHODS OF REFERRAL (E.G., LEARNED OF THE JOB THROUGH PERSONAL CONTACTS ON THE JOB OR ELSEWHERE, OR THROUGH A SERIES OF PERSONAL CONTACTS.
 3. THROUGH DIRECT APPLICATION (E.G., BY GOING DIRECTLY TO THE EMPLOYER OR WRITING A FORMAL OR PERSONAL INTERMEDIARY)
- 110. Was there anyone you know who helped you in any way to get this job?**
1. YES
 2. No (SKIP TO QUESTION #117)

111. What was the relationship of this person to you?

1. IMMEDIATE FAMILY
2. OTHER RELATIVE
3. FRIEND
4. NEIGHBOUR
5. LAW SCHOOL CLASSMATE
6. SOMEONE KNOWN THROUGH PREVIOUS JOB
7. SOMEONE KNOWN THROUGH CURRENT JOB
8. OTHER (PLEASE SPECIFY) _____

112. How would you describe the nature of your relationship with this person?

1. VERY CLOSE
2. CLOSE
3. NOT VERY CLOSE
4. NOT AT ALL CLOSE

113. Was this person male/female?

1. MALE
2. FEMALE

114. How did this person happen to know about the position?

1. WORKED THERE
2. WORKED IN A RELATED SETTING
3. KNEW OF IT THROUGH PERSONAL CONTACTS
4. OTHER (PLEASE SPECIFY): _____

115. What was the position of this person in his/her place of employment compared with yours?

1. HIGHER
2. SAME
3. LOWER

116. How did this person help you?

1. JUST TOLD ME ABOUT THE POSITION
2. PROVIDED AN INTRODUCTION
3. PROVIDED A RECOMMENDATION
4. INTRODUCTION AND RECOMMENDATION
5. WAS THE PERSON DOING THE HIRING
6. OTHER (PLEASE SPECIFY): _____

SECTION D: MENTORSHIP & GUIDANCE

Please answer the following questions about informal or formal help, assistance or guidance you received during your career in law.

- 117. At any point in your legal career was there anyone who acted as your informal or formal advisor/mentor (someone who looks out for you or gives you advice)?**
1. YES, THERE WAS ONE PERSON WHO ACTED AS MY ADVISOR/MENTOR
 2. YES, THERE WAS MORE THAN ONE PERSON WHO ACTED AS MY ADVISOR/MENTOR
 3. NO
- 118. How would you describe the nature of your relationship with this person?**
1. VERY CLOSE
 2. CLOSE
 3. NOT VERY CLOSE
 4. NOT AT ALL CLOSE
- 119. Was this person male or female?**
1. MALE
 2. FEMALE
- 120. What was the position of this person in his/her place of employment compared with you?**
1. HIGHER
 2. SAME
 3. LOWER
- 121. Did this mentoring relationship prove helpful to you in acquiring files, clients or referrals?**
1. VERY OFTEN
 2. OFTEN
 3. SOMETIMES
 4. NOT VERY OFTEN
 5. NEVER
- 122. The following are non-exclusive, often overlapping function that can be served by mentors. Please rank the quality of mentorship you received on these dimensions.**

	Very poor	Poor	Indifferent	Good	Very good
1. TEACHER/INSTRUCTION	1	2	3	4	5
2. ROLE MODEL	1	2	3	4	5
3. CLIENT MANAGEMENT	1	2	3	4	5
4. ORGANIZATION	1	2	3	4	5
5. OFFICE POLITICS	1	2	3	4	5
6. CASE/DOSSIER MANAGEMENT	1	2	3	4	5
7. CONFIDANTE	1	2	3	4	5
8. ADVISE	1	2	3	4	5
9. PROBLEM-SOLVING	1	2	3	4	5
10. SOUNDING BOARD	1	2	3	4	5
11. ADVOCATE	1	2	3	4	5
12. PROTECTION	1	2	3	4	5

SECTION E: GOALS AND EXPECTATIONS

Below are some questions we would like you to answer about your current place of work, including benefits and flexibility of hours. (Please circle one answer for each question). If you are not working for pay, please SKIP to Question #135.

