

DIVERSITY AND CHANGE:

The Contemporary Legal Profession in Ontario

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

September 2004



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Many lawyers wrote extensive comments at the end of the questionnaire, some even including letters describing personal experiences of exclusion, disadvantage, and discrimination in their legal careers. Others wrote about their dedication to the profession, their commitment to justice and equality, and their hopes for the profession itself. The tremendous range of comments reflects more broadly a profession undergoing profound

change, with a growing diversity in its membership and emerging challenges to the practice of law itself.

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List of Abbreviations

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

Introduction

The Research Agenda

Diversity and Change: The Contemporary Legal Profession in Ontario is the culmination of two years of intensive research design, analysis, writing, and discussion. This study is based on a social survey of the Ontario legal profession conducted in the spring of 2003. The survey is part of a larger program of research investigating equity and diversity in the legal profession.

The program began in 1989 with a report on the demographic composition of the Ontario legal profession. This report, titled *Women in the Legal Profession*,¹ led to a large-scale survey of members of the profession in 1990. The survey sampled over 1,500 lawyers called to the Ontario Bar between 1975 and 1990, an historic period in which women entered the legal profession in sizeable numbers for the first time. The outcome of this innovative survey was a report titled *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975 and 1990*.²

This initial cross-sectional survey was later developed into a longitudinal project, following the lives of this cohort of lawyers across time. This same panel of lawyers were surveyed for a second time in 1996. This survey led to the report, *Barriers and Opportunities Within Law: Women in a Changing Legal Profession*.³ The panel of lawyers was surveyed once more in 2002 and the results detailed in the report, *Turning Points and Transitions: Women's Careers in the Legal Profession*.⁴

Each of the three surveys collected data on gender differences in incomes, work experiences and responsibilities, levels of job satisfaction, and issues of discrimination in law practice. The surveys also documented the often difficult balance between career and family, and motives underlying departures from the practice of law. The three reports established benchmarks for assessing gender equity in the legal profession.

The Law Society of Upper Canada was motivated to study these issues in response to concerns that discrimination and bias may persist in the Ontario legal profession as barriers to practice and professional advancement for specific groups of lawyers. This broader study of equity and diversity in the Ontario legal profession collects more extensive baseline data

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

² F. Kay. 1991. *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975 and 1990* (Toronto: The Law Society of Upper Canada).

³ F. Kay, N. Dautovich, and C. Marlor. 1996. *Barriers and Opportunities Within Law: Women in a Changing Legal Profession* (Toronto: The Law Society of Upper Canada).

⁴ F. Kay, C. Masuch, and P. Curry. 2004. *Turning Points and Transitions: Women's Careers in the Legal Profession* (Toronto: The Law Society of Upper Canada).

on the nature and extent of bias and discrimination related to gender, race, ethnicity or cultural background, religion or creed, disability, language, and sexual orientation.

Literature Review

Considerable debate revolves around the issue of diversity and discrimination in the legal profession. Some lawyers argue that, over time, the increasing representation of women and diverse groups within the profession will overcome discrimination and other barriers. This view assumes that the representation of diverse groups will continue to grow and that progressive attitudes of tolerance and equality will prevail. Yet, recent research suggests that while there is evidence of progress, ongoing bias may prevent women and diverse groups from entering the profession and advancing to positions of power where they might affect meaningful changes to the culture of the legal profession.⁵

Research conducted in Canada and the United States during the past decade has revealed bias and discrimination against lawyers from “racialized communities.”⁶ This discrimination often manifests itself in subtle and systemic ways. In a survey conducted in 1991 in Alberta, for example, one-third of the lawyers who identified themselves as visible minorities reported that they had been discriminated against by other lawyers on the basis of their race.⁷ More recently, the Canadian Bar Association (CBA) collected extensive data from lawyers, law students, and law faculty, and concluded that systemic racism is widespread within the Canadian legal profession.⁸

The CBA report revealed that students from racialized communities have fewer opportunities to secure articling positions and first jobs. They do not benefit from the same articling experience as their white colleagues who are introduced to clients, assist more senior lawyers on important cases, and conduct research on a broader range of files.⁹ The report found that students from racialized communities were at a considerable disadvantage in a job market that often depends on “word-of-mouth” and connections. The

⁵ Cooper, M., J. Brockman and I. Hoffart. 2004. *Final Report on Equity and Diversity in Alberta's Legal Profession* (Calgary, Alberta: The Law Society of Alberta), p. 2.

⁶ Barrett, P. M. 1999. *The Good Black: A True Story of Race in America* (New York: Dutton Press); Malcolm, I. 1992. “Robert Sutherland: The First Black Lawyer in Canada?” *The Law Society Gazette*, vol. 26, no. 2, pp. 183-186; Black Law Students’ Association and Attorney General of Ontario. 1996. *Black Access to the Legal Profession: The Timoll Report* (Toronto, February 1996); Neallani, S. 1992. “Women of Colour in the Legal Profession: Facing the Familiar Barriers of Race and Sex.” *Canadian Journal of Women and the Law*, vol. 5, pp. 148-165; Pendakur, R. 1999. “Lawyers, Damn Lawyers and Statistics: Visible Minority Representation in the Legal Profession.” (Ottawa: Department of Canadian Heritage); Scheineson, M. J. 1988. “Minority Representation at Major Law Firms Remains Dramatically Low.” *Membernet: A publication of the American Bar Association*, vol. 3, no. 3, pp. 1, 5, 10; Sparks, C. 1993. “Women of Colour in the Legal Profession: A Panoply of Multiple Discrimination.” Appendix 10, *Report on Gender Equality in the Legal Profession* (Ottawa: Canadian Bar Association); Wilkins, D. P. 1993. “Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers.” *Stanford Law Review*, vol. 45, pp. 1980-2026.

⁷ Brockman, J. 1991. *Identifying the Issues: A Survey of Active Members of the Law Society of Alberta* Prepared for the Joint Committee on Women and the Legal Profession. (Edmonton: Law Society of Alberta).

⁸ St. Lewis, J., Trevino B. (Co-Chairs). 1999. Racial Equality in the Canadian Legal Profession. Report 1. *The Challenge of Racial Equality: Putting Principles into Practice*; St. Lewis, J. 1999. Report 2. *Virtual Justice: Systemic Racism and the Canadian Legal Profession*. Presented to the Council of the Canadian Bar Association by the Working Group on Racial Equality in the Legal Profession (Ottawa: Canadian Bar Association).

