

A Report to the Law Society of Upper Canada

The Changing Face of the
Ontario Legal Profession, 1971-2001



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Executive Summary

This Report presents systematic evidence on the number, status and pay of Aboriginal, visible minority and women lawyers in Ontario, based mainly on the most recent, 2001 Canadian Census. Earlier Censuses, from 1971 to 1996, are used to describe change over the last three decades. The Censuses also allow comparisons between Ontario lawyers and other professions and occupations in the province, lawyers in other provinces and the Ontario population.

Representation of Aboriginal Persons and Members of Visible Minority Communities in the Legal Profession in Ontario

In 2001, 0.6 percent of Ontario lawyers were Aboriginal persons, 9.2 percent were members of visible minorities, and 90.2 percent were white; the estimated numbers are 175 Aboriginal lawyers, 2,535 lawyers from visible minority groups and 24,855 white lawyers. In comparison, the Census shows that Ontario population includes 1.6 percent Aboriginal persons, 19.0 percent members of visible minorities, and 79.4 percent white persons. Considering only members of the labour force, there are 1.4 percent Aboriginal persons, 18.2 percent members of visible minorities and 80.4 percent white persons.

Over three-quarters of the visible minority lawyers were Black, South Asian or Chinese people, accounting for 490, 865 and 590 lawyers, respectively. For the other minority groups identified individually in the Census – Southeast Asian, Korean, Japanese, Filipino, Latin American, Arab, and West Asian people – the estimated number of lawyers is between 45 and 100. In the Filipino community, just 75 lawyers are available to provide service to a community of more than 150,000 people, and there are only 45 Southeast Asian lawyers for a community of nearly 83,000.

There is evidence of rapid growth in the number of Aboriginal lawyers. There are almost no Aboriginal lawyers between the ages of 55 and 64, about 20 between 45 and 54, 60 between 35 and 44, and 85 between 25 and 34. The 0.6 percent of Ontario lawyers who are Aboriginal persons compares to 0.3 percent Aboriginal physicians in the province, 0.4 percent of engineers, 0.5 percent of university professors, 0.7 percent of high-level managers and 0.9 percent of middle-level managers.

Except for the Japanese community, the visible minority communities identified by Statistics Canada account for fewer lawyers than their share of the population. The numbers of Southeast Asian, Filipino, Latin American and West Asian lawyers represent less than one-third of their shares of the population. The numbers of lawyers from visible minority communities are still smaller in relation to the number of university graduates from visible minorities.

The number of visible minority lawyers is increasing. In 2001, there were 155 visible minority lawyers between the ages of 55 and 64, compared to 290 between 45 and 54, 740 between 35

and 44, and 1,230 between the ages of 25 and 34. Even for the youngest, 25-34 age group, however, the number of visible minority lawyers is just 73 percent of their share of the population. The 9.2 percent of Ontario lawyers from visible minority communities compares to 25.9 percent of physicians, 27.3 percent of engineers, 15.2 percent of university professors, 11.2 percent of high-level managers and 15.7 percent middle-level managers from visible minority communities.

In 2001, 18.5 percent of lawyers were immigrants, compared to 27.7 percent of the Ontario population, 29.8 percent of labour force participants and 37.7 percent of university graduates in the labour force. Proportionally, there are twice as many immigrants with university degrees as lawyers who were born outside of Canada. Over half the lawyers who are immigrants come from the US or Europe and they account for 10.7 percent of all lawyers in the province. Immigrants from all other countries account for 7.9 percent of Ontario lawyers.

Four-fifths of Ontario lawyers, 81.1 percent, spoke English as their first language, compared to 70.7 percent of the Ontario population, 70.5 percent of Ontario labour force participants, and 63.9 percent of university graduates in the labour force. The 4.3 percent of Ontarians whose first language is French corresponds almost exactly to the 4.4 percent of Ontario lawyers who are Francophones.

Representation of Women in the Ontario Legal Profession

In 2001, 9,670 women practiced law in Ontario, 35.1 percent of all lawyers in the province. There are quite similar proportions of women physicians, 33.5 percent, university professors, 35.8 percent, and middle level managers, 38.5 percent; but proportionally fewer women are high level managers, 25.6 percent, or engineers, 12.4 percent. These figures compare to 47.3 percent of the labour force and 47.2 percent of university graduates in the labour force who are women.

The number of women lawyers between the ages of 25 and 29, estimated at just 95 in 1971, increased to 635 by 1981, and to 1,500 in 1991. Even accounting for the near doubling in the total number of lawyers beginning their careers, this change is remarkable. The proportion of women lawyers began to increase when later “baby boomers,” born between 1951 to 1955, started to enter practice in the mid-1970s. For the next ten years the proportion of women entering law increased by about 2 percent in each year, and further increases brought the proportion of women entering practice to more than 50 percent by the mid-1990s.

In 2001, 54.4 percent of lawyers between 25 and 29 were women, compared to 46.0 percent of lawyers between 30 and 34, 44.0 percent of lawyers between 35 and 39, and 43.1 percent of lawyers between 40 and 44. The next age group, 45-49, however, is only 25.9 percent female and the proportion drops further, to 12.8 percent for the 60 to 64 age group. Even without any further increase in the proportion of women entering practice, the gradual retirement of older lawyers will result in continuing growth in the overall proportion of lawyers who are women.

Members of Visible Minority Communities in Law Practice

Just less than half, 44.6 percent, of Aboriginal and visible minority lawyers are law firm employees (“associates”), compared to 36.5 percent of white lawyers. Aboriginal and visible minority lawyers are also more likely than white lawyers to work in government, in positions outside of law offices (for a corporation, association, trade union, etc.), or as sole practitioners without paid help; but they are less likely to be law firm partners or sole practitioners with paid help (the Censuses do not distinguish casual help from permanent part-time or full-time employees).

More than one third, 37.5 percent, of Aboriginal and visible minority lawyers had a “standard” work week, between 35 and 44 hours, compared to 28.6 percent of white lawyers. About one fifth, 21.8 percent, of white lawyers worked between 55 and 64 hours a week and 6.8 percent worked 65 hours or more, compared to 18.0 and 4.9 percent of Aboriginal and visible minority lawyers working these number of hours. In 2000, 6.2 percent of white lawyers and 7.1 percent of Aboriginal and visible minority lawyers worked for less than 40 weeks.

Women in Law Practice

Women are more likely than men to be law firm associates, to work in government and to work outside of law offices, and less likely to be self-employed with paid help. In total, 45.2 percent of women lawyers are law firm employees, compared to 33.1 percent of men. Currently, about one-sixth of women lawyers work for government, compared to 9.1 percent of men; and 15.6 percent of women are employed outside of law offices and government, compared to 8.7 percent of men.

At the beginning of their careers, there is not much difference where female and male lawyers work, but there is increasing differentiation over time. Among lawyers between the ages of 35 and 44, 37.2 percent of men are law partners or sole practitioners with paid help, compared to 20.7 percent of women; and this difference widens to 48.6 percent of men versus 26.8 percent women for lawyers between 45 and 54, and to 56.9 versus 25.6 percent for lawyers between 55 and 64. Women lawyers between 25 and 34 are somewhat more likely than men the same age to work for government, by a margin of 14.7 to 11.0 percent; 18.0 percent of women lawyers between 35 and 44 are in government, compared to 9.4 percent of men. One fifth (19.8 percent) of women lawyers between 55 and 64 are in government, compared to just 5.6 percent of men.

Male lawyers work somewhat longer hours than women lawyers, 23.2 percent worked 55 to 64 hours per week, compared to 17.9 percent of women lawyers; 7.9 percent of men and 4.2 percent of women worked 65 hours or more per week. In 2000, less than one in twenty men, 4.6 percent, worked mainly part-time, compared to 9.3 percent of women. Thirteen percent of women lawyers and 5.7 percent of men worked for less than 40 weeks in the year 2000.

Incomes of Lawyers

For lawyers between 25 and 29 in 2001, the median income of Aboriginal and visible minority lawyers was \$4,000 lower than the median for white lawyers. The gap in *median* incomes was more than \$40,000 for non-white lawyers between 40 and 44 and the difference in *average* incomes is even larger (beyond age 44, there are insufficient data for income comparisons). This suggests the systemic exclusion of Aboriginal people and members of visible minorities from the most lucrative jobs.

As their numbers increased, the income of women lawyers improved dramatically. Before 1980, mid-career women lawyers commonly earned between 50 and 60 percent as much as men the same age. This gap has narrowed considerably. In 2000, the *median* income of women lawyers between 25 and 54 was between 87 and 94 percent of the median for men of the same age.

At the beginning of lawyers' careers, the gender gap in income is quite small, a few thousand dollars, though favouring men in four of the five years for which there is Census data. But the relative and absolute gender difference increases quite rapidly over lawyers' careers. In 2000, the average income of women lawyers between the ages of 25 and 29 was 93 percent of the mean for men, compared to 85 percent for women lawyers between 30 and 44 and to 79 percent for women lawyers between 45 and 49. In 2000, the average income of women lawyers between 50 and 54 was only 65 percent of the income of men the same age.

Conclusion

Presently, the representation of Aboriginal persons in the legal profession is only about 40 percent of their share of the Ontario labour force, while the figure for members of visible minorities is about 50 percent. The continuation of the trends of the last decade, however, will eventually bring the numbers of lawyers who are Aboriginal and from most of visible minority groups identified by Statistics Canada close to their share of the Ontario population. There is considerable variation, however, between the different visible minority communities, and the outlook is less positive for the Filipino and East Asian communities, which are still dramatically under-represented, even among the youngest lawyers. While there is little difference in their starting incomes, by mid-career Aboriginal and visible minority lawyers have substantially lower incomes than white lawyers.

Women have made remarkable progress in gaining access to a profession that, in the memory of many of its current members, was almost entirely male, and in which the small numbers of women had much lower incomes than men the same age. At present, more than half of newly-called lawyers are women. Now, the key questions are where women will practice and how much they will earn. The Census data suggest the development of a stable pattern in which women have somewhat lower *median* incomes than men, and much lower *mean* incomes at the peak of their careers. This is the result of a continuing predominance of men in the most lucrative forms of practice.

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Contents

Executive Summary	i
List of Tables	vii
List of Charts	viii
Introduction	1
Conducting Research on Ontario Lawyers Using the Canadian Censuses	2
Contents of the Census Surveys	2
Statistics from the Census	2
To What Population Should Lawyers be Compared?	3
Terminology	3
Representation of Aboriginal People and Members of Visible Minorities	4
Comparing Age Groups	6
Visible Minorities In and Outside of Toronto	10
Provincial Differences in the Representation of Aboriginal People and Members of Visible Minority Groups	10
Comparing Lawyers to Other Professions and Managers	13
Immigration, First Language and Access to the Professions	14
Francophones and Persons Whose First Language is Not French or English	18
Representation of Women in the Legal Profession	21
Membership in Visible Minority Communities and Gender	23
Race, Gender and the Workplace	24
Members of Visible Minorities in Law Practice	24
Women in Law Practice	26
Incomes of Lawyers	30
Conclusions	37
Methodological Appendix: Measures and Concepts in this Study	40
Who is Counted as a Lawyer?	40
Identifying Aboriginal People and Members of Visible Minority Groups in the Censuses ..	40
Ethnicity, Aboriginal Origins and Membership in Visible Minority Communities	42
Comparability of These Results to Previous Analysis of the 1996 Census	43
Francophones	43
Quality of the Census Data	43
Reporting Numbers in the Tables	44
Notes	45

List of Tables

	Page
1 Number of Aboriginal and Visible Minority Lawyers, Compared to their Communities, Ontario, 2001	4
2 Number of Aboriginal and Visible Minority Lawyers by Age, Ontario, 2001	7
3 Percentage of Aboriginal and Visible Minority Lawyers by Age, Ontario, 1981-2001	8
4 Percentage of Aboriginal and Visible Minority Lawyers Living in the Toronto Census Metropolitan Area (CMA), Compared to the Ontario Population and Labour Force, 2001	11
5 Number of Aboriginal and Visible Minority Lawyers by Province, with Population Comparisons, 2001	12
6 Representation of Aboriginal and Visible Minority Peoples in Law, Compared to Other Professions and Managers, Ontario, 2001	13
7 Place of Birth of Lawyers, Compared to the Population, Ontario, 2001	15
8 Place of Birth of Lawyers, Compared to Other Professions and Managers, Ontario, 2001	16
9 Period of and Age at Immigration of Lawyers, Compared to the Population, Ontario, 2001	17
10 First Language of Lawyers, Compared to the Population, Ontario, 2001	19
11 Gender of Ontario Lawyers, Compared to the Ontario Population, Other Professions and Managers in Ontario, and Lawyers in Other Provinces and Territories, 2001	20
12 Gender of Lawyers by Cohort by Age, Ontario, 1971-2001	21
13 Representation of Aboriginal and Visible Minority Peoples among Lawyers by Age by Sex, Ontario, 2001	23
14 Sector and Class of Employment and Whether Mainly Full- or Part-Time in 2000, by Whether Visible Minority and by Gender, for Lawyers with Some Employment Income in 2000, Ontario	25
15 Class of Employment by Age, for Lawyers with Income in 2000, Ontario	27
16 Distribution of Employment Income in 2000 by Whether an Aboriginal or Visible Minority Person and by Gender, Ontario	28
17 Employment Income of Ontario Lawyers in 2000 by Whether an Aboriginal or Visible Minority Person and by Gender, by Age	29
18 Gender Differentials in the Income of Ontario Lawyers by Age, 1980-2000	33
19 Gender Differences in the Income of Ontario Lawyers, with Various Adjustments, 1970-2000	35

List of Charts

	Page
1 Percentage of Lawyers, University Graduates, Labour Force Members and Population in Ontario who are Aboriginal and Members of a Visible Minority Group, 2001	5
2 Percentage of Lawyers who are Aboriginal People, by Age, 1981-2001	9
3 Percentage of Lawyers who are Members of a Visible Minority Group, by Age, 1981-2001	9
4 Representation of Aboriginal People and Visible Minority Groups in and Outside of the Toronto Census Metropolitan Area (CMA)	11
5 First Language of Ontario Lawyers and the Population, 2001	19
6 Number of Women Lawyers in Ontario in Five-Year Age Groups, 1971-2001	22
7 Percentage of Lawyers who are Women in Five-Year Age Groups, 1971-2001	22
8 Mean and Median Income by Age for Aboriginal and Visible Minority Lawyers	31
9 Mean and Median Income by Age for Female and Male Lawyers	31

Introduction

Using the Canadian Censuses, this Report presents systematic evidence on the number, work experience and income of Aboriginal, visible minority and women lawyers in Ontario. These concerns are particularly important for the legal profession because lawyers' skills and their social and economic position provide knowledge of and greater access to government, political institutions and elective office. Aboriginal and visible minority lawyers can help further their communities' goals. For some community members, their lawyer's identity matters and affects the quality of the legal service they receive.

This research is based mainly on the 2001 Census, with the 1971 to 1996 Censuses providing the means to describe change over the last three decades. The Censuses are also used to compare Ontario lawyers to people in other occupations, to lawyers in other provinces, and to the Ontario population.

This Report begins with analysis of Aboriginal and visible minority lawyers in Ontario, starting with their overall numbers, then separating age groups, then examining change between 1981 and 2001. The number of lawyers is compared to each community's total population and to the numbers of labour force participants and university graduates in the labour force. Lawyers in Ontario are then compared to lawyers in other provinces, and to other professions and managers in Ontario. The following section shows the numbers of lawyers who are immigrants, where they were born, and at what age and in what year they settled in Canada. Analysis of the distribution of Ontario lawyers' first language further describes the diversity of the profession as well the representation of Francophones.

Next we examine growth in the number of women lawyers between 1971 and 2001, providing comparisons to the number of women who are members of the Ontario labour force, who practice law in other provinces, and who work in other professions in Ontario. The section concludes with an examination of the intersection of gender and membership in the Aboriginal and visible minority communities.