123. Are you satisfied with the maternity leave policy at your office?

1. VERY SATISFIED
2. SATISFIED
3. UNDECIDED
4. DISSATISFIED
5. VERY DISSATISFIED

124. Have you tried to influence policy in this area?

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL (SKIP TO QUESTION #133)

125. Were you successful in your efforts?

1. VERY SUCCESSFUL
2. SUCCESSFUL
3. UNCERTAIN
4. UNSUCCESSFUL
5. VERY UNSUCCESSFUL

Questions #126 to #130 apply to those working in law firms. If you do not work in a law firm, please go to Question #131.

126. Does your firm have part-time partnerships?

1. YES
2. NO

127. Are you, or have you been a part-time partner?

1. YES
2. NO

128. More generally, are you satisfied with your firm's partnership policies?

1. HIGHLY SATISFIED
2. SATISFIED
3. UNDECIDED
4. DISSATISFIED
5. VERY DISSATISFIED

129. Have you tried to change your firm's partnership policies?

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL (SKIP QUESTIONS #131)

130. Have you been successful in these efforts?

1. VERY SUCCESSFUL
2. SUCCESSFUL
3. UNCERTAIN
4. UNSUCCESSFUL
5. VERY UNSUCCESSFUL

131. Does your employer offer the following benefits or options?

	Yes	No	Don't Know	Not Applicable
A. A pension plan	1	2	3	4
B. Medical insurance	1	2	3	4
C. Dental plan	1	2	3	4
D. Part-time work	1	2	3	4
E. Flexible full-time work hours	1	2	3	4
F. Job sharing	1	2	3	4
G. Unpaid maternity leave	1	2	3	4
H. Unpaid paternity leave	1	2	3	4
I. Part-time partnerships	1	2	3	4
J. Child care benefits	1	2	3	4
K. Day care facilities	1	2	3	4
L. Sick leave	1	2	3	4
M. Long term disability	1	2	3	4
N. Continuing legal education	1	2	3	4
O. Leave of absence/sabbatical	1	2	3	4

132. Are you satisfied with the range of work your firm or organization as a whole takes on?

1. HIGHLY SATISFIED
2. SATISFIED
3. UNDECIDED
4. DISSATISFIED
5. VERY DISSATISFIED

133. Have you tried to change the range of work that your firm or organization as a whole takes on?

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL

134. Have you been successful in these efforts?

1. VERY SUCCESSFUL
2. SUCCESSFUL
3. UNCERTAIN
4. UNSUCCESSFUL
5. VERY UNSUCCESSFUL

SECTION F: HOUSEHOLD AND FAMILY HISTORY

The final set of questions is intended to provide information regarding the effects of background and household characteristics upon individuals' professional careers. For instance, career opportunities and decisions can be affected by life course events such as marriage and children. Although the questions are about you, it is important to keep in mind that they will be used in statistical analyses only. Your anonymity is protected.

135. In what city or town do you work? (If you are not working for pay, where do you live?)

1. METRO AND CITY OF TORONTO (INCLUDES ALSO SCARBOROUGH, CITY OF YORK, EAST YORK, ETOBICOKE, NORTH YORK)
2. CENTRAL-WEST ONTARIO (E.G., HALTON, PEEL, WELLINGTON)
3. HAMILTON-NIAGARA (INCLUDES ALSO WATERLOO, BRANT COUNTY)
4. SOUTH-WESTERN ONTARIO (E.G., ESSEX COUNTY, MIDDLESEX, KENT COUNTY)
5. CENTRAL-EAST ONTARIO (E.G., DURHAM REGION, PETERBOROUGH, SIMCOE, YORK REGION)
6. EASTERN ONTARIO (E.G., FRONTENAC, OTTAWA-CARLETON, RENFREW)
7. NORTHERN ONTARIO (E.G., SUDBURY, THUNDER BAY, ALGOMA)