⁹ St. Lewis and Trevino, *Challenge of Racial Equality*, pp. 12, 17, 19.

report also notes that employers make discriminatory assumptions about the skills and interests of articling students and lawyers from racialized communities: “A number of participants told us how potential employers had discriminated against them, assuming, for example, that an East Indian woman lawyer would only bring poor women clients with family law problems, that an Aboriginal man would bring land claims work, that an Asian lawyer in Vancouver would want to work on Pacific Rim files.”¹⁰

The situation of Aboriginal peoples in the legal profession is of particular concern. In 1988 the Canadian Bar Association published a special committee report, *Aboriginal Rights in Canada: An Agenda for Action*,¹¹ that made a series of recommendations. With respect to the legal profession, the report recommended “[g]reater educational efforts to instruct both lawyers and laypersons [on Aboriginal issues] and increased participation by Aboriginal people in the justice system.”¹² The association’s 1999 report on *Racial Equality in the Canadian Legal Profession* notes that ten years later, very little progress has been made.¹³

A study conducted in 2000 by the Law Society of British Columbia focused on the experiences of Aboriginal lawyers.¹⁴ Approximately 40% reported that they had experienced barriers during articling, including cultural insensitivity or racism by staff or other articling students, racist slurs and demeaning remarks, discrimination in work assignments, or being funnelled into areas of law that were not of interest to them. Even more alarming, two-thirds of the respondents reported barriers in the practice of law such as dissuasion from areas of interest; insensitive remarks by clients, other lawyers, and judges; and, less frequently, racist slurs and comments.

Research suggests that bias against visible minority and Aboriginal women lawyers may be more extensive than against white female or Aboriginal male lawyers. The American Bar Association’s 1994 report on visible minority women lawyers concluded that being a woman and a person of colour were double negatives in the legal marketplace.¹⁵ Similarly, a 1997 report by the Boston Bar Association found that women of colour believed that they faced greater barriers based on race than on gender, and that they were compelled to work harder and longer hours than both white women and men to prove their worth to the legal profession.¹⁶ The American Bar Association’s 1998 survey of Aboriginal women lawyers

¹⁰ St. Lewis and Trevino, *Challenge of Racial Equality*, p. 19.

¹¹ *Aboriginal Rights in Canada: An Agenda for Action*, A Canadian Bar Association Special Committee Report, 1988, p. 91.

¹² *Aboriginal Rights in Canada*, endnote 16, p. 92.

¹³ St. Lewis and Trevino, *Challenge of Racial Equality*, p. 27.

¹⁴ Ferguson, G. and Foo, K. 2000. *Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers* (Vancouver: Law Society of British Columbia). Also see Law Society of British Columbia. 1996. *Report on the Survey of Aboriginal Law Graduates in British Columbia* (Vancouver: Law Society of British Columbia) and Law Society of British Columbia. 1998. *Summary and Discussion of the Aboriginal Law Graduates Focus Groups* (Vancouver: Law Society of British Columbia).

¹⁵ Multicultural Women Attorneys Network. 1994. *The Burdens of Both, the Privileges of Neither*. A joint project of the ABA Commission on Opportunities for Minorities in the Profession and the Commission on Women in the Profession. (Chicago: American Bar Association), p. 9.

¹⁶ Boston Bar Association Task Force on Professional Fulfillment. 1997. *Expectations, Reality, and Recommendations for Change* (Boston, MA: Boston Bar Association).

found that they face stereotypes about Native Americans, pay inequities, insufficient mentoring, heightened scrutiny of hours worked, and barriers in attaining partnership status and other promotions.¹⁷

The Alberta Law Society published a report in 1994 on equity and diversity in Alberta's legal profession.¹⁸ The survey revealed the legal profession is widely viewed as discriminatory. Ninety-two percent of women and 69% of men perceived some form of bias or discrimination against women in the profession (33% of men and 14% of women thought that men were discriminated against). Discrimination against other under-represented groups was also seen as pervasive: 91% of lawyers of colour believed that racial discrimination existed in the profession; 73% of lawyers with disabilities believed that there was discrimination on the basis of disability; 88% of gay, lesbian and bisexual lawyers reported discrimination due to sexual orientation; and 83% of women and 32% of men with children observed discrimination on the basis of parental status.¹⁹ Personal experiences of discrimination were common: 39% of women lawyers, 41% of lawyers of colour, 28% of lawyers with non-Christian religious affiliations, 40% of disabled lawyers, and 40% of gay, lesbian and bisexual lawyers reported that they had experienced discrimination firsthand while seeking employment or practising law in the last five years.

For each of the diversity groups, other lawyers and clients were most commonly held responsible for discrimination in the form of racist and sexist comments, exclusion from workplace social or business development activities related to career advancement, denial of opportunity to work on files, and negative career consequences as a result of being a parent.²⁰ In addition, sexual harassment continued to be a serious problem in the profession.

The Alberta report provided compelling evidence of discrimination against women and non-dominant racial/cultural groups. The authors observe that "in the absence of concrete equity initiatives, change may continue to occur at a glacial pace."²¹ This view is substantiated by Charles Smith, Equity Advisor at the Canadian Bar Association, who argues that it is "interesting and somewhat paradoxical that the very profession which has been the source of such insight and eloquence on equality requires a healthy dose of self-examination

and positive action to address inequality and outright discrimination within its own ranks."²²

This body of research reveals that systemic racism is a significant problem, affecting access, acceptance, and career advancement for racialized communities in the legal profession. Our

¹⁷ American Bar Association, Commission on Women in the Profession; Commission on Opportunities for Minorities in the Profession; Federal Bar Association; and Native American Bar Association. 1998. *The Burden of Both, the Privileges of Neither. A Report on the Experiences of Native American Women Lawyers*, p. 2.

¹⁸ Cooper, M., J. Brockman and I. Hoffart. 2004. *Final Report on Equity and Diversity in Alberta's Legal Profession* (Calgary, Alberta: The Law Society of Alberta).

¹⁹ Cooper, Brockman, and Hoffart. *Final Report on Equity and Diversity*, pp. ii., 93-118.

²⁰ Cooper, Brockman, and Hoffart. *Final Report on Equity and Diversity*, p. ii-iii executive summary, and p. 170.

²¹ Cooper, Brockman, and Hoffart. *Final Report on Equity and Diversity*, p. 2.

²² Smith, C. 2002. "Next steps on the road to equality in the Canadian legal profession." *Touchstone. Newsletter of the CBA's Standing Committee on Equality*. December 2002.

report focuses primarily on issues of disparity related to gender and racialized communities. However, we also examine other forms discrimination in the legal profession, including bias that targets sexual orientation,²³ disability,²⁴ language, and religious affiliation. Research demonstrates that extensive discrimination persists against these forms of diversity in the legal profession.

Diversity and Change: The Contemporary Legal Profession in Ontario presents the findings of an Ontario survey conducted in the spring of 2003 (referred to as the “Contemporary Lawyers Survey”). The report is set out as follows: Section 1 provides a summary of recent policy initiatives, an overview of the research methodology, and a statement of key objectives and questions addressed in this study. Sections 2, 3, and 4 describe and present the statistical findings of the 2003 Contemporary Lawyers Survey. Section 5 summarizes the comments and qualitative data yielded through the survey. Conclusions are presented in Section 6. The report also has two appendices: (a) covering letters to the questionnaire, and (b) questionnaire.