We then turn to the status of Aboriginal, visible minority and women lawyers within the profession, comparing employment in law firms, government and other areas, and differentiating employees of law firms from partners and sole practitioners. Further comparisons deal with part-time work, hours of work, and weeks of work in a year. The last section of the analysis deals with the income of Aboriginal and visible minority lawyers and women lawyers, first descriptively, then accounting for the effects of age and other factors.

Before turning to the results the next section describes the Census data, addresses methodological issues, and identifies the strengths and limitations of using the Census to study lawyers in Ontario. A detailed Methodological Appendix at the end of this Report describes exactly how key concepts, such as membership in a visible minority group, are measured in this study.

Conducting Research on Ontario Lawyers Using the Canadian Censuses

Contents of the Census Surveys

As a basis for research, the Censuses' two great strengths are the very large samples and the availability of comparative information on the key demographic, social and economic characteristics of the Canadian population. No conventional survey could achieve the almost complete coverage of the population and nearly 100 percent response. The Censuses allow exact comparisons between Ontario lawyers and the entire population and relevant subgroups, such as university graduates in the labour force, lawyers in other provinces, and members of other professions. For studying the representation of Aboriginal people and members of visible minorities, especially for smaller communities, the Census is without peer. The 2001 Census includes detailed questions on Aboriginal status, race, ethnic group membership, place of birth, year of immigration and first language. Earlier Censuses provide insights into change in the legal profession, back to 1971.

The disadvantage is that the Census is simply not designed to study lawyers, or any other occupation, in particular. An independent survey of lawyers could, for example, include questions about areas of practice, the size and specialties of a lawyer's firm, working conditions, parental leave and other family policies of employers, perceptions of the profession and attitudes. The Censuses do not provide information on a person's family background, particularly their parents' education, occupations, income and wealth.¹ Under-representation in the legal profession of members of a particular minority community could therefore represent class barriers that disadvantage all persons from poorer backgrounds. This concern does not affect gender comparisons, however, since women and men have the same class background, on average (though family background might have different effects on the occupations of women and men).

The situation of Aboriginal persons, members of visible minority communities and women in the legal profession involves not only their numbers, but also their status within the profession. The Censuses provide information on hours of work, weeks of work in a year, sector of employment, and income from employment. Since wages and self-employment income are reported separately, law firm associates can be separated from partners.

Information from the different Censuses shows the changing composition of the legal profession and the progress of age cohorts, but it is not possible to link the information on *individuals* from one Census to the next, in order to study lawyers' careers.

Statistics from the Census

Although our data are from Statistics Canada's censuses of all Canadians, the detailed information used for this research is obtained only from the randomly selected one fifth of all households who receive the "long form" questionnaire (one in third in 1971). As a result there is some uncertainty in our results, known as "sampling error," which arises from the random selection of households receiving the more detailed Census questionnaire.²

With information about 5,000 Ontario lawyers in the 2001 Census, key attributes *of the entire sample*, such as the proportion of all lawyers who are women, Aboriginal people and members of each visible minority group, are measured with great precision. Estimates of the characteristics of subgroups, for example the proportion of visible minority lawyers who are women or between the ages of 35 and 44, are less precise.³ The samples of Aboriginal people and of the individual visible minority communities are too small to allow separate analysis of their experience as lawyers,⁴ and it is not possible to examine the *intersection* between gender and race in detail (but see Table 13).

To What Population Should Lawyers be Compared?

Thinking about the progress of Aboriginal people, members of visible minority and women in the legal profession, the question is “compared to what?” In terms of the availability of legal services and lawyers’ role in representing a community, the most appropriate comparison is between the number of lawyers from each group and the size of the entire community,⁵ for example comparing the number of Francophone lawyers to the number of Francophones in Ontario.⁶ To examine access to a career in the profession, however, the number of lawyers from a community is more appropriately compared to the number of adults in the labour force. Small children, students in school and retired people do belong to communities, but they are not employed and so cannot be lawyers. To look more closely at occupational profiles, another useful comparison is between the number of lawyers and the number of members of the labour force with university degrees.

To evaluate further the diversity of the legal profession in Ontario, two other useful comparisons are to lawyers in other Canadian provinces (in relation to their Aboriginal and visible minority populations), and to other high status occupational groups in Ontario – we chose physicians, academics, engineers, and middle- and high-level managers.

Terminology

For consistency with the Census data on which all the analysis in this Report is based and with other research based on the Censuses, the tables and text refer to Aboriginal peoples and to *visible minority* communities. To avoid repetition, references to “members of visible minorities” and similar phrases in this Report *exclude* Aboriginal persons.

Representation of Aboriginal People and Members of Visible Minorities

In 2001, 0.6 percent of Ontario lawyers were Aboriginal persons, 9.2 percent were members of visible minorities, and 90.2 percent were white. Table 1 also gives the estimated numbers: 175 Aboriginal lawyers, 2,535 lawyers from of visible minority communities and 24,855 white lawyers. More than three-quarters of the visible minority lawyers were Black, South Asian or Chinese people, accounting for 490, 865 and 590 lawyers respectively. For each of the seven other visible minority communities identified by Statistics Canada and the “other visible minority” and “multiple visible minority” groups, the estimated number of lawyers is between 45

Table 1
Number of Aboriginal and Visible Minority Lawyers, Compared to their Communities,
Ontario, 2001

Group	Lawyers	Total Ontario Population	Total Labour Force	University Graduate Labour Force	Lawyers	Total Ontario Population	Persons per Lawyer
	<i>percentage</i>				<i>number</i>		
Aboriginal	0.6	1.61	1.39	0.46	175	180,625	1030
Total Visible Minority	9.2	19.03	18.17	25.78	2,535	2,137,665	840
Black	1.8	3.69	3.47	2.39	490	414,965	850
South Asian	3.1	4.93	4.70	7.71	865	553,395	640
Chinese	2.1	4.19	3.95	7.61	590	471,010	800
Southeast Asian	0.2	0.74	0.66	0.42	45	82,975	1840
Korean	0.3	0.51	0.49	1.11	70	57,030	810
Japanese	0.3	0.23	0.20	0.44	80	25,855	320
Filipino	0.3	1.40	1.57	2.58	75	157,290	2100
Latin American	0.2	0.91	0.94	0.57	65	102,500	1580
Arab	0.4	0.78	0.64	1.18	100	87,860	880
West Asian	0.2	0.58	0.55	0.94	45	65,145	1450
Other Visible Minority	0.2	0.69	0.68	0.39	60	77,225	1290
Multiple Visible Minority	0.2	0.38	0.32	0.46	50	42,415	850
White	90.2	79.36	80.44	73.76	24,855	8,913,525	360
Total	100.0	100.0	100.0	100.0	27,565	11,231,820	410

Source: Statistics Canada, 2001 Census

and 100. Considering that these numbers are for all of Ontario and that some lawyers do not work in law offices, members of the smaller visible minority communities could have difficulty engaging a lawyer from their own community. Just 75 lawyers are available to provide service to a Filipino community of more than one hundred fifty thousand, while only 45 Southeast Asian lawyers are available to a community of nearly eighty-three thousand.

Except for the Japanese community, each of the visible minority communities identified in the Census data has a smaller proportion of lawyers than expected from its share of the population. Southeast Asian, Filipino, Latin American and West Asian lawyers represent less than one-third of their communities' share of the Ontario population. There is less than one lawyer from the communities for each 1400 persons, compared to the provincial average of one lawyer for each 407 persons. The number of Black, Chinese, Korean, and Arab lawyers is about half the representation of these visible minority communities in the Ontario population, and the number of South Asian lawyers is about two-thirds of their representation in the population.

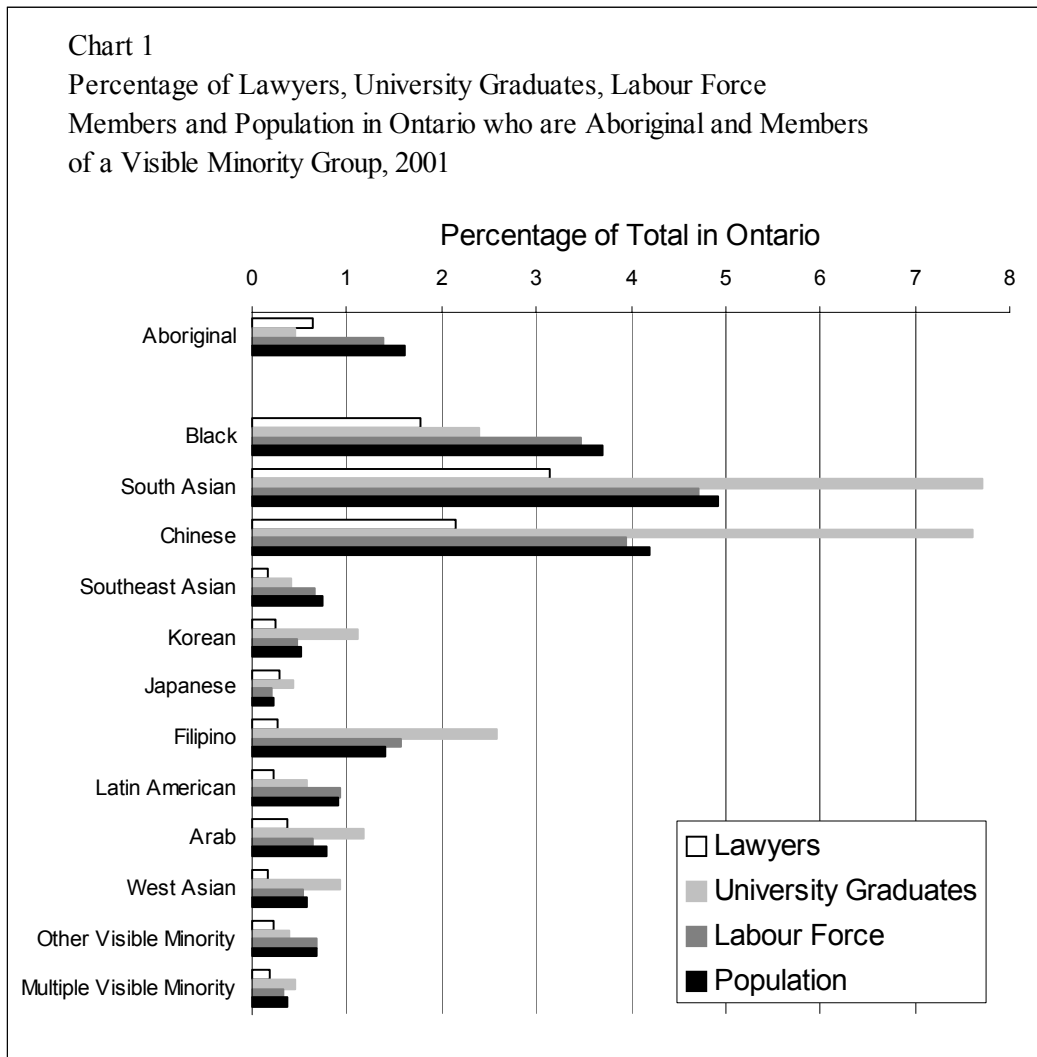


Table 1 also gives the total number of Aboriginal and visible minority members of the labour force and the number of university graduates in the labour force – appropriate comparisons, as admission to law school requires the completion of two years of university. Aboriginal peoples account for 1.61 percent of the Ontario population and 1.39 percent of the labour force, but only 0.46 percent of university graduates in the labour force – compared to 0.6 percent of Ontario lawyers who are Aboriginal people. Compared to the number of Aboriginal university graduates in the province, the number Aboriginal lawyers is above average. Conditions limiting access to university education thus play an important role in explaining Aboriginal under-representation in the legal profession, though at the same time this reflects the admissions policies of the province's law schools.

Members of visible minorities account for 19.03 percent of the Ontario population, 18.17 percent of the labour force and 25.78 percent of university graduates in the labour force. Thus, the 9.2 percent visible minority lawyers is smaller in relation to the number of university graduates than in relation to the entire visible minority population. Below average proportions of university graduates in the Black, Southeast Asian and Latin American communities must be a significant impediment. Latin American people, for example, account for 0.91 percent of the Ontario population, but only 0.57 of university graduates in the labour force.

Compared to the number of university graduates in the labour force from the different visible minority communities, the Black community has the most lawyers, 74 percent of their share of the population (dividing the 1.8 percent of Ontario lawyers who are Black people by the 2.39 percent of Black university graduates in the provincial labour force). Japanese people have 66 percent the number of lawyers relative to their share of university graduates in the labour force (0.3 percent divided by 0.44 percent). The number of lawyers in each of the other visible minority communities is less than half its share of university graduates in the labour force. The figures range from about 40 percent for South Asian, Southeast Asian and Latin American people, to 31 percent for Arab people, 28 percent for Chinese people, 23 percent for Korean people, 17 percent for West Asian people and just 11 percent for Filipino people.

Comparing Age Groups

Examination of the number of lawyers in separate age groups shows how the profession is changing. There is evidence of rapid recent growth in the number of Aboriginal lawyers. There are almost no Aboriginal lawyers between the ages of 55 and 64, about 20 between 45 and 54, 60 between 35 and 44, and 85 between 25 and 34. For the four successive age groups, these numbers correspond, respectively to 0.0, 0.3, 0.7 and 1.2 percent of lawyers in Ontario. Table 2 also shows remarkable growth in the number of visible minority lawyers in Ontario. In 2001 there were 155 visible minority lawyers between the ages of 55 and 64, compared to 290 between 45 and 54, 740 between 35 and 44, and 1,230 between 25 and 34.

Table 3 and Charts 2 and 3 show that the increase in the representation of visible minority lawyers is first visible in 1991, when the percentage of lawyers between the ages of 25 and 34 nearly doubles, to 5.9 percent, from 3.0 percent in 1986; it then rises to 11.0 percent in 1996 and to 16.9 percent in 2001. Naturally, it takes ten years for this change to manifest in the 35 to