136. Sex:

1. MALE
2. FEMALE

140. Date of birth: MONTH: _____ YEAR: 19 _____

141. Do you describe yourself to be a member of a minority group? (Circle as many as apply)

1. YES, BY VIRTUE OF MY ETHNICITY OR RACE
2. YES, BY VIRTUE OF MY RELIGION
3. YES, DUE TO PHYSICAL DISABILITY
4. YES, BY VIRTUE OF MY LANGUAGE
5. YES, DUE TO SEXUAL ORIENTATION
6. NO, I DO NOT CONSIDER MYSELF TO BE A MEMBER OF A MINORITY GROUP

142. How would you describe yourself?

1. CAUCASIAN, EUROPEAN CANADIAN
2. AFRO-CANADIAN, BLACK CANADIAN
3. INDO-CANADIAN, EAST INDIAN
4. OTHER ASIAN CANADIAN
5. FIRST NATIONS
6. BLEND OF RACES/ETHNICITIES
7. OTHER (PLEASE SPECIFY): _____

**143. Are you presently a member of, or feel a sense of belonging to, a community or volunteer organization?
(Please circle all that apply)**

1. SOCIAL CLUBS
2. ETHNIC/RELIGIOUS COMMUNITY
3. POLITICAL PARTY
4. COMMUNITY ORGANIZATIONS
5. PROFESSIONAL ASSOCIATIONS
6. SPORTS CLUBS
7. OTHER (PLEASE SPECIFY): _____

144. Which of the following best describes your present situation? (Circle one only)

1. MARRIED OR CO-HABITING WITH SOMEONE
2. WIDOWED, DIVORCED, SEPARATED
3. NEVER MARRIED OR CO-HABITED

145. If you have ever been married (including cohabitation), please indicate the dates of start of marriage (or cohabitating relationship) and if separation or divorce took place, these dates as well.

	Date started Month/Year	Date ended (if applicable) Month/Year
1st marriage/cohabitation	___ 19__	___ 19__
2nd marriage/cohabitation	___ 19__	___ 19__
3rd marriage/cohabitation	___ 19__	___ 19__
4th marriage/cohabitation	___ 19__	___ 19__

If insufficient space, please continue below:

146. What is your spouse's (or partner's) occupation?

147. What is your spouse's (or partner's) annual income?

148. How many hours a week (on average) does your spouse (or partner) work in a paid position?

_____ hours/week.

149. How many children do you have? (Include adopted children, step children and foster children)

_____ children

(IF NONE, PLEASE SKIP TO QUESTION #154)

150. For each child, please specify their date of birth and the dates of parental leaves you may have taken.

Children	Date of Birth Month/Year	Dates of Parental Leave	
		Start Month/Year	End Month/Year
1ST	___ / ___	___ / ___	___ / ___
2ND	___ / ___	___ / ___	___ / ___
3RD	___ / ___	___ / ___	___ / ___
4TH	___ / ___	___ / ___	___ / ___
5TH	___ / ___	___ / ___	___ / ___
6TH	___ / ___	___ / ___	___ / ___
7TH	___ / ___	___ / ___	___ / ___
8TH	___ / ___	___ / ___	___ / ___

151. How many children are currently living at home with you?

	4 or more days/week	less than 4 days/week
1. UNDER 6 YEARS OF AGE	_____	_____
2. 6-12 YEARS OF AGE	_____	_____
3. 13-18 YEARS OF AGE	_____	_____
4. OVER 18 YEARS OF AGE	_____	_____

The following questions concern the care of children, including feeding, supervision, attendance at sporting and school events, etc.