²³ For further research investigating sexual orientation bias, see: Cooper, M., J. Brockman and I. Hoffart. *Final Report on Equity and Diversity in Alberta's Legal Profession* (Calgary, Alberta: The Law Society of Alberta); King County Bar Association. 1995. *In Pursuit of Equality: The Final Report of the KCBA Task Force on Gay Issues in the Legal Profession* (Washington, DC: King County Bar Association). Cited in Washington State Bar. 1999. “Trends and issues affecting lesbians and gays in the legal profession.” *Washington State Bar News Online*. 12. Available at <http://www.wsba.org/barnews/1999/12/diversity.htm>; Los Angeles County Bar Association, Committee on Sexual Orientation. 1994. *Report of the Committee on Sexual Orientation Bias* (Los Angeles, CA: County Bar Association); Judicial Council of California. 2001. *Sexual orientation fairness in the California courts: Final report of the Sexual Orientation Fairness Subcommittee of the Judicial Council's Access and Fairness Subcommittee* (Orange County, CA: Judicial Council of California); Bar Association of the City of New York, Committee on Lesbians and Gay Men in the Legal Profession. 1993. *Report on the Experiences of Lesbians and Gay Men in the Legal Profession* (New York: Bar Association of the City of New York); Hennepin County Bar Association Lesbian and Gay Issues Subcommittee. 1995. *Legal employers' barriers to advancement and to economic equality based on sexual orientation* (Minneapolis, MN: Hennepin County Bar Association).

²⁴ For studies of discrimination against persons with disabilities in the legal profession, see: Cooper, M., J. Brockman and I. Hoffart. 2004. *Final Report on Equity and Diversity in Alberta's Legal Profession* (Calgary, Alberta: The Law Society of Alberta); Cumming, J. 2001. “Access and Justice.” *The National* (Jan/Feb 2001) (Ottawa: Canadian Bar Association). Available at <http://www.cba.org/CBA/National/Cover 2001/JF01.asp>; Hill, L. et al. 2000. *Lawyers with disabilities: Identifying barriers to equity. A report of the Disability Research Working Group of the Equity and Diversity Subcommittee* (Vancouver: Law Society of British Columbia). Available at <http://www.lawsociety.bc.ca>; McChesney, A., Nolan R., and Schmieg, M. 2001. *Advancing professional opportunities and employment accommodation for lawyers and other law graduates who have disabilities* (Ottawa: Reach). Available at <http://www.reach.ca/Advancing%20Opportunities.pdf>; Lepofsky, D. M. 1991. “Disabled persons and Canadian law schools: The right to equal benefit of the law school.” *McGill Law Journal*, vol. 36, p. 636; State Bar of California, Subcommittee on the Employment of Attorneys with Disabilities. 1993. *Surveys of attorneys and judges with disabilities and chronic medical conditions* (San Francisco: State Bar of California).

Policy Initiatives Since 1990

A number of initiatives were introduced by the Law Society of Upper Canada following the release of the *Transitions* report (1991).²⁵ Below is a list of the committees, model policies, and research initiatives undertaken since 1990. For further discussion and detail, please refer to the *Bicentennial Implementation Status Report and Strategy* at http://www.lsuc.on.ca/news/pdf/convjan04_equity_bicentennial.pdf.

Policies:

- *New Rule of Professional Conduct dealing with sexual harassment.* The Rule was adopted by Convocation on July 10, 1992.
- *New Rule of Professional Conduct dealing with discrimination.* The Rule was adopted by Convocation on September 23, 1994. Since that time, the Law Society's Equity in Legal Education and Practice Committee has been producing educational pamphlets on Rule 28.
- *Reduction in Annual Fee for Members Who are on Maternity, Paternity, or Parental Leave.* The policy was adopted by Convocation on July 10, 1992.
- *Promoting Dialogue, Creating Change: Equity and Diversity in the Legal Profession.* Report on Equity Initiatives and Resources in the Legal Profession. (Toronto: Law Society of Upper Canada, January 2003). (Also available in French)
- *Policy on Creed and the Accommodation of Religious Observances* (Toronto: Ontario Human Rights Commission, October 20, 1996).

Committees:

- The Equity and Aboriginal Issues Committee (*EAIC*) is a Standing Committee of Convocation.
- The Access to Justice Committee is a standing Committee of Convocation.
- The Equity Advisory Group (*EAG*), composed of 15 to 19 members, acts in an advisory capacity to the *EAIC*. The *EAG* is composed of individuals and representatives of equity-seeking legal organizations.
- The *Bicentennial Working Group* is a group of Benchers who undertook to review the Law Society's progress in implementing the *Bicentennial Report* (discussed below).

²⁵ F. Kay. 1991. *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975 and 1990* (Toronto: The Law Society of Upper Canada).

Model Policies:

- *Recommended Personnel Policy Regarding Employment-Related Sexual Harassment.* The model policy was adopted by Convocation on January 24, 1992.
- *Recommended Personnel Policy Regarding Employment-Related Sexual Harassment for Small Law Firms.* The model policy was adopted by Convocation on June 14, 1994.
- *Guide to Developing a Policy Regarding Flexible Work Arrangements* (Toronto: Law Society of Upper Canada, updated March 2003).
The legal duty to accommodate employees with disabilities or family responsibilities is through the adoption of flexible work arrangements. This guide outlines various alternate work arrangements for both associates and partners in law firms and outlines responses to the challenges presented by each option.
- *Guide to Developing a Policy Regarding Workplace Equity in Law Firms* (Toronto: Law Society of Upper Canada, updated March 2003).
This guide offers a model policy to assist law firms in meeting their obligation to avoid discrimination and to promote equity in employment practices. It covers employment practices in recruitment, interviewing job candidates, hiring and promotion, equal opportunities, professional development, accommodation, evaluation, mentoring, and compensation.
- *Preventing and Responding to Workplace Harassment and Discrimination: A Guide to Developing a Policy for Law Firms* (Toronto: Law Society of Upper Canada, March 2002).
This document guides law firms in taking a proactive approach to complaints of discrimination and harassment. It sets out the components of an effective complaints resolution mechanism and discusses ways in which employers may reduce their vicarious liability for workplace discrimination and harassment. The guide sets out legal requirements, policy and implementation issues, a model policy, and complaints procedure for law firms of varying sizes.
- *Accommodation of Creed and Religious Beliefs, Gender Related Accommodation and Accommodation for Persons with Disabilities; Legal Developments and Best Practices* (Toronto: Law Society of Upper Canada, March 2001).
A companion to the *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements*, this document includes a summary of best practices and a comprehensive legal analysis of the duty to accommodate.