Table 2
 Number of Aboriginal and Visible Minority Lawyers by Age, Ontario, 2001

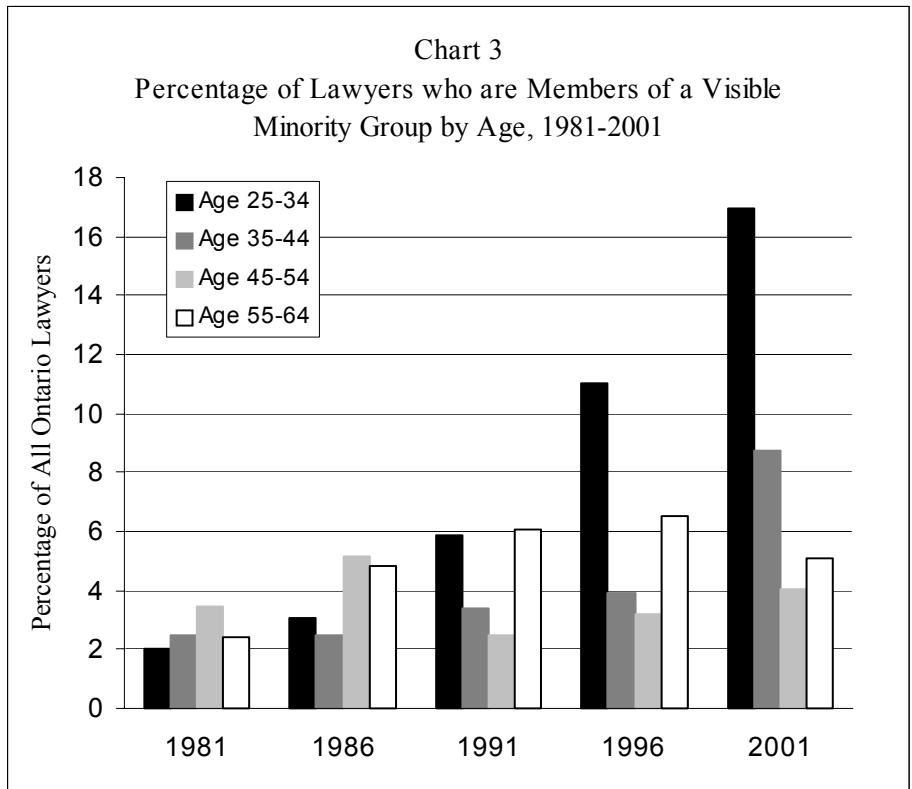
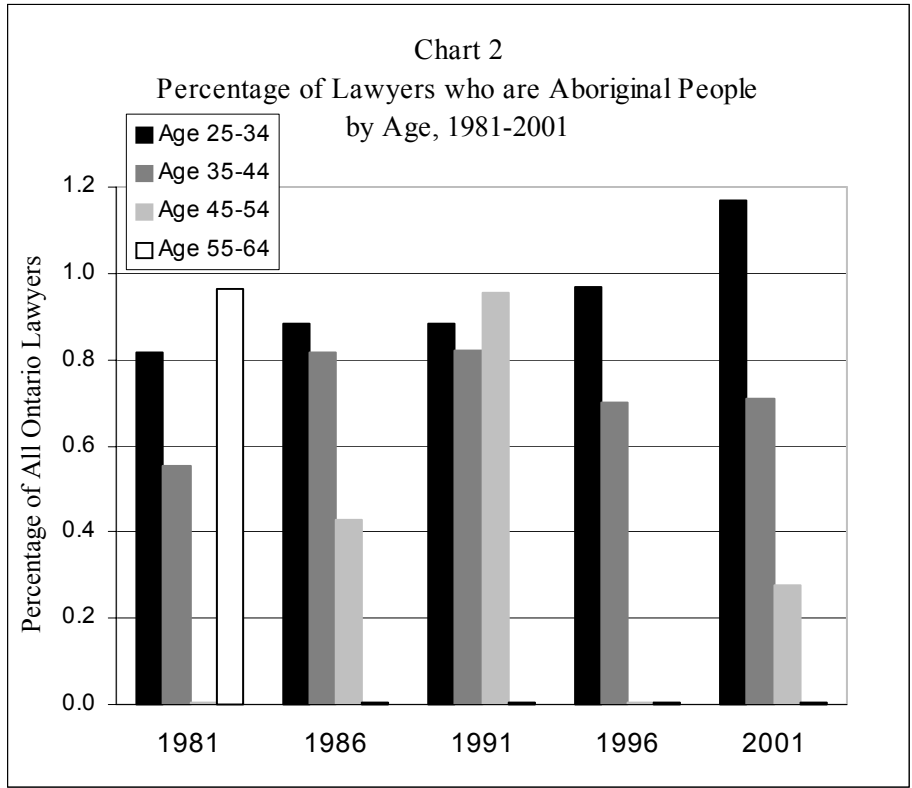
Group	25-34	35-44	45-54	55-64
Number of Lawyers				
Aboriginal	85	60	20	0
Total, Visible Minority	1,230	740	290	155
Black	225	130	65	50
South Asian	455	245	60	45
Chinese	280	165	90	35
East Asia and Pacific	115	85	50	10
All Other and Multiple Visible Minorities	155	115	25	15
White	5,945	7,670	6,905	2,900
Total	7,260	8,475	7,215	3,050
Percentage of Lawyers				
Aboriginal	1.2	0.7	0.3	0.0
Total, Visible Minority	16.9	8.7	4.0	5.1
Black	3.1	1.5	0.9	1.6
South Asian	6.3	2.9	0.8	1.5
Chinese	3.9	1.9	1.2	1.1
East Asia and Pacific	1.6	1.0	0.7	0.3
All Other and Multiple Visible Minorities	2.1	1.4	0.3	0.5
White	81.9	90.5	95.7	95.1
Total	100.0	100.0	100.0	100.0
Percentage of the Population				
Aboriginal	1.9	1.6	1.2	1.0
Total, Visible Minority	23.4	19.7	16.7	14.0
Black	4.5	3.2	2.7	2.7
South Asian	4.9	4.8	4.5	2.8
Chinese	6.5	5.0	4.1	3.9
East Asia and Pacific	3.4	3.2	2.7	2.5
All Other and Multiple Visible Minorities	4.1	3.6	2.8	2.1
White	74.8	78.7	82.1	85.1
Total	100.0	100.0	100.0	100.0
Number of Lawyers Relative to the Population (100=exactly equal representation)				
Aboriginal	62	44	23	0
Total, Visible Minority	73	44	24	36
Black	69	48	34	60
South Asian	128	60	18	53
Chinese	60	39	30	29
East Asia and Pacific	46	32	26	13
All Other and Multiple Visible Minorities	52	38	12	24
White	110	115	117	112

Source: Statistics Canada, 2001 Census

Table 3
 Percentage of Aboriginal and Visible Minority Lawyers by Age, Ontario, 1981-2001

Year	Aborig- inal	Total, Visible Minority	Black	South Asian	Chinese	East Asia and Pacific	All Other Visible Minority	White	Total	
Age	<i>percentage distribution</i>									Number
1981										
25-34	0.8	2.0	0.2	0.4	1.1	0.2	0.2	97.1	100.0	6,115
35-44	0.6	2.5	0.3	0.7	0.6	0.1	0.8	96.8	100.0	3,625
45-54	0.0	3.5	1.4	0.5	0.5	0.2	0.9	96.8	100.0	2,155
55-64	1.0	2.4	0.5	0.5	0.0	0.5	1.0	97.1	100.0	1,040
1986										
25-34	0.9	3.0	0.4	0.2	0.6	0.5	1.4	96.0	100.0	6,235
35-44	0.8	2.5	0.5	0.9	0.5	0.3	0.2	96.6	100.0	6,115
45-54	0.4	5.1	0.9	2.1	0.9	0.2	1.1	94.4	100.0	2,335
55-64	0.0	4.8	1.5	1.8	0.7	0.0	0.7	94.8	100.0	1,355
1991										
25-34	0.9	5.9	1.0	1.0	1.7	0.7	1.5	93.3	100.0	7,350
35-44	0.8	3.4	0.5	0.5	1.1	0.6	0.7	95.8	100.0	7,940
45-54	1.0	2.5	0.3	0.5	0.5	0.1	1.0	96.6	100.0	3,670
55-64	0.0	6.1	2.1	1.8	0.6	0.3	1.2	94.2	100.0	1,645
1996										
25-34	1.0	11.0	2.5	4.0	1.8	1.0	1.8	88.0	100.0	6,710
35-44	0.7	3.9	1.1	1.1	1.3	0.2	0.3	95.4	100.0	8,550
45-54	0.0	3.2	1.1	0.9	0.7	0.3	0.2	96.7	100.0	5,775
55-64	0.0	6.5	0.5	4.2	1.3	0.5	0.0	93.2	100.0	1,925
2001										
25-34	1.2	16.9	3.1	6.3	3.9	1.6	2.1	81.9	100.0	7,260
35-44	0.7	8.7	1.5	2.9	1.9	1.0	1.4	90.5	100.0	8,475
45-54	0.3	4.0	0.9	0.8	1.2	0.7	0.3	95.7	100.0	7,215
55-64	0.0	5.1	1.6	1.5	1.1	0.3	0.5	95.1	100.0	3,050

Source: Statistics Canada, Censuses of 1981, 1986, 1991, 1996 and 2001



44 age group, which included 3.4 and 3.9 percent visible minority lawyers in 1991 and 1996, respectively, compared to 8.7 percent in 2001. The gradual retirement of the pioneering generation of visible minority lawyers can also be seen in the decrease between 1996 and 2001 in the representation of visible minority lawyers between 55 and 64, from 6.5 to 5.1 percent (though the *number* of visible minority lawyers actually increased, as the estimated number of lawyers between 55 and 64 rose from 1925 to 3050 in those five years). The figures in Table 3 and Chart 2 show a much weaker, though upward, over time trend in the representation of Aboriginal people in the legal profession.

Visible Minorities In and Outside of Toronto

Table 4 and Chart 4 give the numbers of Aboriginal and visible minority lawyers living in and outside of the Toronto “Census Metropolitan Area” (the “CMA”), along with the comparable figures for the Ontario population and labour force. Roughly, the CMA is the commuting radius of Toronto, which includes outlying communities such as Vaughan and Mississauga, but not Hamilton, which is a separate CMA. Due to the small numbers of lawyers from visible minority communities, they are combined into five categories in the Table. In Ontario, lawyers are concentrated in Toronto. More than three-fifths of all lawyers in the province, 63.6 percent, live in the Toronto CMA, compared to 41.2 percent of the population and 42.2 percent of the labour force.

An estimated 50 percent of Aboriginal lawyers are in Toronto, compared to 11.1 percent of the Aboriginal population and 13.5 percent of Aboriginal persons in the labour force who live in Toronto.⁷ Of course, the concentration Aboriginal lawyers in Toronto partly reflects the overall concentration of lawyers in the metropolitan area.

The numbers of lawyers from the five visible minority subgroups in Toronto closely reflect their shares of the Ontario population in the CMA. Eighty percent of visible minority lawyers in the province are in Toronto, compared to 79.9 percent of the visible minority population and 80.9 percent of labour force participants from visible minority groups. South Asian lawyers are slightly *less* likely to be in the Toronto CMA than the South Asian population in Ontario, by a margin of 77.5 to 86.2 percent, while Chinese lawyers are somewhat *more* likely to live in the Toronto CMA than the overall Chinese population, by a margin of 90.8 to 85.1 percent.

Provincial Differences in the Representation of Aboriginal People and Members of Visible Minority Groups

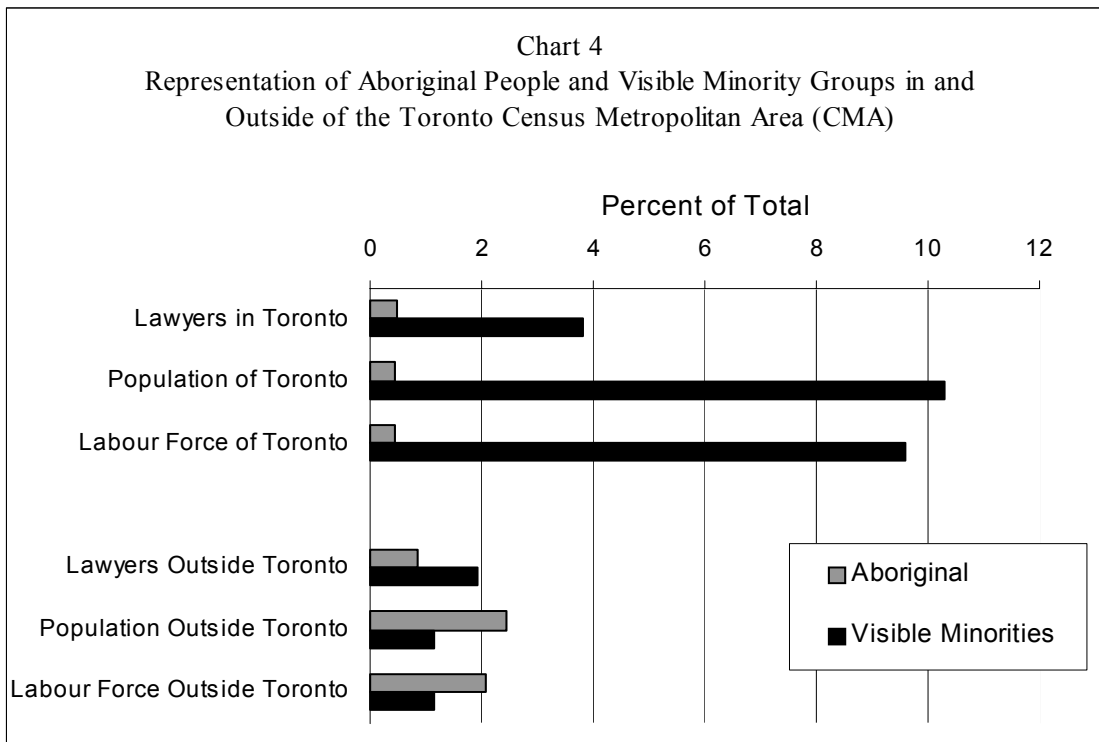
As shown above, 0.6 percent of Ontario lawyers are Aboriginal people, compared to 1.6 percent of the labour force.⁸ So there are about 39 percent as many Aboriginal lawyers as there would be if their number was proportional to the representation in the provincial labour force. For the provinces with significant Aboriginal populations, the figures are lower: 30 percent for British Columbia – comparing the 1.3 percent Aboriginal lawyers to 4.2 percent of the population who are Aboriginal persons. Additional comparisons of the number of Aboriginal lawyers to the Aboriginal labour force, in Table 5, are 25 percent for Manitoba, 24 percent for Alberta and 20 percent for Saskatchewan. Two provinces, Manitoba and Saskatchewan have, proportionately, much larger Aboriginal populations than any other province, with Aboriginal peoples

Table 4

Percentage of Aboriginal and Visible Minority Lawyers Living in the Toronto Census Metropolitan Area (CMA), Compared to the Ontario Population and Labour Force, 2001

	Lawyers		Ontario Population		Ontario Labour Force	
	<i>Percentage in Toronto</i>	<i>Total Number</i>	<i>Percentage in Toronto</i>	<i>Total Number</i>	<i>Percentage in Toronto</i>	<i>Total Number</i>
Aboriginal	50.0	170	11.1	180,625	13.5	83,910
Total, Visible Minorities	80.3	2,540	79.9	2,137,670	80.9	1,100,030
Black	77.6	490	76.4	414,965	78.6	210,230
South Asian	77.5	865	86.2	553,395	86.0	284,660
Chinese	90.8	595	85.1	471,015	84.8	239,375
Southeast Asian, Korean, Japanese, Filipino	77.8	270	77.3	323,150	79.3	176,430
All Other Visible Minorities	75.0	320	70.1	375,145	72.3	189,335
White	62.0	24,855	32.6	8,913,525	33.9	4,868,845
Total	63.6	27,565	41.2	11,231,820	42.2	6,052,785

Source: Statistics Canada, 2001 Census



constituting about 13.3 percent of their labour forces. In these two provinces, respectively, 3.4 and 2.6 percent of the labour force are Aboriginal persons. The populations of Nunavut and the two northern territories are too small for statistics to be released.

In relation to visible minority communities' sizes, their representation in the legal profession does not vary much across provinces. Table 5 shows that 9.2 percent of Ontario lawyers are members of visible minority groups, compared to 19.05 percent of the labour force. For British Columbia, the only other province with such a large visible minority population, the figures are 10.7 percent visible minority lawyers and 21.99 percent of the labour force. Relative to their sizes, visible minorities' representation in the legal profession, is also quite similar in Quebec, Manitoba and Saskatchewan. Interestingly, the two larger provinces of Atlantic Canada (the samples are too small to permit estimates for Newfoundland or Prince Edward Island) have greater representation of visible minority lawyers. In Nova Scotia in 2001, 3.3 percent of lawyers were from visible minority groups, compared to 3.72 percent of the labour force; and in New Brunswick, 2.8 percent of lawyers are from visible minority groups, compared to 1.23 percent of the labour force.

Table 5
Number of Aboriginal and Visible Minority Lawyers by Province, with
Population Comparisons, 2001

Province	Aboriginal		Visible Minority		Total	
	Lawyers	Labour Force	Lawyers	Labour Force	Lawyers	Labour Force
	<i>percentage</i>				<i>number</i>	
Ontario	0.6	1.61	9.2	19.05	27,560	11,231,820
Nova Scotia	2.4	1.81	3.3	3.72	1,655	895,305
New Brunswick	0.5	2.16	2.8	1.23	1,065	720,630
Quebec	0.3	1.09	3.0	7.06	16,395	7,090,740
Manitoba	3.4	13.31	2.3	8.04	1,930	1,093,930
Saskatchewan	2.6	13.29	1.3	2.84	1,530	960,080
Alberta	1.3	5.36	6.6	11.39	6,485	2,913,605
British Columbia	1.3	4.20	10.7	21.99	8,990	3,840,145
Canada, Total	0.9	3.22	6.9	13.51	66,595	29,474,890

Source: Statistics Canada, 2001 Census

Comparing Lawyers to Other Professions and Managers

Compared to the 0.6 percent of Ontario lawyers who are Aboriginal people, Table 6 gives figures of 0.3 percent for physicians, 0.4 percent for engineers, 0.5 percent for university professors, 0.7 percent for high-level managers and 0.9 percent for middle-level managers who are Aboriginal people. For members of visible minority communities, however, the pattern is quite different. Proportionally, there are substantially fewer lawyers, 9.2 percent of the total in Ontario, compared to 25.9 percent of physicians who are from visible minority communities, 27.3 percent of engineers, 15.2 percent of university professors, and 11.2 and 15.7 of high- and middle-level managers respectively.