152. How many hours per week do you spend on child care? _____ HOURS PER WEEK.

153. When the children are at home (for medical reason or require transportation to activities) who leaves work most often? (Circle one answer only)

1. YOU
2. THE PERSON YOU LIVE WITH
3. CHILD'S OTHER PARENT (IF NOT LIVING WITH YOU)
4. THE PERSON YOU LIVE WITH AND YOURSELF LEAVE WORK EQUALLY
5. ONE OF US ALREADY WORKS IN THE HOME
6. THERE IS SOMEONE ELSE WHO HELPS OUT (RELATIVE OR PAID EMPLOYEE)

154. Since starting law practice, have you at any point take a leave (other than for a parental leave – example: extended vacation, sick leave, leave for education program)?

1. YES
2. NO

The following questions have to do with your feelings of well-being and control over the events in your life as well as more general issues.

155. How many days during the past week (0-7) have you:

of days

- 1. FELT YOU JUST COULDN'T GET GOING _____
- 2. FELT SAD..... _____
- 3. HAD TROUBLE GETTING TO SLEEP OR STAYING ASLEEP _____
- 4. FELT THAT EVERYTHING WAS AN EFFORT _____
- 5. FELT LONELY..... _____
- 6. FELT YOU COULDN'T SHAKE THE BLUES..... _____
- 7. HAD TROUBLE KEEPING YOUR MIND ONE WHAT YOU WERE DOING _____
- 8. FELT HAPPY..... _____
- 9. FELT HOPEFUL ABOUT THE FUTURE..... _____
- 10. FELT YOU WERE WORRYING A LOT ABOUT LITTLE THINGS..... _____
- 11. FELT TENSE OF ANXIOUS..... _____
- 12. FELT RESTLESS..... _____
- 13. FELT ANNOYED WITH THINGS OR PEOPLE..... _____
- 14. FELT ANGRY..... _____
- 15. FELT LIKE YELLING AT SOMEONE..... _____
- 16. HAD ACHES AND PAINS..... _____
- 17. HAD HEADACHES..... _____
- 18. FELT WEAK ALL OVER..... _____
- 19. FELT YOU WERE ENJOYING LIFE..... _____

156. How strongly would you agree or disagree with the following statements?

	Strongly Agree				Strongly Disagree
1. I am responsible for my own successes.	1	2	3	4	5
2. I can do just about anything I really set my mind to.	1	2	3	4	5
3. My misfortunes are the result of mistakes I have made.	1	2	3	4	5
4. I am responsible for my failures.	1	2	3	4	5
5. The really good things that happen to me are mostly luck.	1	2	3	4	5
6. There's no sense planning a lot - if something good is going to happen, it will.	1	2	3	4	5
7. Most of my problems are due to bad breaks.	1	2	3	4	5
8. I have little control over the bad things that happen to me.	1	2	3	4	5
9. Experienced senior lawyers must be compensated for their years of service.	1	2	3	4	5

	Strongly Agree					Strongly Disagree
10. It takes years to build a legal reputation and established lawyers must be compensated accordingly.	1	2	3	4	5	
11. In the end, those who work the hardest and accomplish the most should earn the most.	1	2	3	4	5	
12. Results rather than reputation must always determine remuneration for legal services.	1	2	3	4	5	
13. We can no longer afford to reward seniority among lawyers, we must all earn our way every day.	1	2	3	4	5	
14. The practice of law is primarily concerned with generating profits.	1	2	3	4	5	
15. Productivity must above all else be the most important factor in determining the rewards in legal practice.	1	2	3	4	5	
16. Too much emphasis is placed on rewarding hours and billings in the practice of law.	1	2	3	4	5	
17. There is a competitive atmosphere among members of the legal profession.	1	2	3	4	5	
18. There are clear limits to how much we can do for others.	1	2	3	4	5	
19. Success in school & on the job is most important in life.	1	2	3	4	5	
20. When I write an exam or take part in a competition it is important for me to find out how well I did in comparison to others.	1	2	3	4	5	
21. My ambition is always to be better than average.	1	2	3	4	5	
22. The most important things that happen to me involve my job.	1	2	3	4	5	
23. The most important thing in life is achievement.	1	2	3	4	5	
24. I like to complete projects on my own.	1	2	3	4	5	
25. There are clear limits to how much we can do for others.	1	2	3	4	5	
26. It is important to me to be among the best in all areas of my life.	1	2	3	4	5	
27. It is more important to get ahead in life than to play by the rules.	1	2	3	4	5	
28. People who are the most successful in life often are the most dishonest.	1	2	3	4	5	