- *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements* (Toronto: Law Society of Upper Canada, March 2001).
This document sets out the duty of law firms and legal organizations to accommodate employees' creeds and religious beliefs, disability, gender, and family status. It includes examples and model procedures for requesting and granting accommodation.
- *Sexual Orientation and Gender Identity: Creating an Inclusive Work Environment*, A Model Policy for Law Firms and other Organizations (Toronto: Law Society of Upper Canada, May 13, 2004).

Research Studies:

- The *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession* was adopted by Convocation in May 1997 to celebrate the 200th Anniversary of the Law Society. It contains 16 recommendations to promote equity and diversity in the legal profession.
- A follow-up report, *Bicentennial Implementation Status Report and Strategy*, was submitted to Convocation by the Bicentennial Working Group on January 22, 2004. It is available on-line at:
http://www.lsuc.on.ca/news/pdf/convjan04_equity_bicentennial.pdf
- *Promoting Dialogue, Creating Change: Equity and Diversity in the Legal Profession*. Report on Equity Initiatives and Resources in the Legal Profession. (Toronto: Law Society of Upper Canada, January 2003).
- M. Ornstein. *Lawyers in Ontario: Evidence from the 1996 Census: A Report for the Law Society of Upper Canada* (Toronto: Law Society of Upper Canada, 2001).
- J. Allan and L. Heller, *Achieving Equity for Women in Law Firms: A Report on Policies and Practices for Change* (Toronto: March 2002). Prepared for the Law Society of Upper Canada.
- L. Heller, *Equity and Diversity for Law Firms: A Literature Review and Bibliographical Essay*.
- *Discrimination and Harassment Counsel's Semi-Annual Reports* (Toronto: Law Society of Upper Canada).
- *Articling Placement Reports*.
- *Articling Interview Survey Reports*.
- *Professional Regulation Division Quarterly Reports*.

- F. Weekes and A.E. Spears, *Survey of Black Law Students, Black Articling Students, and Recently Called Black Lawyers* (Toronto: Law Society of Upper Canada, July-August 1992).
- F. Kay. *Transitions in the Ontario Legal Profession: A Survey of Lawyers Called to the Bar Between 1975 and 1990* (Toronto: Law Society of Upper Canada, May 1991).
- F. Kay, N. Dautovich and C. Marlor. *Barriers and Opportunities Within Law: Women in A Changing Legal Profession* (Toronto: Law Society of Upper Canada, November 1996).
- F. Kay, C. Masuch and P. Curry. *Turning Points and Transitions: Women's Careers in the Legal Profession* (Toronto: Law Society of Upper Canada, May 2004).

Programmes:

- Discrimination and Harassment Counsel program.
- Public Outreach/ Professional Training.

The 2003 Contemporary Lawyers Survey

This survey offers an initial baseline for studying the entry of non-dominant demographic groups in the legal profession. The survey pays close attention to gender and racial/ethnic differences and similarities, but also examines issues of discrimination and bias that targets religious belief, disability, sexual orientation, language preference, and family status.

Critical race theorists point out that racial categories are socially constructed, and that the law has historically played an important role in creating racial categories. These theorists were instrumental in developing strategies to eliminate racial discrimination in law and in society.²⁶ Recognizing that race is largely a social construction, scholars have attempted to adopt language that reflects the social situation of particular groups and assumptions about racial designation and identification.

When discussing disparities of race or ethnicity, it is important to use a consistent vocabulary. As our understanding of racism increases, the words used to describe racism change. Various terms have been used in the research literature: visible minorities, people of colour, ethnic/cultural minorities, caucasian and white versus members of cultural/racial communities, dominant and non-dominant cultural groups, racialized groups, and other phrases. The terms “visible minorities” and “racial minorities” are no longer considered appropriate because they depend on physical appearance to identify members of a group. These terms also assume that particular groups are outside of the majority community.

²⁶ See, for example, Hall, S. 1992. “New Ethnicities.” In Rettansi, A., Ed., “Race”, *Culture and Difference* (Sage Publications); Haney-Lopez, I. 1996. *White By Law* (New York: New York University Press); Miles, R. 1989. *Racism* (London: Routledge Press); Williams, P. 1991. *Alchemy of Race and Rights* (Boston: Harvard University Press).

The term used most recently is “racialized communities.” In this report, we refer to “people from racialized communities” and “racialized community lawyers.” The term “racialized communities” emphasizes vulnerability to racism and describes “a community of individuals who may have individual experiences of racism and who are collectively vulnerable to racism because of the way institutions define and treat them.”²⁷

These terms are also used extensively by legal experts on critical race theory, and by the Canadian Bar Association’s Working Group on Racial Equality in the Legal Profession in their report, *Racial Equality in the Canadian Profession*.²⁸ The report states that racialized refers to...

...persons whose social experiences may be determined by their presumed membership in a race. It identifies their vulnerability to different treatment or the denial of rights or privileges by individuals and institutions who believe that race should factor into their decision-making.²⁹

The report also employs the terms “ethnocultural” and “ethnoracial” communities. These terms are defined below:

Ethnocultural: A human population classified as alike, by its members or by others, on the basis of actual or assumed cultural and social distinctiveness related to actual or assumed common ancestry or place of origin.

Ethnoracial: A human population classified as alike, by its members or by others, on the basis of actual or assumed physical distinctiveness resulting from actual or assumed biological descent from common ancestry. The selection of characteristics which define people into racial groups has been arbitrary.³⁰

In the Contemporary Lawyers Survey (2003), participants were asked how they would identify themselves using nine categories: (1) Caucasian, European Canadian; (2) African-Canadian, Black Canadian; (3) Indian Subcontinent Canadian (Indo-Canadian); (4) East-Asian Canadian (Japanese, Korean); (5) South-East Asian Canadian (Vietnamese, Cambodian, Thailand, Philippines); (6) Aboriginal (First Nations, Métis, and Inuit); (7) Biracial or Multiracial Canadian; (8) Bicultural or Multicultural Canadian; and (9) Other. No categorization is without flaw. This selection was designed to offer a wide range of

²⁷St. Lewis, J., Trevino B. (Co-Chairs). 1999. *The Challenge of Racial Equality: Putting Principles into Practice* (Ottawa: Canadian Bar Association Working Group on Racial Equality in the Legal Profession, 1999).

²⁸St. Lewis, J., Trevino B. (Co-Chairs). 1999. *Racial Equality in the Legal Canadian Legal Profession*. This volume contains two reports: Report 1. *The Challenge of Racial Equality: Putting Principles into Practice*; St. Lewis, J. 1999; and Report 2. *Virtual Justice: Systemic Racism and the Canadian Legal Profession*. Presented to the Council of the Canadian Bar Association by the Working Group on Racial Equality in the Legal Profession (Ottawa: Canadian Bar Association).

²⁹ St. Lewis, J., Trevino B. (Co-Chairs). 1999. *The Challenge of Racial Equality: Putting Principles into Practice* (Ottawa: Canadian Bar Association Working Group on Racial Equality in the Legal Profession, 1999), p. 101.