In the context of being under-represented in the professions relative to the number of university graduates in the labour force, Table 6 shows that Black people are about equally represented in

Table 6

Representation of Aboriginal and Visible Minority Peoples in Law, Compared to Other Professions and Managers, Ontario, 2001

Group	Lawyers	Physicians	Engineers	University Professors	High Level Managers	Middle Managers
	<i>percentage</i>					
Aboriginal	0.6	0.3	0.4	0.5	0.7	0.9
Total, Visible Minority	9.2	25.9	27.3	15.2	11.2	15.7
Black	1.8	1.8	1.8	1.7	1.2	1.8
South Asian	3.1	9.6	7.0	4.2	3.5	4.0
Chinese	2.1	7.7	9.6	4.7	3.2	4.3
Southeast Asian	0.2	0.7	1.0	0.3	0.1	0.4
Korean	0.3	0.7	0.7	0.5	0.4	1.2
Japanese	0.3	0.5	0.4	0.6	0.6	0.3
Filipino	0.3	0.9	1.4	0.2	0.4	0.8
Latin American	0.2	0.4	1.0	0.7	0.2	0.6
Arab	0.4	1.9	1.9	1.0	0.8	0.9
West Asian	0.2	0.7	1.5	0.9	0.5	0.7
Other Visible Minority	0.2	0.6	0.5	0.3	0.3	0.6
Multiple Visible Minority	0.2	0.3	0.4	0.1	0.2	0.3
White	90.2	73.9	72.3	84.3	88.1	83.4
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number	27,565	25,990	95,130	19,245	87,405	639,730

Source: Statistics Canada, 2001 Census

the six occupational groups, except for high-level managers. The other visible minority communities are quite different, however. The proportion of lawyers in each group is lower, in most cases much lower, than the group's representation among physicians and engineers and somewhat lower in comparison to professors and managers. South Asian and Chinese people, respectively, account for 7.71 and 7.61 percent of university graduates in the labour force, compared to 3.1 percent of lawyers who are South Asian and 2.1 percent who are Chinese. In comparison, 9.6 percent of all physicians in Ontario are South Asian people, along with 7.0 percent of engineers, 4.2 percent of professors, and 3.5 and 4.0 percent of the two levels of managers; and 7.7 percent of physicians and 9.6 percent of engineers are Chinese people. The same holds for the seven smaller visible minority communities. Southeast Asian people account for just 0.2 percent of Ontario lawyers, compared to 0.7 percent of physicians and 1.0 percent of engineers; Filipino people account for 0.3 percent of lawyers, 0.9 percent of physicians and 1.4 percent of engineers; and Arab people account for 0.4 percent of lawyers, 1.9 percent of physicians, 1.9 percent of engineers, 1.0 percent of professors, and 0.8 and 0.9 percent of high- and middle-level managers, respectively.

Immigration, First Language and Access to the Professions

Most of Ontario's visible minority communities include many immigrants, but there is considerable variation. One group (Japanese people) has few immigrants, other communities are growing rapidly from current immigration (Korean people) or have experienced high levels of immigration over a long period (South Asian people), and still others incorporate historical and/or geographically distinct streams of immigration (Chinese and, especially, Black people).⁹ Consistent with the overall under-representation of visible minority communities in the legal profession, Table 7 shows that the great majority of lawyers were born in Canada: in 2001, 18.5 percent of lawyers are immigrants, compared to 27.7 percent of the Ontario population, 29.8 percent of labour force participants, and 37.7 percent of university graduates in the labour force. Proportionally, there are *twice* as many immigrants with university degrees as lawyers. Over half the lawyers born outside Canada are American, who account for 2.6 percent of all Ontario lawyers, or European, accounting for 8.1 percent of all lawyers. Just 7.9 percent of Ontario lawyers were born outside of Canada, the US and Europe, compared to 14.6 percent of the province's population and 24.1 percent of university graduates.

Except for US immigrants, being born outside Canada is associated with a lower likelihood of becoming a lawyer. Immigrants from the Caribbean, for example, account for 1.1 percent of lawyers, compared to 2.4 percent of the labour force, and 1.4 percent of university graduates in the labour force. The degree of under-representation of immigrants is similar for persons from Africa and somewhat greater for immigrants from South and Central America and from Arab nations. Even greater disparities are found for persons from East Asia (primarily China, but also Southeast Asia and the Philippines) and South Asia. East Asian immigrants account for 1.9 percent of lawyers, compared to 5.3 percent of the population and 10.5 percent of university graduates in the labour force. In addition, 1.6 of Ontario lawyers are from South Asian nations, compared to 3.0 percent of the population and 6.2 percent of university graduates in the labour force.

Table 7
Place of Birth of Lawyers, Compared to the Population, Ontario, 2001

Place of Birth	Lawyers	Ontario Population <i>percentage</i>	Labour Force Participants	University Graduate Labour Force Participants	Lawyers <i>Number</i>
Canada	81.5	72.3	70.2	62.3	22,460
Total, Outside Canada	18.5	27.7	29.8	37.7	5,100
US	2.6	1.0	1.1	2.3	705
Europe	8.1	12.1	11.8	11.0	2,245
Total, Outside North America and Europe	7.9	14.6	16.8	24.1	2,160
Caribbean	1.1	1.8	2.4	1.4	285
South, Central America	0.6	1.7	2.1	1.4	165
Africa	1.3	1.1	1.3	1.9	360
Arabia	1.1	1.6	1.7	2.8	315
East Asia	1.9	5.3	5.9	10.5	525
South Asia	1.6	3.0	3.4	6.2	435
Other	0.3	0.1	0.0	0.0	75
Total	100.0	100.0	100.0	100.0	27,560
Number	27,560	11,231,820	6,052,790	1,094,475	

Source: Statistics Canada, 2001 Census

Table 8 shows that in 2001, 43.2 percent of physicians in Ontario were immigrants, along with 46.9 percent of engineers, 44.6 percent of professors, and 30.0 and 30.2 percent of high- and middle-level managers, respectively – compared to 18.5 percent of lawyers. In all five occupations, European immigrants are over-represented in relation to their share of the global population. One also sees the disproportionate number of American-born academics, reflecting a huge influx in the middle and late 1960s.

Proportionally, fewer immigrants are lawyers than physicians, engineers, professors and managers. For example, immigrants from Africa account for 1.3 percent of Ontario lawyers, 4.3 percent of physicians, 1.6 percent of engineers and 1.9 percent of professors. The tendency for immigrants to include proportionally fewer lawyers is much greater for immigrants from other regions outside of the US and Europe. That immigrants from a particular global region tend to favour a particular occupation reflects both national specializations (for example, training in

Table 8

Place of Birth of Lawyers, Compared to Other Professions and Managers, Ontario, 2001

Place of Birth	Lawyers	Physicians	Engineers	University Professors	High Level Managers	Middle Managers
	<i>percentage</i>					
Canada	81.5	56.8	53.1	55.4	70	69.8
Total, Outside Canada	18.5	43.2	46.9	44.6	30	30.2
US	2.6	2.3	0.9	10.0	2	1.3
Europe	8.1	15.8	19.0	17.4	15	13.0
Total, Outside North America and Europe	7.8	25.0	27.0	17.2	12	15.8
Caribbean	1.0	1.6	1.3	1.1	1	1.5
South, Central America	0.6	1.7	2.4	1.7	1	1.6
Africa	1.3	4.3	1.6	1.9	2	1.3
Arabia	1.1	3.8	4.6	2.9	2	2.2
East Asia	1.9	7.8	11.2	5.5	4	6.2
South Asia	1.6	5.4	5.8	3.2	3	2.7
Other	0.3	0.5	0.1	0.8	0	0.2
Total	100.0	100.0	100.0	100.0	100	100.0
Number	27,560	25,995	95,135	19,240	87,405	639,730

Source: Statistics Canada, 2001 Census

mathematics and science in the former Soviet Union) and selectivity in immigration policy (for example, the high proportion of African-born physicians). With the possible exception of lawyers born in the Caribbean, there is no evidence that a career in law is facilitated for immigrants from a particular global region.

Table 9 shows that 38.3 percent of lawyers who were born outside Canada arrived before the age of 10, 20.3 percent were between 10 and 19, 24.9 percent were 20-29 and 16.5 percent were 30 or older. Only about one-sixth of Ontario lawyers who were born outside Canada settled at an age where they might have already practiced law in another country; and this group must include some individuals who studied in Canada before immigrating or who studied law as mature students after arriving in Canada.

Compared to immigrants in the other five occupations, lawyers were much more likely to have come to Canada when they were children. Eighteen percent of physicians who were born outside Canada arrived before the age of 10, along with 11.0 percent of engineers, 11.3 percent of university professors, 19.6 percent of high-level managers and 20.1 percent of middle managers. The figure is 38.3 percent for lawyers. More than one-third of physicians, engineers

Table 9
 Period of and Age at Immigration of Lawyers, Compared to the Population,
 Ontario, 2001

	Lawyers	University Graduate Labour Force Participants	Physicians	Engineers	University Professors	High Level Managers	Middle Managers
	<i>percentage</i>						
Age at Arrival							
0-9	38.3	16.0	17.8	11.0	11.3	19.6	20.1
10-19	20.3	13.2	14.5	14.0	11.5	18.4	20.2
20-29	24.9	32.5	31.8	32.9	38.3	33.1	33.1
30-39	12.9	27.9	28.3	31.9	29.9	18.6	18.5
40 and older	3.6	10.4	7.7	10.2	8.9	10.2	8.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Year of Arrival							
Before 1945	1.0	0.1	0.6	0.1	0.7	0.4	0.2
1946-55	11.2	3.5	5.7	3.5	6.3	10.1	6.5
1956-65	14.6	5.9	10.4	6.3	13.7	16.9	11.7
1966-70	15.3	8.2	17.5	8.1	18.3	14.8	12.0
1971-75	16.2	10.8	20.6	9.8	12.5	13.8	13.7
1976-80	10.5	8.5	9.4	8.4	8.1	10.1	10.7
1981-85	6.1	7.1	10.2	8.3	7.4	7.4	8.1
1986-90	7.9	13.2	10.1	13.4	8.8	9.6	13.2
1991-95	9.8	15.8	7.6	14.7	9.8	8.9	12.6
1996-2001	7.5	27.0	7.7	27.3	14.4	8.0	11.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number	4,765	398,260	10,545	43,365	7,980	25,100	187,545

Source: Statistics Canada, 2001 Census

and professors who are immigrants came to Canada when they were in their 30s or older, as were about one quarter of managers; but only 16.5 percent of lawyers.

Lawyers and high-level managers include more immigrants who settled in Canada some time ago. About one-eighth of lawyers born outside Canada arrived before 1956, 14.6 percent came between 1956 and 1965, then 15.3, 16.2 and 10.5 percent arrived in the five year intervals 1966-70, 1971-75 and 1976-80, respectively. About one third of lawyers who are immigrants arrived between 1981 and 2001, compared to almost two-thirds of university graduates in the labour force who arrived since 1981.

This pattern suggests that the legal profession is more “local” than, say, medicine, engineering or university teaching. Potential immigrants who are already lawyers, especially from countries with dissimilar legal structures, might be deterred by barriers to accreditation. Young immigrants have no credentials to worry about, but having less familiarity with Canada may be a liability in occupations, such as the law, that are closely connected to national culture. Persons whose first language is not English or French may also face greater barriers to entering law school or making use of non-Canadian law credentials.

Francophones and Persons Whose First Language is Not French or English

The 2001 Census asks:

“What is the language that this person **first learned** at home **in childhood** and **still understands?**” [emphases in the original], and goes on, “If this person no longer understands the first language learned, indicate the second language learned.”

The question has “check boxes” for English and French and one labeled “Other – Specify”.

Table 10 and Chart 5 show that 81.1 of Ontario lawyers had English as their first language, compared to 70.7 percent of the Ontario population, 70.5 percent of labour force participants, and 63.9 percent of university graduates in the labour force. The 4.3 percent of Ontarians whose first language is French are represented by almost exactly the same proportion of lawyers, 4.4 percent. Just 13.3 percent of lawyers had neither English nor French as their first language, compared to 23.4 percent of the population and 30.7 of university graduates in the labour force. A very small number of lawyers spoke only an Aboriginal first language. Not surprisingly in light of their lower proportion of immigrants, lawyers are more likely than the other occupational groups to have grown up speaking English: the figure of 81.1 percent for lawyers compares to 65.4 percent of physicians whose first language was English, 55.7 percent of engineers, 68.3 percent of professors, 73.7 percent of high level managers and 71.5 percent of middle-level managers (these figures *not* in a table).

Table 10
 First Language of Lawyers, Compared to the Population, Ontario, 2001

First Language	Lawyers <i>percentage</i>	Ontario Population <i>percentage</i>	Labour Force Participants <i>percentage</i>	University Graduate Labour Force Participants <i>percentage</i>	Lawyers <i>number</i>
English	81.1	70.7	70.5	63.9	22,355
French	4.4	4.3	4.5	3.9	1,225
English & French*	0.3	0.3	0.3	0.2	90
Aboriginal	0.0	0.2	0.1	0.0	5
English and Non-Official	0.7	1.0	1.0	1.1	200
French and Non-Official	0.1	0.1	0.1	0.1	15
All other languages	13.3	23.4	23.4	30.7	3,665
Total	100.0	100.0	100.0	100.0	27,555
Number	27,565	11,231,820	6,052,790	1,094,470	

* includes a small number answering English and French and a non-official language

Source: Statistics Canada, 2001 Census

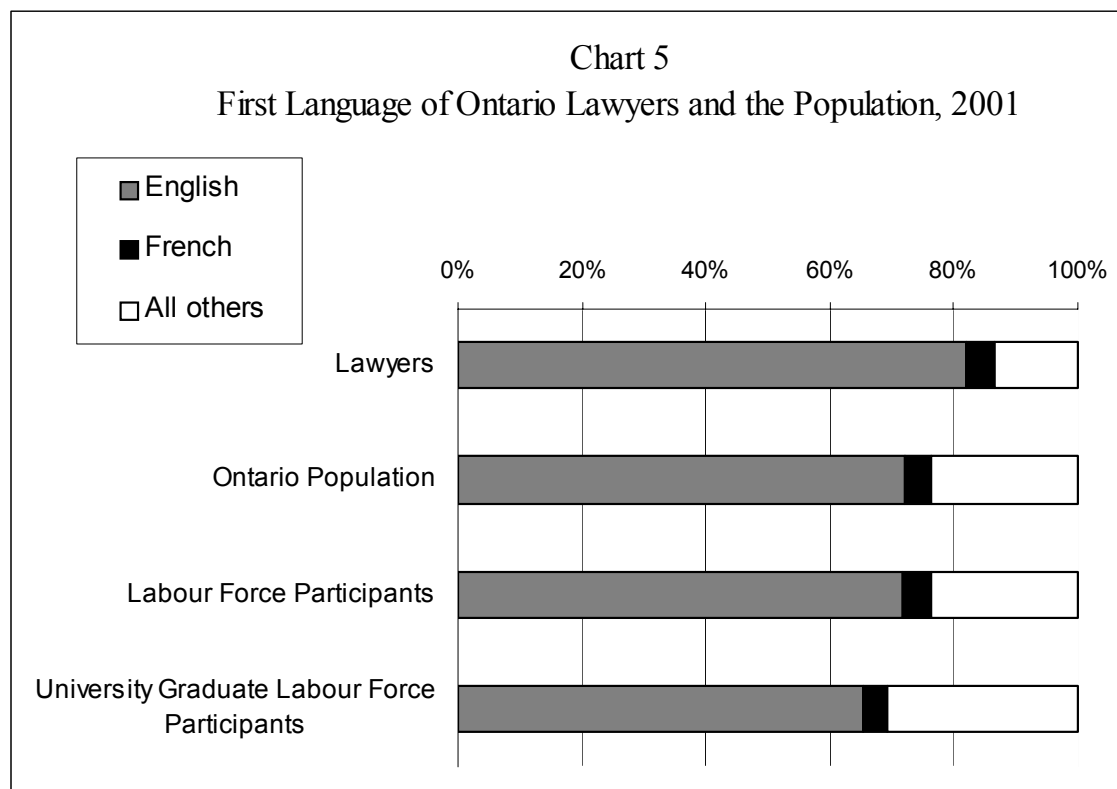


Table 11

Gender of Ontario Lawyers, Compared to the Ontario Population,
Other Professions and Managers in Ontario, and Lawyers in Other
Provinces and Territories, 2001

	Percentage of Women	Number of Women
Lawyers in Ontario	35.1	9,670
Ontario Population		
Total	51.2	5,750,190
All Labour Force Participants	47.3	2,864,540
University-Graduate Labour Force Participants	47.2	516,965
Professionals, Managers		
Physicians	33.5	8,705
Engineers	12.4	11,840
University Professors	35.8	6,880
High-level Managers	25.6	22,335
Middle-level Managers	38.5	246,355
Lawyers by Province and Territory		
Newfoundland	41.7	225
Prince Edward Island	30.4	70
Nova Scotia	39.6	655
New Brunswick	29.1	310
Quebec	41.2	6,760
Ontario	35.1	9,670
Manitoba	27.7	535
Saskatchewan	27.0	415
Alberta	29.2	1,895
British Columbia	28.3	2,545
Yukon, NWT, Nunavut	37.2	80
Canada, Total	34.8	23,155

Source: Statistics Canada, 2001 Census

Representation of Women in the Legal Profession

In 2001, 9,670 women practiced law in Ontario, 35.1 percent of all lawyers. Women accounted for 47.3 percent of the labour force and 47.2 percent of university graduates in the labour force. Table 11 reveals that women are a similar proportion of physicians, 33.5 percent, of university professors, 35.8 percent, and of middle level managers, 38.5 percent; proportionally fewer women are high level managers, 25.6 percent, or engineers, 12.4 percent. Comparing the provinces, Ontario falls about midway between the two leaders, Newfoundland and Quebec, with 41.7 and 41.2 percent of lawyers who are women, respectively, and six other provinces – Manitoba, Saskatchewan, Alberta, British Columbia, New Brunswick and Prince Edward Island, with between 27.0 and 30.4 percent lawyers who are women.