	Strongly Agree			Strongly Disagree	
	1	2	3	4	5
29. Most people can be trusted.	1	2	3	4	5
30. Generally speaking, you can't be too careful in dealing with people.	1	2	3	4	5
31. Most of my colleagues are responsible.	1	2	3	4	5
32. Experience has taught me to be doubtful of others until I know they can be trusted.	1	2	3	4	5
33. On average, our justice system is fair.	1	2	3	4	5

157. What was your gross annual earnings to the nearest one thousand for the 2002 tax year? (After business deductions and before taxes). Remember your anonymity is assured and this information will be used to compute statistical averages only.

- | | |
|----------------------------|----------------------------|
| 1. under \$ 10,000 | 14. \$ 70,000 to \$ 74,999 |
| 2. \$ 10,000 to \$ 14,999 | 15. \$ 75,000 to \$ 79,999 |
| 3. \$ 15,000 to \$ 19,999 | 16. \$ 80,000 to \$ 84,999 |
| 4. \$ 20,000 to \$ 24,999 | 17. \$ 85,000 to \$ 89,999 |
| 5. \$ 25,000 to \$ 29,999 | 18. \$ 90,000 to \$ 94,999 |
| 6. \$ 30,000 to \$ 34,999 | 19. \$ 95,000 to \$ 99,999 |
| 7. \$ 35,000 to \$ 39,999 | 20. \$100,000 to \$149,999 |
| 8. \$ 40,000 to \$ 44,999 | 21. \$150,000 to \$199,999 |
| 9. \$ 45,000 to \$ 49,999 | 22. \$200,000 to \$299,999 |
| 10. \$ 50,000 to \$ 54,999 | 23. \$300,000 to \$399,999 |
| 11. \$ 55,000 to \$ 59,999 | 24. \$400,000 to \$499,999 |
| 12. \$ 60,000 to \$ 64,999 | 25. \$500,000 + |
| 13. \$ 65,000 to \$ 69,999 | |

158. Imagining yourself 10 years from now, how do you think you would rate you work or career in terms of its importance to you?

1. VERY IMPORTANT
2. IMPORTANT
3. OF SOME IMPORTANCE
4. NOT AT ALL IMPORTANT

159. If you have left the practice of law, what were you main reasons for leaving? (If you continue to practice law, skip to question #161)

1. _____
2. _____
3. _____

160. What is your current occupation? _____

161. Has your legal training proved useful in your current career?

1. NOT AT ALL USEFUL
2. SOMEWHAT USEFUL
3. VERY USEFUL
4. EXTREMELY USEFUL

162. What do you think are the main challenges confronting today's legal profession?

1. _____
2. _____
3. _____

Please tell us about your work experiences or make any comments regarding topics addressed in this survey. Any comments you wish to offer that you think would contribute to our study will be very appreciated. (You may comment below or in a separate attached letter.)

**Thank you for your effort in completing this questionnaire.
Your contribution to our survey is very greatly appreciated.**

All responses will be kept anonymous.
Identification codes are used for mailing and statistical purposes only.

Please use the postage-paid return envelope provided.

We greatly appreciate your contribution to our survey. If you
would like a summary of results, please print your name
and address on the back of the return envelope (or enclose your business card).
We will see that you receive the summary report.

**The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6**