³⁰Josée Bouchard. Equity Office. Personal Correspondence May 2004. Toronto: The Law Society of Upper Canada.

possible responses consistent with contemporary human rights language, and the opportunity for respondents to self-identify.

The report summarizes the distribution across these various groups among members of the Ontario legal profession. However, statistical analyses required that we amalgamate these groups so that numbers would be large enough to enable the computation of statistical tests of significance and measures of association. Therefore, categories 2 through 9 were recoded into a single group called racialized community members, while category 1 (Caucasian, European Canadian) was recoded as non-racialized community. This coding is consistent and allows for comparison with the *Final Report on Equity and Diversity in Alberta's Legal Profession*,³¹ one of the first large-scale surveys of equity and diversity in Canada.

Because of the low numbers within each of the specific groups (e.g., Aboriginal, African-Canadian, Black Canadian), we were unable to statistically analyze the experiences of these groups as separate communities. People from different racialized communities likely experience bias and discrimination with different intensity and frequency in the practice of law. Further research is required to examine these contrasting experiences. Given the small numbers of people from these racialized communities in the legal profession, research strategies that include focus groups and in-depth interviewing are likely to yield important insights.

Research Methodology

Questionnaire Design: The Contemporary Lawyers Survey (2003)

Questionnaire development was informed by several surveys of lawyers conducted in Canada and the United States over the past 15 years, a review of literature, and past surveys conducted by the Law Society of Upper Canada. Efforts were made to include many of the questions from the longitudinal survey of Ontario lawyers, known as “The Transitions Survey” (conducted in 1990, 1996, and 2002 by the Law Society of Upper Canada). The Transitions Survey focused on gender disparities in the legal profession over a 12-year period. By incorporating many of the same questionnaire items, it is possible to make comparisons between the findings of these two surveys, although some items were modified and others dropped.

The Contemporary Lawyers Survey was designed over a 10-month period and incorporated detailed input from several committees and offices at the Law Society of Upper Canada. The Equity Advisory Group, the Equity and Aboriginal Issues Committee, and the staff of the Equity Initiatives Department at the Law Society of Upper Canada contributed significantly to the design, content, and wording. In the months following the design and mailing of the survey, the Bicentennial Report Working Group provided valuable discussion on proposed analyses and avenues of investigation.

³¹ Cooper, Brockman, and Hoffart. *Final Report on Equity and Diversity in Alberta's Legal Profession*, p. vi.

The final survey focused on several dimensions of diversity in the legal profession:

- Representation of various racialized communities within the legal profession
- Representation of women within the contemporary legal profession
- Membership in under-represented communities (by virtue of race, ethnicity, gender, religion, disability, language)
- Demographic composition of workplaces
- Entry positions, articles, and mentorship
- Legal education
- Fields of law
- Sectors of practice and professional positions
- Promotions
- Earnings
- Family status and composition
- Clientele responsibilities
- Hours worked and billable hours
- Workplace responsibilities, autonomy, decision-making, and authority in practice
- Workplace benefits and accommodations
- Job satisfaction
- Perceptions of discrimination and inequities in law practice
- Views on issues confronting the legal profession

Sample and Administration

The sample of Ontario lawyers was stratified by year of call to include equal representation of lawyers called to the bar between 1998 and 2003, and prior to 1998. This disproportionate stratified sampling scheme was devised to ensure an oversampling of recent calls to the bar where there is the greatest ethnic and racial diversity. In recent years the legal profession has become more diversified as growing numbers from racialized communities have entered the profession. This sample of lawyers (particularly the last five years of calls to the bar) represents the first cohort with a significant number of people from racialized communities among its ranks.

Disproportionate stratified sampling is a technique that ensures sufficient cases are selected from all strata, including the smaller ones, and also enables a weighted estimation of overall

population parameters. These sampling procedures required that data be weighted to obtain unbiased estimates of the total population. The use of “weights” allows the researcher to restore unequal population size relationships among strata by assigning greater or lesser importance to sample elements. Data included in the report have been weighted to reflect the overall population of men and women in the population of Ontario lawyers.

The first mailing of the 2003 survey took place on April 1, 2003. Reminder postcards were mailed on April 8. To reduce non-response, individuals who had not yet returned a questionnaire were sent a follow-up mailing on May 1. Respondents were asked to return questionnaires by May 27, although questionnaires were accepted until August 31, 2003.

Surveys were mailed to a random stratified sample of 5,000 lawyers, and completed and returned by 1,754 respondents for a response rate of 35.08%. A total of 91 surveys were undeliverable. In addition, several surveys were not completed due to appointment to judge (1 case), no longer a member of the Ontario Bar (2 cases), no longer residing in Canada (3 cases), and death (1 case). When these cases are taken into account, the adjusted response rate is 35.78%, which is respectable by academic and industry standards.³² As with all surveys, questionnaire completion was voluntary, anonymous, and subject to self-selection bias. Therefore, the sample may not be statistically representative of the entire population of Ontario lawyers, although demographic and practice setting distributions appear consistent with that of the larger population of Ontario lawyers.

Strategic and Policy Issues to be Addressed

This research focuses on the advancement of diverse groups in the legal profession, seeking to determine where inroads have been made and to identify what barriers remain and how they operate. The research contributes to efforts to ensure that the legal profession guarantees various groups—including traditionally non-dominant groups—equality of access to law, and equality of opportunity for advancement within legal careers.

³² This response rate is consistent with or superior to other recent surveys of the legal profession. For example, the survey of the profession conducted by the Alberta Law Society in 2003 received a response rate of 13% among active members. The authors of the report describe this rate of response as “high by industry standards” (See Cooper, Brockman, and Hoffart. *Final Report on Equity and Diversity*, p. 15). Another survey, conducted in Alberta in 1994 by Professor Jean Wallace at the University of Calgary, received a rate of response of 39% (See Wallace, J. 1999. “Work-to-nonwork conflict among married male and female lawyers.” *Journal of Organizational Behavior* 20, p. 804).

Research Questions

Seven sets of questions guide this study:

- **Demographic Contrasts:** What is the representation of people of racialized communities in Ontario's legal profession as of 2003? How diverse is the profession in gender, racialized communities, and first language spoken?
- **Professional Positions:** Where do people of racialized communities seek and find careers in the legal profession? How are diverse groups represented across fields of law, sectors of practice, and positions of seniority?
- **Partnership and Earnings:** Have people of racialized communities succeeded at becoming partners at a rate commensurate with their level of experience? Is there a disparity between the earnings of lawyers of racialized and non-racialized communities? Has the gender gap in earnings declined with the growing numbers of women in the profession in recent years?
- **Practice Responsibilities:** How do lawyers of racialized and non-racialized communities vary with respect to professional responsibilities, clientele, and billable hours? Do women and men invest similar or different amounts of time in the practice of law (billable and other forms of hours)? How do professional responsibilities compare across gender, racialized communities, and other demographic variables in law practice? Do male and female lawyers, and lawyers of racialized and non-racialized communities, represent the same types of clients?
- **Family and Career Balance:** Have law firms and other organizations that employ lawyers made strides toward increasing the availability of workplace flexibility and supports for lawyers as parents? Are lawyers satisfied with the balance between career and family responsibilities?
- **Benefits and Workplace Supports:** How have benefits and workplace supports (e.g., maternity leave options, child care, flexibility in hours, availability of part-time employment) offered to lawyers working in various job settings (e.g., private practice, private industry, government employment, Legal Aid) changed in recent years? Are workplace supports and benefits more readily available across a range of employment settings?
- **Discrimination:** Has the work climate improved for under-represented communities in the legal profession? What experiences are reported by lawyers of under-represented communities (including ethnicity or cultural background, racialized communities, religion or creed, disability, language, and sexual orientation)?