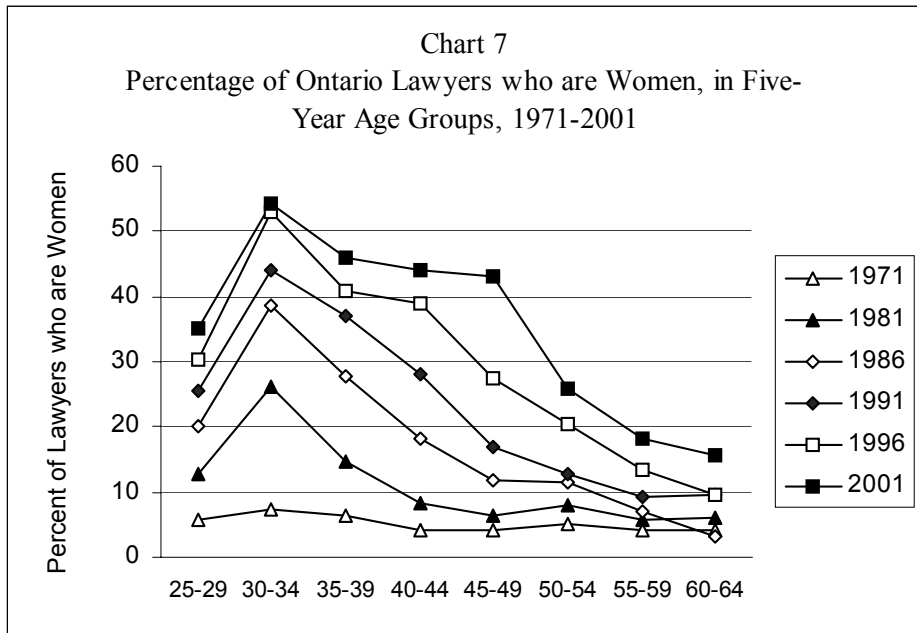
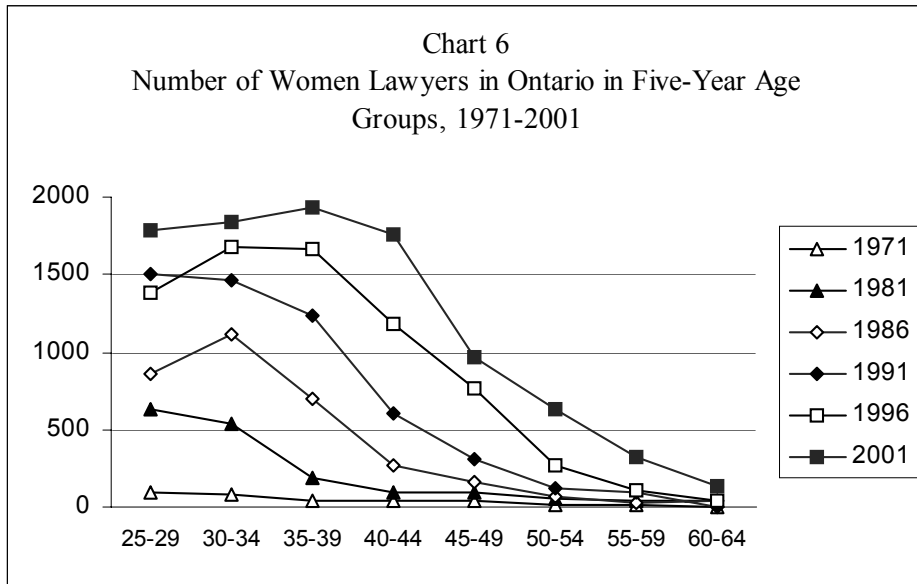
The number of women lawyers between 25 and 29, estimated at just 95 in 1971, increased to 635 by 1981 and to 1,500 by 1991. The rapidity of this change is remarkable, even after accounting for the near doubling of the total number of lawyers beginning their careers in that 20-year period. Table 12 shows that the proportion of women lawyers in Ontario began to increase when later “baby boomers,” born between 1951 and 1955, began to enter practice in the mid-1970s. In the next ten years the proportion of women entering law increased by about 2 percent in each year. A further increase brought the proportion of women entering practice to more than 50 percent in the mid-1990s.

Table 12
Gender of Lawyers by Cohort by Age, Ontario, 1971-2001

	Total, All Ages	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64
Number									
1971	390	95	75	45	40	35	20	15	0
1981	1,755	635	540	185	90	90	60	40	40
1986	3,375	865	1,110	695	270	160	65	25	40
1991	5,520	1,500	1,460	1,230	605	310	115	100	5
1996	7,300	1,380	1,680	1,665	1,175	770	265	110	40
2001	9,670	1,780	1,835	1,930	1,760	970	630	320	130
Percentage									
1971	5.6	7.4	6.4	4.1	4.2	5.1	4.2	4.2	0.0
1981	12.9	26.2	14.6	8.3	6.4	8.0	5.8	6.0	11.0
1986	20.0	38.6	27.8	18.2	11.7	11.5	6.9	3.2	7.0
1991	25.4	43.9	37.1	28.2	16.9	12.7	9.3	9.5	0.8
1996	30.2	53.1	40.9	39.0	27.5	20.4	13.3	9.6	5.1
2001	35.1	54.4	46.0	44.0	43.1	25.9	18.2	15.7	12.8

Source: Statistics Canada, 2001 Census

The age profile of women lawyers also reveals their increased presence in the profession. In 2001, 54.4 percent of lawyers between 25 and 29 are women, 46.0 percent between 30 and 34, 44.0 percent between 35 and 39, and 43.1 percent for between 40 and 44. The next age group, 45-49, however, is only 25.9 percent women. The gradual retirement of older lawyers, who are still predominantly male – in 2001, only about 15 percent of lawyers 50 and older are women – will result in continuing growth in the overall proportion of women lawyers.¹⁰



Membership in Visible Minority Communities and Gender

Entering a profession, members of historically disadvantaged groups may compete with each other as well as with the dominant majority. The separate analyses of the experience of Aboriginal people and members of visible minorities and of women presented so far do not address this issue. Table 13 shows that in every age group, the proportion of Aboriginal and visible minority lawyers is greater for women lawyers than for men: 18.3 percent of women lawyers between 25 and 29 are Aboriginal persons or members of a visible minority, compared to 17.0 percent for male lawyers; and 20.4 of women lawyers and 16.7 of male lawyers between 30 and 34 are Aboriginal people or members of a visible minority. Among more senior lawyers, the gender difference is still greater. About 10 percent of women lawyers between 45 and 64 are Aboriginal people or members of a visible minority, compared to just 3 percent for men.

Thus the earlier growth in the number of women lawyers in Ontario provided an entrée for Aboriginal and visible minority *women* when their numbers were still very small. This gender difference diminished in the 1990s as Aboriginal people and members of visible minorities entered law in greater numbers, though the proportion of Aboriginal and visible minority lawyers continues to be somewhat greater for women than for men.

Table 13
Representation of Aboriginal and Visible
Minority Peoples among Lawyers by Age by
Sex, Ontario, 2001

	Age	Women	Men
Number of Aboriginal and Visible Minority Lawyers	25-29	325	255
	30-34	375	360
	35-39	210	260
	40-44	140	140
	45-49	80	100
	50-54	60	70
	55-59	35	55
	60-64	15	40
Percentage of Aboriginal and Visible Minority Lawyers	25-29	18.3	17.0
	30-34	20.4	16.7
	35-39	10.9	10.6
	40-44	8.0	6.0
	45-49	8.2	3.6
	50-54	9.5	2.5
	55-59	10.9	3.2
	60-64	11.5	4.5

Source: Statistics Canada, 2001 Census

Race, Gender and the Workplace

We now turn to the somewhat rudimentary information on workplaces available in the Census. Again, the size of the sample only allows separate analysis of the difference between Aboriginal and visible minority lawyers and white lawyers and between women lawyers and men, but not of the intersection of race and gender. The number of more senior Aboriginal and visible minority lawyers is too small to allow proper comparison with their white counterparts.

In 2000, Table 14 shows, 37.3 percent of all lawyers were employees in law offices, 9.2 percent were self-employed without paid help, and 30.5 percent were self-employed and had paid help.¹¹ The last category includes partners in law firms, but also sole practitioners with office staff or a paid associate. In total, 77.1 percent of Ontario lawyers worked in a law office, another 11.8 percent of lawyers were government employees, and 11.1 percent worked in all other industries, including unions, trade and other associations, and regulated industries such as telecommunications.¹² The last category is too diverse to be broken down into components large enough for analysis.

Comparisons between women and men, and especially between Aboriginal and visible minority lawyers and white lawyers, are affected by differences in their age distributions (shown in Tables 3 and 12, respectively), and also by changes in profession affecting all lawyers beginning their careers. Between 1971 and 1981, the Censuses show that the proportion of lawyers in Ontario who were partners or sole practitioners with paid help rose from 43 to 50 percent. Then, in the next two decades the proportion of self-employed lawyers with paid help fell by one third, to 47 percent in 1986, 40 percent in 1991, 38 percent in 1996 and 31 percent in 2001. At the same time, the proportion of lawyers working as employees of law firms increased from 30 to 37 percent and the proportion of lawyers working in a law office without paid help grew from 4 to 9 percent. Thus, women, but especially Aboriginal and visible minority lawyers, whose numbers have only increased rapidly in the 1990s, were entering a profession in which the opportunities for advancement to partnership were declining.

Members of Visible Minorities in Law Practice

Aboriginal and visible minority lawyers are more likely than white lawyers to be law firm employees or work in government or other industries, and *less* likely to be self-employed with paid help. Somewhat less than half, 44.6 percent, of Aboriginal and visible minority lawyers are law firm employees, compared to 36.5 percent of white lawyers. Aboriginal and visible minority lawyers are slightly more likely than white lawyers to be self-employed *without* paid help, to work in government (but only by a margin of 12.9 to 11.7 percent), and to work in other areas, by a margin of 13.6 to 10.9 percent.¹³ Table 15 shows little difference for the youngest, 25 to 34 age group. Among lawyers between 35 and 44, 29.7 percent of Aboriginal and visible minority lawyers and 30.1 percent of white lawyers are partners or sole practitioners with paid help; 26.4 percent of Aboriginal and visible minority lawyers and 33.1 percent of white lawyers are *employees* of law firms; and 16.9 percent of Aboriginal and visible minority lawyers and 9.2 percent of white lawyers are self-employed lawyers working without paid help.

Table 14

Sector and Class of Employment and Whether Mainly Full- or Part-Time in 2000, by Whether Visible Minority and by Gender, for Lawyers with Some Employment Income in 2000, Ontario

	Total	Visible Minority	White	Women	Men
Sector and Class of Worker					
Employee of a Law Firm	37.3	44.6	36.5	45.2	33.1
Proprietor/Partner in a Law Firm					
<i>without</i> paid help	9.2	10.7	9.1	7.3	10.3
<i>with</i> paid help	30.5	18.1	31.8	15.2	38.8
Government Employee	11.8	12.9	11.7	16.7	9.1
All Other (almost entirely employees)	11.1	13.6	10.9	15.6	8.7
Total	100.0	100.0	100.0	100.0	100.0
Mainly Full- or Part-Time in 2000					
Full-Time	93.7	92.9	93.8	90.7	95.4
Part-Time	6.2	7.1	6.2	9.3	4.6
Total	100.0	100.0	100.0	100.0	100.0
Number of Weeks Worked in 2000					
None	1.0	3.3	0.7	1.2	0.9
1-13	1.7	2.2	1.7	2.7	1.2
14-26	5.5	10.7	4.9	9.1	3.6
27-39	4.5	9.6	4.0	7.4	3.0
40-48	15.1	13.3	15.3	14.8	15.3
49-52	72.1	60.9	73.4	64.8	76.1
Total	100.0	100.0	100.0	100.0	100.0
Number*	27,565	2,710	24,850	9,670	17,895
Hours Worked in Previous Week (May 2001)					
1-19	2.6	1.3	2.7	3.2	2.2
20-29	3.0	3.4	3.0	4.6	2.3
30-34	2.5	3.4	2.4	2.9	2.3
35-39	6.0	7.4	5.9	7.7	5.1
40-44	23.4	30.1	22.7	26.3	22.0
45-49	11.7	10.4	11.8	12.4	11.4
50-54	22.7	21.0	22.9	20.9	23.6
55-64	21.4	18.0	21.8	17.9	23.2
65 or more	6.6	4.9	6.8	4.2	7.9
Total	100.0	100.0	100.0	100.0	100.0
Number**	25,425	2,355	23,070	8,525	16,900

* Includes persons with income from employment in 2000

** Includes persons employed in May 2001

Source: Statistics Canada, 2001 Census

Table 14 shows that 37.5 percent of Aboriginal and visible minority lawyers work between 35 and 44 hours per week, compared to 28.6 percent of white lawyers.¹⁴ About one fifth of white lawyers, 21.8 percent, worked between 55 and 64 hours a week and 6.8 percent worked 65 hours or more, compared to 18.0 and 4.9 percent of Aboriginal and visible minority lawyers in these two groups. Further analysis (not in a Table) shows that this difference in hours of work is not the result of Aboriginal and visible minority lawyers being younger, but partly reflects their concentration in government and in positions outside of law offices.

In 2000, more than 90 percent of lawyers worked full-time; 6.2 percent of white lawyers and 7.1 percent of Aboriginal and visible minority lawyers worked mainly part-time in that year. About one-sixth of Aboriginal and visible minority lawyers worked for *less* than 40 weeks in 2000, compared to 7.3 percent of white lawyers.¹⁵ These findings suggest, but are not conclusive evidence, that visible minority lawyers experience some under-employment.¹⁶

Women in Law Practice

Women are more likely than men to be law firm employees or work in government or other industries, and less likely to be law firm partners or self-employed with paid help: 45.2 percent of women lawyers are law firm employees, compared to 33.1 percent of men. One-sixth of women lawyers work for government, compared to 9.1 percent of men and 15.6 percent of women compared to 8.7 percent of men are employed outside of law offices and government.