Characteristics of the Sample

A major focus of this survey is ethnic and cultural diversity within the legal profession. It should be noted that diversity is discussed throughout this report; this section concentrates on the extent of diversity within the legal profession and provides a context for subsequent sections of the report. General characteristics of the sample include age, year of call, gender, and the ethnic/racial/cultural identification of participants. We also draw comparisons between men's and women's family composition and responsibilities.

The term "statistical significance" is used throughout, and means that a significant difference between the experiences of men and women is unlikely due to chance. A significance level less than .05 ($p < .05$) means that the relationship in question could only have occurred by chance five or fewer times out of 100.

Demographics

The average age of those sampled is 46.83 years, and the mean average year of call is 1986 (see Table 2.1). On average, respondents have been eligible to practise law for 18 years.

Table 2.1: Age & Year of Call

	Mean	SD
Age	46.83 (N=1,731)	11.24
Year of Call	1986.29 (N=1,744)	11.63

The overall distribution of respondents with regard to gender and marital status is displayed in Table 2.2. Approximately 65% are men and 35% are women. The majority of respondents (80%) reported that they were married or cohabiting with someone, 11% have never married or cohabited, and 9% were widowed, divorced, or separated.

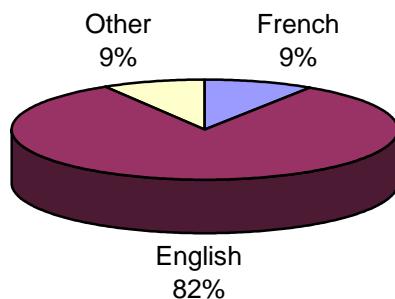
Table 2.2: Gender and Marital Status

Gender	N	%
Male	1,139	65.2
Female	609	34.8
Total	1,747	100.0
Marital Status	N	%
Married/cohabiting with someone of opposite or same sex	1,399	80.4
Widowed, divorced, or separated	148	8.5
Never married or cohabited	193	11.1
Total	1,741	100.0

Table 2.3 and Figure 2.1 illustrate the ethnic/cultural diversity of this sample according to the first language spoken by lawyers as well as their ethnic identification. English was the most prominent first language (82%), followed by French (9%), and another language (9%). The most common category of self-identification was Caucasian and European Canadian (85%), followed by “other” (7%), and bicultural or multicultural Canadian (3%). Less than 1.5% of lawyers chose each of the following categories: African-Canadian/Black Canadian (0.9%), Indian Subcontinent Canadian (1.3%), East-Asian Canadian (1.4%), Southeast-Asian Canadian (0.1%), Aboriginal (0.8%), and biracial or multiracial Canadian (1.0%).

Table 2.3: Ethnic Cultural Diversity

First Language Spoken	N	%
French	163	9.3
English	1,432	82.0
Another language	152	8.7
Total	1,747	100.0
Ethnic Identification	N	%
Caucasian, European Canadian	1,472	84.5
African-Canadian, Black Canadian	15	0.9
Indian Subcontinent Canadian (Indo-Canadian)	22	1.3
East-Asian Canadian (Japanese, Korean)	24	1.4
Southeast-Asian Canadian (Vietnamese, Cambodian, Thailand, Philippines)	2	0.1
Aboriginal (First Nation, Métis, & Inuit)	13	0.8
Biracial or multiracial Canadian	18	1.0
Bicultural or multicultural Canadian	50	2.9
Other	125	7.2
Total	1,741	100.0

Figure 2.1: First Language Spoken

Participants were asked if they considered themselves to be members of an under-represented community by virtue of their ethnicity or cultural background, race, religion or creed, disability, or sexual orientation (see Table 2.4). They were invited to circle as many responses as applied to them. The largest percentage of respondents (75.6%) did not view themselves as members of under-represented communities. The most commonly cited under-represented communities were ethnicity or cultural background (10.2%), religion or creed (8.8%), and race (5.0%).

Table 2.4: Under-Represented Communities (N=1,718)

Do you consider yourself to be a member of an under-represented community? (Circle as many as apply)	Yes		No	
	N	%	N	%
Yes, by virtue of my ethnicity or cultural background	175	10.2	1,542	89.8
Yes, by virtue of my race	86	5.0	1,632	95.0
Yes, by virtue of my religion or creed	152	8.8	1,566	91.2
Yes, due to a disability	12	0.7	1,705	99.3
Yes, by virtue of my language	49	2.9	1,668	97.1
Yes, due to my sexual orientation	41	2.4	1,676	97.6
No, I do not consider myself to be a member of a minority group	1,299	75.6	419	24.4

Family Responsibilities

In analyzing family responsibilities, we considered the total number of children, the number of children living in the home, and time spent in child care. We also compared the experiences of male and female lawyers. Table 2.5 shows the total number of children in the family and the number of children currently living in the home. The mean averages are 1.57 children per family and 0.99 children in the home. Given the age distribution of lawyers in the sample, this is not surprising; many lawyers have children over 18 years of age who have left home. There are also divorced and separated respondents whose children live with their ex-spouse.