In the lowest age category the impact of gender on place of work is very small, but then differences emerge. Table 15 shows that 37.2 percent of men between 35 and 44 are law partners or solo practitioners with paid help, compared to 20.7 percent of women. This difference widens to 48.6 percent of men versus 26.8 percent women for ages 45-54, and 56.9 to 25.6 percent for ages 55-64. The youngest women lawyers, between 25 and 34, are somewhat more likely than men to work for the government, by 14.7 to 11.0 percent; 18.0 percent of women lawyers between 35 and 44 are in government, compared to 9.4 percent of men; and in the most senior group of lawyers between 55 and 64, 19.8 percent of women are in government, and just 5.6 percent of men.

Men worked somewhat longer hours than women. In 2001, 23.2 percent of men worked for 55 to 64 hours compared to 17.9 percent of women lawyers, and 7.9 percent of men and 4.2 percent of women worked 65 hours or more. Additional analysis (not in a Table) shows that there are gender differences in hours of work at all ages, but the difference is greatest for lawyers in the oldest, 55 to 64 age cohort. We cannot determine whether this reflects the unusual experience of the small cohort of women lawyers who entered the profession before the first baby boomers or what will prove to be an enduring difference in later careers of women and men.

Less than one in twenty men, 4.6 percent, worked mainly part-time in 2000, compared to 9.3 percent of women; the figures are 6.2 and 7.1 percent for white lawyers and for Aboriginal and visible minority lawyers respectively; and 13.0 percent of women lawyers, compared to 5.7 percent of men worked for less than 40 weeks in the year 2000.¹⁷

Table 15
 Class of Employment by Age, for Lawyers with Income in 2000,
 Ontario

	Employee of a Law Firm	Proprietor/ Partner in a Law Firm without paid help	Proprietor/ Partner in a Law Firm with paid help	Govern- ment Employee	All Other Employ- ment	Total	Number
All Lawyers							
25-34	64.8	4.0	6.1	12.8	12.4	100.0	7085
35-44	32.5	9.9	30.0	13.2	14.5	100.0	8350
45-54	22.9	11.5	43.8	12.6	9.2	100.0	7140
55-64	19.4	14.3	52.3	7.7	6.3	100.0	2935
Aboriginal and Visible Minority Lawyers							
25-34	63.1	5.2	4.0	12.9	14.9	100.0	1245
35-44	26.4	16.9	29.7	15.5	12.2	100.0	740
White Lawyers							
25-34	65.2	3.7	6.5	12.8	11.8	100.0	5840
35-44	33.1	9.2	30.1	12.9	14.7	100.0	7610
Women Lawyers							
25-34	62.9	3.8	4.0	14.7	14.6	100.0	3535
35-44	36.6	8.0	20.7	18.0	16.7	100.0	3630
45-54	25.8	10.5	26.8	19.7	16.9	100.0	1570
55-64	22.1	22.1	25.6	19.8	10.5	100.0	430
Men Lawyers							
25-34	66.6	4.1	8.2	11.0	10.1	100.0	3550
35-44	29.3	11.3	37.2	9.4	12.8	100.0	4720
45-54	22.1	11.7	48.6	10.6	7.1	100.0	5570
55-64	18.8	13.2	56.9	5.6	5.6	100.0	2505

Source: Statistics Canada, 2001 Census

Table 16
 Distribution of Employment Income in 2000 by Whether an
 Aboriginal or Visible Minority Person and by Gender, Ontario*

Income Measure	Total	Visible		Women	Men
		Minority	White		
Mean in \$1000/yr	124	71	129	96	138
Median in \$1000/yr	88	59	90	75	95
Percentage Distribution					
Under \$5,000	0.8	2.0	0.7	0.9	0.8
\$5,000-14,999	2.2	2.2	2.1	1.9	2.3
\$15,000-24,999	2.9	8.1	2.4	3.1	2.8
\$25,000-49,999	15.2	25.7	14.3	19.7	13.1
\$50,000-69,999	16.3	23.5	15.6	19.7	14.6
\$75,000-99,999	19.9	21.8	19.7	22.9	18.5
\$100,000-149,999	19.7	9.2	20.7	18.9	20.1
\$150,000-199,999	7.7	3.4	8.1	5.0	9.1
\$200,000 or more	15.3	4.2	16.3	7.9	18.8
Total	100.0	100.0	100.0	100.0	100.0
Number	21,830	1,790	20,045	7,045	14,785

* For lawyers working mostly full-time in 2000 for a minimum of 40 weeks in the year; excluding persons with no income or whose total income was negative

Source: Statistics Canada, 2001 Census

Table 17

Employment Income of Ontario Lawyers in 2000 by Whether an
Aboriginal or Visible Minority Person and by Gender, by Age*

Age	Total	Aboriginal & Visible		Women	Men
		Minority	White		
Median Income, in \$1000					
25-29	52	48	52	50	54
30-34	70	60	70	65	70
35-39	85	71	88	83	88
40-44	97	58	100	90	104
45-49	100	---	102	96	110
50-54	100	---	100	90	100
55-59	100	---	100	69	100
60-64	100	---	101	---	105
Mean Income, in \$1000					
25-29	58	54	59	56	60
30-34	81	67	84	73	87
35-39	108	78	111	98	115
40-44	137	71	142	123	147
45-49	164	---	169	131	175
50-54	144	---	145	103	151
55-59	151	---	153	93	160
60-64	153	---	157	---	164
Number					
25-29	1,740	250	1,490	950	790
30-34	3,335	540	2,795	1,470	1,865
35-39	3,855	375	3,480	1,525	2,325
40-44	3,635	250	3,385	1,455	2,180
45-49	3,455	155	3,300	835	2,625
50-54	3,235	115	3,120	495	2,735
55-59	1,740	60	1,680	230	1,510
60-64	840	45	795	80	755

* For lawyers working mostly full-time in 2000 for a minimum of 40 weeks in the year; excluding persons with no income or whose total income was negative

Source: Statistics Canada, 2001 Census

Incomes of Lawyers

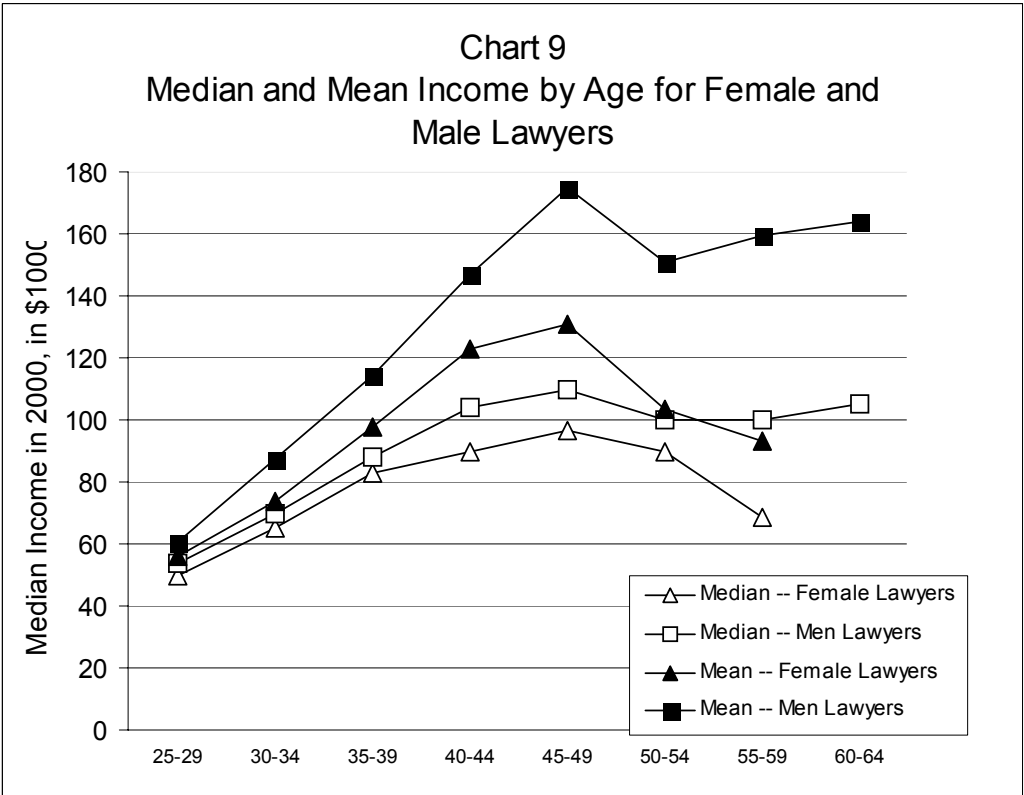
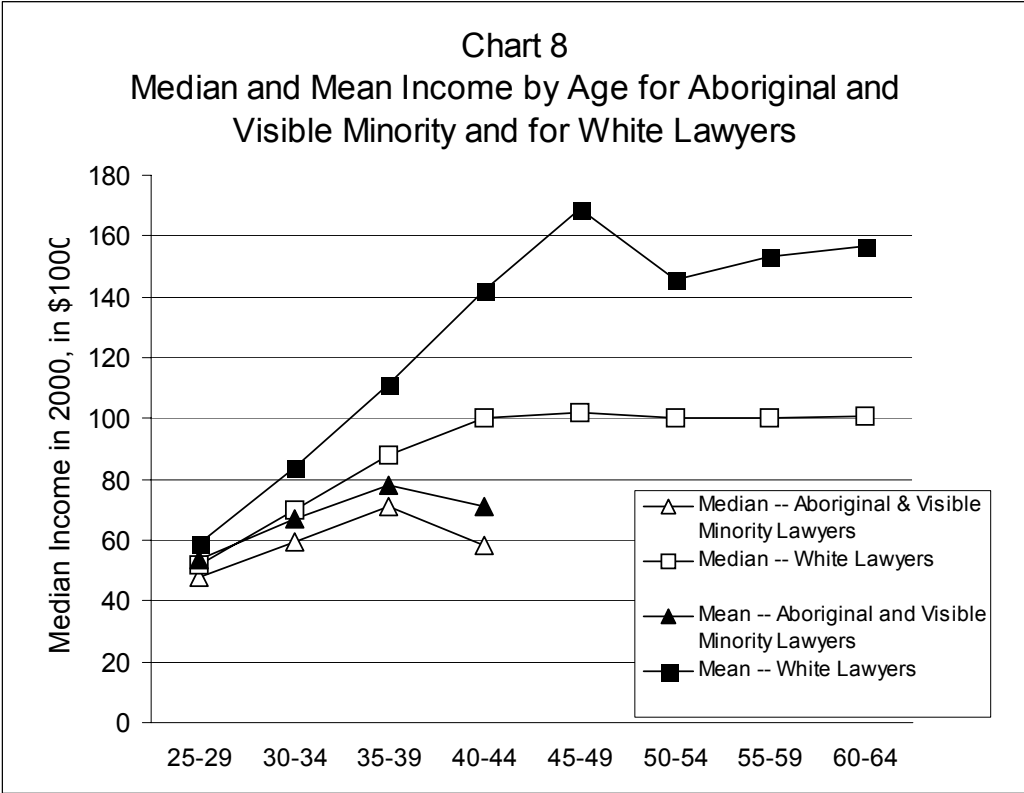
The distribution of income, of lawyers or any other group, tends to have a distinctive shape. Typically, a small proportion have low incomes, then there is a broad peak with a bell-like shape, then a small proportion have unusually high incomes. Excluding persons whose low incomes result from much shorter hours or fewer weeks of work, people with unusually low incomes are far outnumbered by the people with very high incomes. The *mean* income tends to overstate the situation of the typical member of the group. For this reason, the *median* is often used to describe a group's income. The median is the income of the person exactly in the middle of the distribution – half of her or his colleagues earn less and half earn more. The desirable property of the median is that it is not influenced by unusually high (or low) values. On the other hand, as a representation of what resources a group gets, the mean is superior to the median, since it counts every dollar.

Another concern is whom to include in analysis of incomes. A small number of lawyers report that they had no income in 2000, presumably because they did not work, and a very small number reported that their net income from self-employment was negative. Lawyers who worked mainly part-time or did not work for the entire year, of course, had much lower incomes. So, women lawyers and Aboriginal and visible minority lawyers who, we just saw, are more likely to work part-time and for less than the full year, have lower incomes as a result. Since these gender and racial differences are known, this section focuses on the pay of lawyers who *worked mainly full-time in 2000 and for 40 weeks or more*. The sample is not large enough to provide reliable estimates of the income of lawyers who are Aboriginal and from individual visible minority groups or to examine income differences related to race and gender simultaneously (often termed their “intersection”).

In 2000, the average income of all lawyers in Ontario who worked full-time and for the whole year was \$124,000; though the median annual income was much lower, \$88,000 (all figures are rounded to the nearest thousand). The mean is so much higher because of the substantial numbers of lawyers with very high incomes. Table 16 shows that 15.3 percent of lawyers earned \$200,000 or more, another 7.7 percent earned between 150 and 199 thousand dollars and 19.7 percent earned between 100 and 149 thousand dollars. At the other end of the distribution, 5.9 percent of lawyers earned less than 25 thousand dollars and 15.2 percent earned 25 to 49 thousand dollars.

The median annual income of all Aboriginal and visible minority lawyers (combined) was \$59,000, compared to \$90,000 for white lawyers; and the difference in mean incomes, \$71,000 compared to \$129,000, was even greater. Aboriginal and visible minority lawyers were more likely than white lawyers to have very low incomes, fewer had moderate incomes, and far fewer had very high incomes.

The gender difference in lawyers' incomes is also substantial. The median and mean incomes, in 2000, of women lawyers working full time for the whole year are \$75,000 and \$96,000, respectively, compared to \$95,000 and \$138,000 for men. Further analysis (not in the Table)



reveals that visible minority *men* are paid less than visible minority women: the median annual incomes are \$54,000 and \$60,000 respectively and the respective means are \$58,000 and \$73,000.

These racial and gender differences in income partly reflect the age distributions of lawyers and much higher incomes of older lawyers. On average, male lawyers are older than female lawyers, and white lawyers are much older than Aboriginal and visible minority lawyers. So Table 17 gives median and mean incomes within five-year age groups (omitting figures for categories with too few individuals to yield reliable statistics). The *median* annual income in 2000 for all lawyers rises from \$52,000 for lawyers between 25 and 29, to \$70,000 for ages 30 to 34, \$85,000 for ages 35 to 39, and then remains at about \$100,000 for lawyers age 40 and older. The *mean* income climbs from \$58,000 for ages 25 to 29, to \$81,000 for ages 30 to 34, to \$164,000 for ages 45 to 49, then declines somewhat.

The median annual income of Aboriginal and visible minority lawyers (combined) between the ages of 25 and 29 was \$48,000 in 2001, compared to \$52,000 for white lawyers. The gap increases to \$10,000 for lawyers between 30 and 34, and then to \$17,000 for lawyers between 35 and 39. The median income of Aboriginal and visible minority lawyers between 40 and 44 is \$58,000, compared to \$100,000 for white lawyers; and the respective mean annual incomes are \$71,000 and \$142,000. Beyond age 44, there are too few Aboriginal and visible minority lawyers to obtain reliable income estimates.

Table 17 and Chart 9 show that the gender difference in median income, within age groups, is quite small, about \$5,000, up to the age of 39, but then increases to \$14,000 for lawyers between 40 and 49 and \$10,000 for lawyers between 50 and 54. For lawyers between 55 and 59 there is a \$31,000 difference in the median annual incomes of women and men, this much larger gap is caused by a drop in women lawyers' incomes, relative to younger women, rather than an increase in men's incomes. Chronologically, the dramatic increase in the gender wage gap around age 55 (in 2001) coincides with the break between the first baby-boom cohort of women lawyers and its predecessors.

The gender differences in the *mean* incomes of Ontario lawyers are much larger than the differences their median incomes, reflecting men's greater access to very high income jobs. The mean annual incomes of women and men between 25 and 29 are, respectively, \$56,000 and \$60,000 – a \$4,000 difference. For lawyers between 30 and 34, the gap is \$14,000, and for lawyers between 40 and 44 it is \$24,000. The mean incomes of women and men then diverge still more, by \$44,000, \$48,000 and \$67,000 for the 45-49, 50-54 and 55-59 year age groups, respectively. These findings are consistent with much previous research on the income of women professionals, which shows quite minor gaps in initial pay developing into substantial differences within ten years and continuing to increase at least until the period of peak income, typically around age 50.

Table 18
Gender Differentials in the Income of Ontario Lawyers
by Age, 1980-2000

	1980	1985	1990	1995	2000
Women's Median Income as a Percent of Men's					
25-29	91	92	110	98	93
30-34	75	85	90	96	93
35-39	67	74	83	88	94
40-44		52	63	79	87
45-49			60	73	88
50-54				58	90
Women's Mean Income as a Percent of Men's					
25-29	92	93	105	92	93
30-34	78	86	88	91	84
35-39	62	71	83	85	85
40-44		49	60	73	84
45-49			55	72	75
50-54				56	69
Number of Women					
25-29	325	535	740	750	950
30-34	415	860	1120	1350	1470
35-39	145	555	1035	1290	1525
40-44	70	240	495	975	1455
45-49	60	130	290	690	835
50-54	45	55	100	215	495

* For lawyers working mostly full-time in 2000 for a minimum of 40 weeks in the year; excluding persons with no income or whose total income was negative

Source: Statistics Canada, Censuses of 1981, 1986, 1991, 1996 and 2001

Table 18 provides an historical perspective on women's income. Figures in the Table give women's income as a percentage of men's income, at the same age. A value of 100 would indicate that the median or mean is exactly the same for women and men in the same age group, values below 100 indicate the women are paid less and values over 100 indicate that women are paid more than men of the same age. Comparisons can thus be made across time without concern for the effects of inflation and changes in the overall income of lawyers. Before the mid 1990s, there are too few visible minority lawyers to trace their incomes over time in this way.

There has been relatively little change in the relative position of the youngest group of women lawyers, between 25 and 29, in the last 30 years; women's starting income was above that of men

in 1990, but lower in the four other years for which there is Census data. In 1980, the median income of women between 30 and 34 was only 75 percent of the median for men; but this increased to 85 percent in 1985, to 90 percent in 1990 and to 96 percent in 1995, before dropping to 93 percent in 2000. Similarly the median income of women between 35 and 39 increased steadily from 67 percent of men's median income in 1980 to 94 percent in 2000. The position of more senior women improved even more rapidly. In 1990, the median income of women lawyers between 45 and 49 was only 60 percent of men's, compared to 73 percent in 1995, and to 88 percent in 2000. The median income of women lawyers between 50 and 54 was 58 percent of the figure for men in 1995, compared to 90 percent in 2000.

Comparing *mean* incomes instead of medians, again, reveals a much larger gender gap, though the trend over time is similar. For example, women between 50 and 54 earned only 56 percent of men's mean income in 1995, compared to 69 percent in 2000. Table 18 shows how gains in women's incomes affect cohorts as they move through time. For example, the generation of women lawyers who were 25 to 29 in 1980 earned substantially more than its predecessor, as one can see by looking at the same group in 1985 when they are between 30 and 34, in 1990 when they are between 35 and 39, and so on.

Tables 17 and 18 mark the limit of simple descriptive analysis of income differences. Further subdividing the sample, for example to account for differences between regions of Ontario, would result in groups with too few individuals to permit reliable estimates of income. A statistical procedure known as regression allows us to examine the impact of gender on income taking account of other factors. The figures from the regression analysis in Table 19 are similar to those in the middle panel of Table 18 – they represent women's income as a percentage of the income of men in the same five-year age group. Again, 100 (percent) represents exact gender parity, numbers below 100 indicate women are paid less than men, and numbers above 100 indicate women are paid more.

The top panel of Table 19 compares women's and men's incomes accounting for the effects of location¹⁸ and race. Consistent with Table 18, the effect of gender on the income of 25-29 year old lawyers is quite small and varies somewhat over the five Censuses. The regression shows that women between 25 and 29 were paid more than their male counterparts in 1990, then slipped to 90 percent of men's income in 2000. Considering the fluctuation over time, it is premature to conclude that the position of young women lawyers has worsened in that decade. The position of 30-34 year old women lawyers improved quite dramatically from 1981 to 1996, from 79 to 94 percent of men's wages, but fell back to 84 percent in 2001. For ages 35 to 39, women's relative position improved continuously, from just 57 percent of men's income in 1980 to 91 percent in 2000. The 40-44 cohort earned only 57 percent of men's income as late as 1990, but this rose to 72 percent by 1995 and to 80 percent in 2000. After age 45, income differences remain very large, with women 45-49 and 50-54 earning 72 percent and 62 percent of men's income in 2000, respectively.

Table 19
 Gender Differences in the Income of Ontario Lawyers, with Various
 Adjustments, 1970-2000

"Control" Variables in the Regression Equation	Age	1980	1985	1990	1995	2000
<i>Women's Income as a Percentage of Men's Income</i>						
Accounting for Location, Whether Visible Minority	25-29	103	90	108	93	90
	30-34	79	83	89	94	84
	35-39	57	71	79	86	91
	40-44		53	57	72	80
	45-49			61	78	72
	50-54				56	62
Accounting for Location, Whether Visible Minority, Industry	25-29	102	90	109	93	91
	30-34	79	83	89	93	84
	35-39	57	71	79	85	92
	40-44		53	57	71	84
	45-49			61	78	80
	50-54				55	72
Accounting for Location, Whether Visible Minority, Class	25-29	101	90	106	93	93
	30-34	81	85	90	94	84
	35-39	60	77	81	86	90
	40-44		57	59	72	84
	45-49			63	79	79
	50-54				56	74
Accounting for Location, Whether Visible Minority, Class, Hours of Work	25-29	104	94	108	96	96
	30-34	83	90	93	101	86
	35-39	62	78	84	93	96
	40-44		59	61	76	89
	45-49			65	82	85
	50-54				58	75

* For lawyers working mostly full-time in 2000 for a minimum of 40 weeks in the year; excluding persons with no income or whose total income was negative

Source: Statistics Canada, Censuses of 1981, 1986, 1991, 1996 and 2001

The next three panels of Table 19 show gender differences in income accounting for the effects: first, of work location (comparing law offices, government, and all other places); then of work location *and class* (further dividing persons in law offices into employees and self-employed with and without paid help); and, last, of work location, class *and hours of work*. With two exceptions, these factors do not account for gender differences in the income of Ontario lawyers. First, about one-third of the lower income of women over the age of 44 is due to their work locations, specifically the greater tendency for women to work for government or in “other” industries, where pay is lower than in private law firms. Second, depending on the year and age, the gender gap is decreased by 2 to 6 percent if one takes account of the longer hours worked by men. These differences, however, do not necessarily represent the voluntary choices of women and men. More women work outside of law offices, where they may not have the same opportunity, or obligation, to work longer hours and earn more.

Conclusions

Since the first “baby boomers” began to enroll in rapidly expanding law schools in the mid-1960s, there has been a remarkable, continuing increase in the representation of women in the legal profession in Ontario. This growth only slowed in the mid 1990s, almost three decades later, when women accounted for about 55 percent of young lawyers. Since the older cohorts still include far fewer women – just 12.8 percent of lawyers between 60 and 64, for example – retirements will continue to increase the proportion of women, currently about 35 percent.

The entry of significant numbers of Aboriginal people and members of visible minorities occurred much later. Indeed there is no hint of change until the early 1990s, and their numbers have increased significantly only in the last decade. Progress has been greater in recent years. In 1981, just 2.0 percent of Ontario lawyers between 25 and 34 were from visible minorities, in 1991 the figure was 5.9 percent, and in 2001 it was 16.9 percent. Change has been slower for Aboriginal people, however, who accounted for 0.8 percent of young lawyers in 1981, compared to 1.2 percent in 2001.

Except for the Japanese community, whose history is quite different from other visible minority communities, the numbers of Aboriginal and of visible minority lawyers are not yet proportional to their populations, even when the comparison is based on the much greater numbers of younger Aboriginal and visible minority lawyers. The visible minority communities with the most lawyers, proportionally, still have only about 70 percent of the number of young lawyers one would expect from their populations.

There is also considerable variation between the different visible minority communities. The numbers of Aboriginal and Black lawyers between 25 and 34 correspond closely to the proportions in these communities who have completed a university degree. The Chinese, South Asian, Latin American, Arab and West Asian communities, with much higher than average proportions of university graduates, are under-represented in the legal profession, but greatly over-represented among physicians, engineers and academics. The Filipino community stands out as having very few lawyers relative to its population.

With the number of Aboriginal and visible minority young lawyers approaching 20 percent of the youngest cohort and only a tiny percentage of Aboriginal and visible minority lawyers over the age of 45, the proportions of Aboriginal and visible minority lawyers in the total population will increase steadily as older lawyers retire.

Compared to white lawyers, Aboriginal and visible minority lawyers are more likely to be law firm employees, to work for government and in jobs outside of law offices, and to be self-employed without paid help, but *less* likely to law firm partners or sole practitioners with paid help. Because Aboriginal and visible minority lawyers tend to be younger, they are affected by the decline, by one-third since 1981, in the percentage of self-employed lawyers – partners and sole practitioners – with at least some paid help. Aboriginal and visible minority lawyers are also less likely than white lawyers to work long hours, and more likely to work part-time and for less

than 40 weeks in the year 2000. These findings suggest, but are not conclusive evidence, that Aboriginal and visible minority lawyers experience some under-employment.

Women are more likely than men to be law firm *employees* or work in government or other industries, and *less* likely to be self-employed with paid help. Women work somewhat shorter hours than men, are more likely to work part-time and to have worked for less than 40 weeks in the year 2000 – though the great majority of women worked full time for the entire year.

There are large differences in the incomes of white and Aboriginal and visible minority lawyers. The gap in the median annual incomes, \$4,000 for lawyers between 25 and 29, grows to more than \$40,000 for Aboriginal and visible minority lawyers between 40 and 44. The gap in *average* incomes is even larger (above age 44, there are too few Aboriginal and visible minority lawyers to accurately estimate their income). These findings suggest the systemic exclusion of Aboriginal people and members of visible minorities from the most lucrative jobs. Such exclusion need not involve explicit barriers, but rather a complex filtering system beginning in law school and working through the many incremental steps in a lawyer's career. Each step in the process represents some mixture of voluntary choices and inequitable, though often seemingly neutral, practices steering women, Aboriginal persons and members of visible minority to less remunerative roles within the profession.

The youngest Aboriginal and visible minority lawyers, whose incomes are now only slightly lower than white lawyers', may come much closer to achieving parity with white lawyers later in their careers. But, it is not likely that their older counterparts, now approaching mid-career, will improve their relative position in the next years.

At the same time as their numbers grew rapidly, women's incomes also improved dramatically. There is strong evidence of a sharp break between baby-boomers and their successors and the small number of senior women lawyers, born before 1945. As for Aboriginal people and visible minorities, gender differences in income are quite small at the beginning of lawyers' careers, a few thousand dollars per year, though favouring men in four of the five Census years (women were paid more in 1990). But the relative and absolute gender gap still increases quite rapidly over lawyers' careers. The much larger gender difference in mean than median incomes, results from men's domination of the highest paying jobs.

While there were very few senior women lawyers before 1980, the Censuses suggest that mid-career women commonly earned between 50 and 60 percent of men's income. This gap has narrowed considerably. In 2000, the median income of women lawyers between the ages of 25 and 54 is between 87 and 94 percent of men of the same age. The pattern of *mean* incomes, however, clearly shows increasing gender disparity over women's careers: women lawyers between the ages of 25 and 29 have 93 percent of men's mean income, falling to 85 percent for women between 30 and 44, to 79 percent for women between 45 and 49, and to only 65 percent of men's income for women between 50 and 54.

The risk is that the income of women lawyers has now stabilized at a level significantly below men's income and there is nothing comparable to the last three decades' dramatic growth in the number of women to change that. The Census data do not permit us to separate the voluntary choices from the systematic barriers that lower women's incomes, stretching back to when law students gravitate towards different areas of practice.

Women and much more recently Aboriginal persons and members of visible minorities have made remarkable progress in a profession that, in the memory of many of its current members, was almost entirely white and male, with the small numbers of Aboriginal, visible minority and women seriously disadvantaged. At present, more than half of newly-called lawyers are women and the proportion could increase further. The key questions about women lawyers are where they will practice and how much they will earn. The Census data suggest the development of a stable pattern in which women have somewhat lower median incomes than men, but much lower mean incomes at the peak of their careers. This is the result of a continuing predominance of men in the most lucrative forms of practice. Systemic barriers must play some role. For women, these must include the impact of child-rearing.

The good news is that continuation of the trends of the last decade will eventually bring the numbers of lawyers who are Aboriginal and from most of the visible minority communities close to their share of the population. The outlook is less positive for the Filipino and East Asian communities which are still dramatically under-represented, even in the youngest age group. While there is little difference in their starting incomes, by mid-career Aboriginal and visible minority lawyers have substantially lower incomes than white lawyers. Without intervention, inequality of this magnitude is not likely to disappear in the near- or medium-term. Especially, the concern is that visible minority lawyers are entering a profession that is becoming more stratified and that they will be excluded from the most lucrative positions.

Methodological Appendix: Measures and Concepts in this Study

Who is Counted as a Lawyer?

In this study, a lawyer is anyone who enters “lawyer” as her or his occupation on the Census form.¹⁹ While almost all these lawyers were working when the Census was conducted, in May 2001 (for the 2001 Census), an instruction on the form asks persons who are not working at the time to indicate the occupation of “the job of longest duration since January 1, 2000.” With this definition, the lawyers in this study include a small number of law professors, who chose to give their main occupation as “lawyer”, rather than “professor”. “Ontario lawyers,” are lawyers who *live* in Ontario, even if they work in another province. The only major consequence of this definition is that a small number of lawyers living in Hull and the area of Quebec surrounding the Ottawa-Hull metropolitan area are *not* counted, while some Ottawa lawyers who work in the Hull area are included.²⁰

Identifying Aboriginal People and Members of Visible Minority Groups in the Censuses

In the 1996 and 2001 Censuses, Aboriginal persons are identified with the question below, which makes no mention of band membership or whether the person lives on a reservation. Persons who indicate that they are Aboriginal are instructed to skip the next question, about membership in visible minority communities. Identifying as Aboriginal thus supercedes any other identification a person might also have.

<p>18 Is this person an Aboriginal person, that is, North American Indian, Métis or Inuit (Eskimo)? <i>If “Yes”, mark “⊗” the circle(s) that best describe(s) this person now.</i></p>	<p><input type="radio"/> No ▶ Continue with the next question</p> <p><input type="radio"/> Yes, North American Indian</p> <p><input type="radio"/> Yes, Métis</p> <p><input type="radio"/> Yes, Inuit (Eskimo) ▶ Go to Question 20</p>
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The question about membership in visible minority groups in the 2001 Census is shown below. Statistics Canada's practice is to list separately the ten visible minority groups identified by the federal government in its employment equity policies. Members of other groups who consider themselves to be non-white can fill in the “Other - Specify” box. Respondents are invited to mark more than one category, “if applicable.” The 1996 Census question is the same, except that Arabs and West Asians are combined in a single category, the order of the groups is slightly different, and some of the specific examples within the response categories are different.