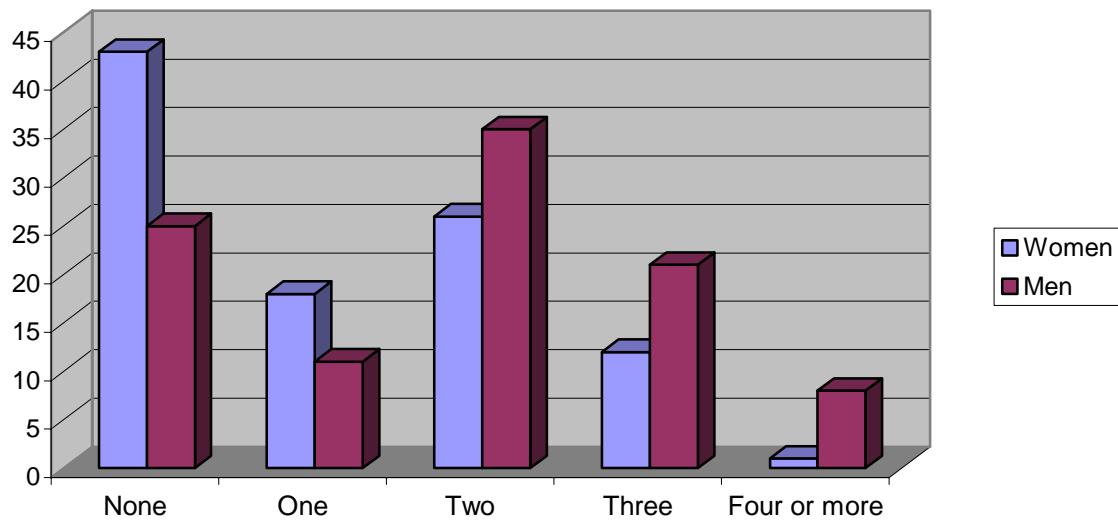
Table 2.5: Number of Children

	Mean	SD
Number of Children	1.57 (N=1,692)	1.33
Number of Children in the Home	.99 (N=1,692)	1.11

Table 2.6 and Figure 2.2 compare the size of families of male and female lawyers. The differences are statistically significant. Men are most likely to have two children (35%), no children (25%), or three children (21%). Women, on the other hand, are more likely to have no children (43%), two children (26%), or one child (18%). For men, the mean average is 1.81 children, compared with 1.11 children for women. Male lawyers are likely to have more children than female lawyers and more variation in the size of their families. (Men have a standard deviation of 1.37 from the mean average, compared with a standard deviation of 1.13 among women.) Only 25% of male lawyers remained childless compared with 43% of female lawyers.

Table 2.6: Total Number of Children

Total Number of Children	Men		Women	
	N	%	N	%
None	269	24.5	252	42.9
One	124	11.3	105	17.5
Two	389	35.4	155	26.4
Three	230	20.9	71	12.1
Four or more	87	7.9	7	1.2
Total	1,099	100.0	588	100.0
Pearson Chi-Square Value = 110.59 d.f. = 4 p ≤ .001				
Overall Mean T-value = 11.17 p ≤ .001		1.81 (SD = 1.37)		1.11 (SD = 1.13)

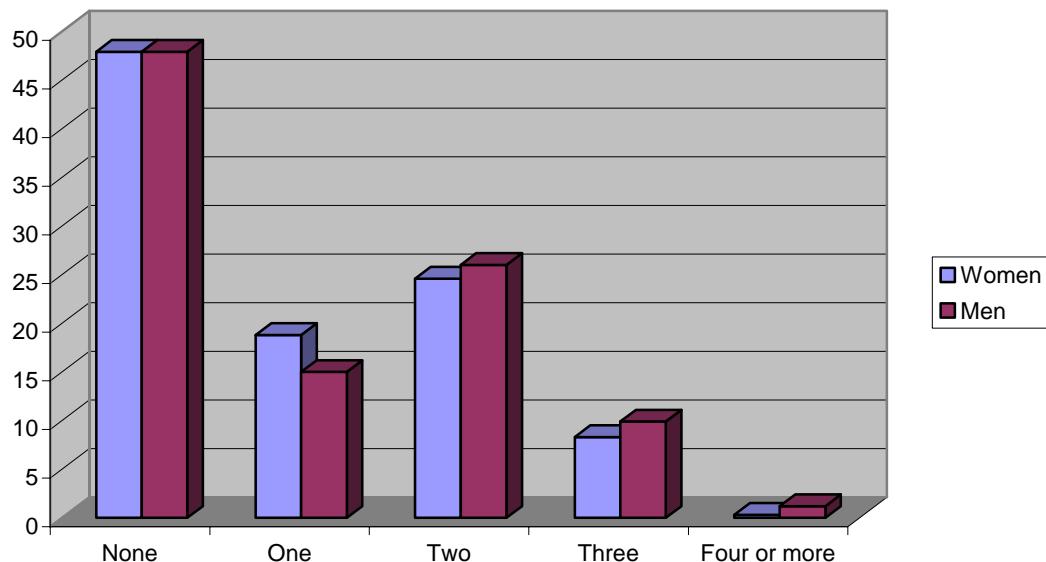
Figure 2.2: Number of Children

This trend can be juxtaposed with the number of children living in the home for women and men in this sample (see Table 2.7 and Figure 2.3). Both men and women are most likely to have no children in the home (48%), followed by two children (26% of men and 25% of women), or one child (15% of men and 19% of women). These differences are statistically insignificant.

Table 2.7: Total Number of Children in the Home

Total Number of Children in the Home	Men		Women	
	N	%	N	%
None	527	47.9	282	47.9
One	165	15.0	111	18.8
Two	286	26.0	145	24.6
Three	109	9.9	49	8.3
Four or more	13	1.2	2	.3
Total	1,100	100.0	589	100.0
Pearson Chi-Square Value = 7.86 d.f. = 4 NS				
Overall Mean T-value = 1.46 NS		1.02 (SD = 1.14)		.94 (SD = 1.04)

Figure 2.3: Number of Children in the Home



A sizeable proportion of women lawyers in our sample seem to have delayed childbearing; they waited longer to have children compared with men in the cohort. For women, there is little difference between the total number of children in the family and the number of children still at home. This implies that their children are generally younger, whereas many men in our sample have older children who have moved out of the home. These differences between men and women may also be attributed to patterns of separation and divorce, and child custody.

Men and women with children were also asked about the number of hours spent on family responsibilities. Table 2.8 shows that gender differences are statistically significant. In

general, men spent fewer hours a week on family responsibilities than women: 81% of men compared to 42% of women spent between 0 and 30 hours a week on family. Women were more likely to devote even greater amounts of time: 58% of women reported spending 31 or more hours per week compared to 19% of men. Men spent on average 15.29 mean hours per week on family responsibilities, compared to 30 mean hours per week among women.