<p>19 Is this person: <i>Mark "X" more than one or specify, if applicable.</i></p> <p><i>This information is collected to support programs that promote equal opportunity for everyone to share in the social, cultural and economic life of Canada.</i></p> <p style="text-align: center; opacity: 0.5; font-size: 2em; transform: rotate(-15deg);">FOR INFORMATION ONLY</p>	<ul style="list-style-type: none"> <input type="radio"/> White <input type="radio"/> Chinese <input type="radio"/> South Asian (e.g., East Indian, Pakistani, Sri Lankan, etc.) <input type="radio"/> Black <input type="radio"/> Filipino <input type="radio"/> Latin American <input type="radio"/> Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese, etc.) <input type="radio"/> Arab <input type="radio"/> West Asian (e.g., Afghan, Iranian, etc.) <input type="radio"/> Japanese <input type="radio"/> Korean Other — Specify <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
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The Tables reporting results of the 2001 Census include categories for “other visible minorities” and for “multiple visible minorities.” The “other visible minorities” group includes a small number of persons who are considered to be a member of a visible minority group but who could not be classified elsewhere; and the “multiple visible minorities” category includes Census respondents who checked two or more categories in Question 19. They include many children whose parents are from different communities, and also members of communities with historically mixed origin, such as descendants of Asians in the Caribbean, Africa and the Americas. This “mixed” group is very diverse and cannot be classified into coherent subgroups large enough to describe separately.²¹

The 1991 and earlier Censuses did not include separate questions to identify Aboriginal persons and members of a visible minority group. Instead, it is necessary to rely mainly on the question about *ethnicity* (which is also included in the 1996 and 2001 Censuses, but *not* used to identify Aboriginal people and members of visible minorities). In 1991, the question reads,

“To which ethnic or cultural group(s) did this person’s ancestors belong?”

Multiple answers were permitted by the instruction, which said “Mark or specify as many as applicable.” Fifteen specific answers were given, though most were for communities likely to answer “white” to the 1996-2001 question about membership in visible minority communities. In order (of their size in the population), the fifteen listed responses were: French, English, German, Scottish, Italian, Irish, Ukrainian, Chinese, Dutch, Jewish, Polish, Black, North American Indian, Métis, and Inuit/Eskimo. In addition there were two boxes for “other ethnic or cultural group(s)” and the instruction that:

“Examples of other ethnic or cultural groups are: Portuguese, Greek, Indian from India, Pakistani, Filipino, Vietnamese, Japanese, Lebanese, Haitian etc.”

Aboriginal persons were those who chose one of the three responses, for “North American Indians,” Métis or “Inuit/Eskimo,” regardless of whether they also described themselves as sharing another *non*-Aboriginal ethnic background. Especially for those respondents indicating they were of more than one ethnicity, the responses to this question are not clearly translated into the categories used in 1996 and 2001. For this reason, Statistics Canada combined information from a number of different questions to develop a consistent measure of membership in visible minority communities:

Prior to 1996, data on visible minorities were derived from responses to the ethnic origin question, in conjunction with other ethno-cultural information, such as language, place of birth and religion. Information on visible minorities obtained from the 1996 population group question is, therefore, not directly comparable to derived visible minority data produced in 1991, 1986 and 1981.²²

Unfortunately, the 1971 Census does not provide adequate data for a consistent comparison with the later Censuses.²³

Ethnicity, Aboriginal Origins and Membership in Visible Minority Communities

The visible minority communities identified in the Census are themselves diverse and vary in their diversity. For example, the Japanese and Korean communities represent single waves of migration to Canada, the Chinese and South Asian communities represent two or more distinct waves of immigration, while the Black community represents a much more complex history. There is much diversity within the Aboriginal community as well. The implication is that there are significant ethnic and generational differences *within* the Aboriginal and visible minority communities, as well as within the majority “white” category.

At the same time the patterns of representation in the legal profession revealed here have multiple causes, including the effects of immigration, of having a first language that is not English, of socio-economic differences and discrimination. Separating these effects is an important (and difficult) research task, but is not in the scope of this *Report*. The more limited goal is to identify differences in sufficient detail that issues of equity can be addressed from an understanding of where members of the different visible minority communities stand in the profession. To the extent that inequities have different forms and arise from a variety of causes, distinct policies are required to address them.

There is also a pragmatic logic to this analysis and to the approach implied by the way that Statistics Canada goes about measuring diversity. First, some degree of simplification is necessary to extract any social trends from the complexity of individual biographies. Novels and social research use the same material, but not in the same way. Second, the categories used in this analysis are an effort to reflect a social consensus about the visible minority communities which are socially, politically and economically meaningful in Canadian society. They represent the categories citizens choose for themselves, but also categories that may be unwillingly imposed by the majority. For example, it has been observed that the highly diverse communities of African Canadians, tend to be treated as one, due to a lack of public understanding of the diversity of the African diaspora. Ethnic diversity is thus reduced to simpler “racial” categories.

Comparability of These Results to Previous Analysis of the 1996 Census

The categories for visible minority communities in this *Report* are similar but not identical to those used in the analysis of the 1996 Census. In that earlier report, the “other” and “multiple” groups were not used; instead detailed analysis of the persons giving two or more answers were used to assign them to single-answer groups, and the question about ethnicity was used to assign the “other” responses. Unfortunately, it is not possible to apply this strategy uniformly across the different Censuses to make over-time comparisons. Using the categorization developed by Statistics Canada has two advantages. First, a great deal of effort has gone in make the categories consistent over time; and, second, these results are compatible with other Census-based research on visible minority communities.

Francophones

Francophones are defined as persons whose first language was French, even if (contrary to the Census instruction) they reported more than one first language.

Quality of the Census Data

Relative to any other Canadian survey, the Census data are superb, but not perfect. Respondents make errors in answering questions, some do not answer all questions, and – despite the legal requirement to do so– some households do not complete the form. A great deal of attention has been paid to Census data quality. By a wide margin, the Census is the largest Statistics Canada survey, and the results have major consequences, for example in determining federal equalization payments, the distribution of Parliamentary seats among provinces, and the boundaries of federal electoral districts (which, in Ontario, are used for the provincial legislature as well). The interested reader can find an exhaustive, interesting, clear, and for the most-part non-technical explanations of these issues in two 1996 *Census Technical Reports*, on “*Sampling and Weighting*” and “*Coverage*,” which are free, online at:

<http://www12.statcan.ca/english/census01/info/census96.cfm>

Similar reports on the 2001 Census are forthcoming and will also be available online.

Using a specialized survey for comparison, Statistics Canada found that the 2001 Census missed about 3 percent of the Canadian population. This *Report* follows Statistics Canada’s practice of *not* compensating for this “under-count” in reporting findings. The most important statistics reported here, however, involve *comparisons* between lawyers and the population which are unaffected by undercounting, since the numerator and denominator of the fractions are changed by the same proportion.

In Ontario, as in a number of other provinces, the 2001 Census was not able to carry out a complete enumeration on some Indian reserves. As a result Statistics Canada reports on Aboriginal persons in Ontario and in a number of other provinces include the statement that each figure “excludes census data for one or more incompletely enumerated Indian reserves or Indian settlements.” In addition, there is some evidence that the rate of undercoverage of the Aboriginal population in on- and off-reserve areas that were enumerated is higher than average. While no exact estimate is available, a good guess is that between 10 and 15 percent of the total aboriginal population of Ontario may have been missed by the Census, with the missed rate

much higher for the population living on reserves. As a result, the size of the Aboriginal populations reported in Tables 1 and 2 is 10-12 percent *lower* than the true value. The count of Aboriginal lawyers, who mainly do not live on reserves will hardly be affected; so estimates of the number of Aboriginal lawyers *relative to the population* will be too optimistic, by 10-12 percent. This is a quite a small relative to differences between Aboriginal peoples and other sectors of the Ontario population.

Reporting Numbers in the Tables

To preserve confidentiality, Statistics Canada requires that counts presented in the Tables be rounded to the nearest five. Since each Census respondent represents an average of five people (except, three people for the 1971 Census only), estimating the number of persons with a given characteristic requires multiplying the number counted on the Census file by five. But, because the observations are “weighted” an estimate that there are, say, 100 people in a group (this is number of lawyers of Arab background, reported in Table 1) does *not* mean there are exactly 100 such persons in the population or that the estimate is based on counting exactly 20 persons in the Census sample.²⁴

Due to rounding error, occasionally the figure for a total numbers or percentage in a table is not exactly right. Manual calculation would show that sometimes the percentages in a table which should total 100.0% actually add up to 99.9% or 100.2%. Reporting numbers to more decimals would fix this problem, but suggest a spurious, distracting accuracy. For that reason, totals that should equal 100.0% are just fixed to that number. The same holds for estimates of total numbers, where rounding to the nearest five occasionally results in the same kind of discrepancy.

Notes

1. Census records for parents and children living apart cannot be linked. Using comparison data for the Canadian population from Statistics Canada's General Social Survey, a survey of lawyers with questions about their family background could be used to measure its effect on access to the legal profession.
2. Had chance resulted in a different one-fifth sample of households being selected for the long form, every statistic in this *Report* – each percentage, mean, regression coefficient, etc – would change a little. A different sample would be neither better nor worse than the one actually chosen when the Census was conducted, but the variation in the results from the different samples creates the sampling error. In other words, sampling error arises from the randomness in the selection procedure that, paradoxically, ensures that the sample *is* representative of the complete population.
3. The degree of sampling error is a function of the base on which it is computed. For example, taking lawyers between 25 and 34, the smallest error is in the percentage of visible minorities in this group, which includes about 1400 Census respondents; an estimate of the percentage of visible minorities who are women, however, is based only on a sample of approximately 250; and comparing the incomes of women and men between 25 and 34 who are members of visible minorities involves two samples of about 125.
4. It is possible to measure the representation of a small group in the population because this is computed as a fraction of total population; estimates of the characteristic of a small group, however, are based only on individuals within the group.
5. In reporting Census results, the “population” refers to persons living in “private dwellings,” and excluding “collective dwellings” such as hospitals and nursing homes, military facilities and places of detention.
6. Ideally, but it is not possible from the Census data, one would also compare the representation of lawyers to the needs of the different visible minority communities in Ontario. One would like to match the supply to the demand for legal services in a community, or perhaps to the demand for services from citizens who prefer a lawyer from their own community.
7. There is a large margin of error in the estimate of the proportion of Aboriginal lawyers because it based on only the sample of about 35 Aboriginal lawyers (which yields the estimate of 170 Aboriginal lawyers in the province, based on the one-fifth sample collected in the 2001 Census). With our estimate of 50 percent of Aboriginal lawyers in Toronto, it is only possible to say that 95 percent of the time the true value will lie between 30 and 70 percent. Of course, this range still puts the proportion of Aboriginal lawyers far above the 11.1 percent of the Aboriginal population and 13.5 percent of the

Aboriginal labour force, living in the Toronto CMA. The latter two proportions are also measured with error, but the error is much smaller, as the samples are far larger.

8. Since the focus here is on differential access to the occupation, rather than service to the Aboriginal and visible minority communities, it is more appropriate to make comparisons between lawyers and members of the labour force, rather than to the total provincial populations.
9. Analysis of the interrelated roles of immigration, language and membership in visible minority communities is beyond the scope of this Report. The provinces differ too greatly in their levels and composition of immigration to make inter-provincial comparisons helpful. Quebec, British Columbia and perhaps Alberta have a sufficient number of lawyers who are immigrants to study in detail, but their different composition (for example, the predominance of Asians in British Columbia) complicate comparisons with Ontario.
10. There is a certain “bumpiness” to the figures in Table 12, which reflects but does not explain individual trajectories. Consistently, for example, there are more female (and also male) lawyers between 30 and 34 than there are, five years earlier in the 25-29 age group – showing that some lawyers do not start to practice until their 30s. But, there is a further increase between ages 35 and 39. Then there is some decline in numbers beginning by the mid to late-40s. Only a study tracing individuals over time can explain these changes.
11. About 20 percent of lawyers reported that they received both wage and salary income *and* income from self-employment in 2000. This would result when a lawyer changed jobs during the year (for example, by leaving or taking a job in government), or might indicate that she or he worked part-time in a legal practice and part-time for wages or salary in a firm or for government. To avoid proliferating the number of categories of employment, a lawyer was classified as salaried or self-employed on the basis of which form of work provided more income in 2000 (the very small number of lawyers who reported equal amounts of income of each kind were classified as self-employed; since income reporting is in exact dollar amounts rather than categories, there are few such persons).
12. The definition of “class” combines information on lawyer’s position as of the date of the Census in May 2001, with information on her or his income in the calendar year 2000. Occasionally, because of the difference in time, the information is inconsistent. For example, a person working as a government employee in May 2001 may report that all or nearly all of his income in the year 2000 was from self-employment – which implies that he or she moved from the private sector to a government job. Conflicts of this kind were resolved in favour of the information on income, so the date reported relate to employment in the year 2000.

13. To avoid using very small samples (with corresponding higher sampling error) the age groups are quite large, and so the “age control” is imperfect. Because their presence in the profession is increasing, *on average* visible minority lawyers in the 25-34 age cohort will be younger than white lawyers in the same 25-34 category; the difference is in the same direction comparing women and men, but smaller.
14. The distributions of hours of work in the table *exclude* lawyers who said that they did not work in the previous week: 13.1 percent of Aboriginal and visible minority lawyers, compared to 7.2 percent of white lawyers; and 11.8 percent of women lawyers, compared to 5.6 percent of men. This suggests that there is underemployment of minorities and women, but likely also affects their conditions of work – for example, more regular time off and vacations in government employment.
15. The Census instructs respondents to include *paid* vacation time and sick leave in reporting how many weeks they worked in the year. But, only 72.1 percent of Ontario lawyers indicated that they worked for 49 to 52 weeks in 2000, while 15.1 percent reported working between 40 and 48 weeks. Likely the second group includes many self employed lawyers who are working “full-time,” but are not paid when on vacation. So, it makes sense to focus on the categories for less than 40 weeks of work in 2000, which clearly do indicate a lower level of labour force participation.
16. Further exploration of this difference, which is beyond the scope of this report, should take account of age – lawyers at the beginning of their careers in 2001 may not have practiced for all of the previous year – and of family responsibilities, especially for the care of very young children and elderly parents. The most recent Census includes questions about time spent in housework, childcare and care for seniors; because *entire* households are selected to receive the long form Census it is also possible to determine the presence and ages of young children in the households of lawyers.
17. Women are less likely to work full-time *at all ages*. Eighty-one percent of women lawyers between 35 and 44 worked “mainly full-time” and for at least 40 weeks in 2000, compared to 95.3 percent of men; for lawyers between 45 and 54, the figures are 81.2 percent for women and 95.3 percent for men, and for ages 55 to 64, they are 69.9 for women and 89.6 percent for men.
18. In terms of regional differences in the income of lawyers, exploration of the data showed it was only worth separating the province into three areas: Toronto, Hamilton and the rest of the Province. Mainly, lawyers in Toronto have higher incomes than lawyers everywhere else in the province. In this analysis “Toronto” refers to the Census Metropolitan Area, roughly the commuting radius of the city.
19. The figures for Quebec include both lawyers and notaries, who in that province carry out some of the functions of lawyers in the rest of Canada. Outside Quebec, notaries are not included with lawyers.

20. The 2001 Census provides information on the province in which a person worked, this is not measured consistently in previous Censuses and so cannot be used to make consistent comparisons over time.
21. For lawyers this group is far too small to reclassify into culturally coherent subgroups. This is possible, however, for studies of the entire population, as the absolute number of persons of mixed origins is much greater. An example of how this can be done for the City of Toronto is provided by this author's, *Ethno-Racial Inequality in Toronto: Analysis of the 1996 Census*, available at www.city.toronto.on.ca/diversity/pdf/ornstein_fullreport.pdf
22. Statistics Canada, 1996 Census Dictionary, Final Edition Reference, Handbook – Cat. No. 92-351-UIE, p. 101, available for free download at: <http://www.statcan.ca/english/freepub/92-351-UIE/free.htm>
23. In that year respondents were asked to choose only one ethnic category and the consequence was serious underestimation of the number of aboriginal persons and members of visible minorities. Also, in 1971 some of what turned out later to be much larger visible minority communities were too small to be identified separately.
24. To improve the precision of estimates, the data are “weighted” to make up for differences in the probability that a household with particular characteristics will complete the Census form. Because non-response is more common for certain types of people than others, the weights are not all equal.

Statistics Canada uses a systematic procedure to substitute best guesses for the answers to questions missed out by respondents. These “imputed” responses are usually predicted from the answers to other answers on a person's household's Census form, but sometimes information from the Census returns of similar people living in the person's neighbourhood is used for imputation.