Table 2.8: Number of Hours Spent on Family Responsibilities by Those Who Have Children

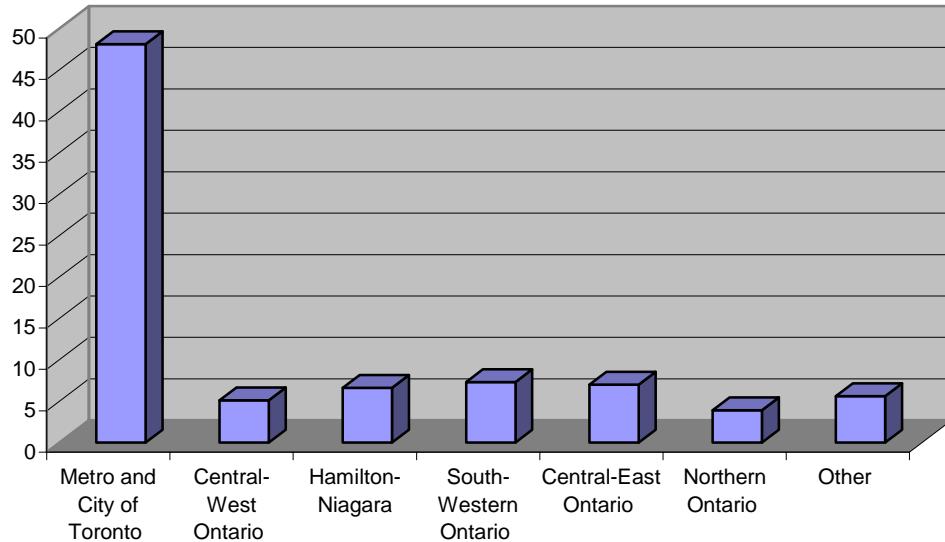
Number of Hours Spent on Child Care	Men		Women	
	N	%	N	%
0-10	157	29.6	21	7.4
11-20	168	31.7	54	19.1
21-30	105	19.8	43	15.2
31-40	54	10.2	70	24.8
41-50	24	4.5	32	11.3
51-60	11	2.1	30	10.6
61 or more hours	11	2.1	32	11.3
Total	530	100.0	282	100.0
Pearson Chi-Square Value = 148.83 d.f. = 6 p≤.001				
Overall Mean T-value = -12.04 p≤.001	15.29 (SD = 14.07)		30.00 (SD = 17.74)	

Background Characteristics

Background characteristics include the region in which lawyers work, the law school they attended, and how they financed their education. As shown in Table 2.9 and Figure 2.4, a sizeable proportion of lawyers work in the area of Metro and City of Toronto (48%); the remaining 52% are dispersed throughout Ontario. The next most common regions, following Toronto, are South-Western Ontario (7.3%), Central-East Ontario (7.0%), and the Hamilton-Niagara area (6.6%). Northern Ontario has the fewest lawyers (3.9%).

Table 2.9: Region

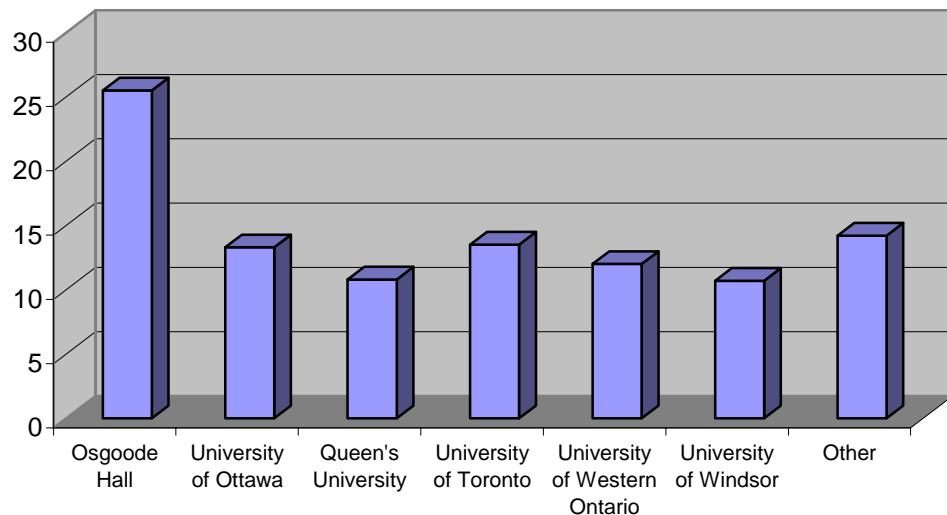
In what region do you work?	N	%
Metro and City of Toronto (also includes Scarborough, City of York, East York, Etobicoke, North York)	835	48.1
Central-West Ontario (e.g., Halton, Peel, Wellington)	89	5.1
Hamilton-Niagara (also includes Waterloo, Brant County)	115	6.6
South-Western Ontario (e.g., Essex, Middlesex, Kent counties)	127	7.3
Central-East Ontario (e.g., Durham Region, Peterborough, Simcoe, York Region)	122	7.0
Northern Ontario (e.g., Sudbury, Thunder Bay, Algoma)	68	3.9
Other	97	5.6
Total	1,738	100.0

Figure 2.4: Region

Participants were asked a variety of questions about their legal education. Table 2.10 and Figure 2.5 display the results of the question, “From which law school did you graduate?” The largest number of lawyers attended Osgoode Hall, York University (25.5%), followed by “other” (14%), and the University of Toronto (14%). Lawyers who selected “other” went to law schools outside of Ontario, primarily in Canada (e.g., McGill University, Dalhousie University, University of Calgary), and a few attended noted schools in the United States, England, and elsewhere.

Table 2.10: Law School Attended

Law School Attended	N	%
Osgoode Hall (York University)	445	25.5
University of Ottawa/Université D’Ottawa	233	13.3
Queen’s University	188	10.8
University of Toronto	237	13.5
University of Western Ontario	210	12.0
University of Windsor	187	10.7
Other	249	14.2
Total	1,748	100.0

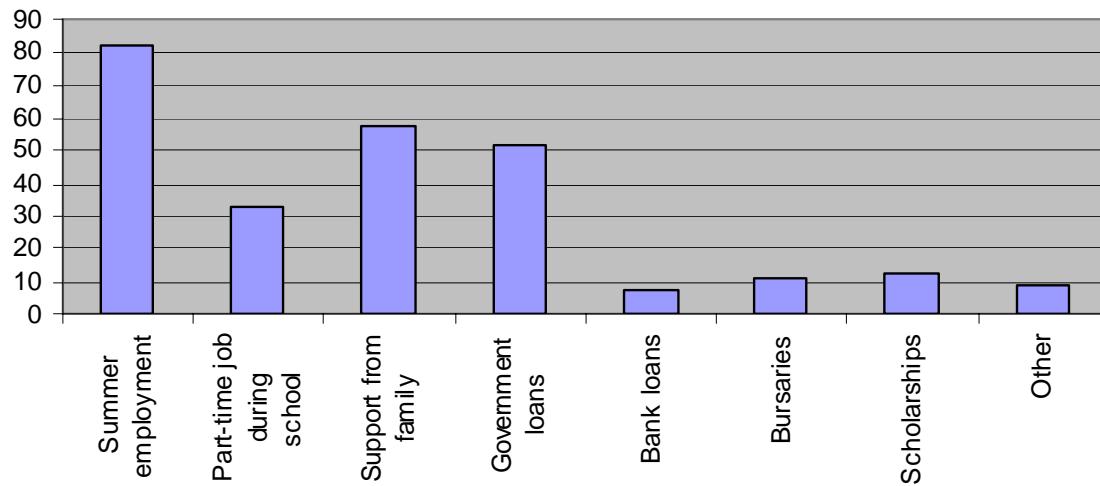
Figure 2.5: Law School Attended

Most lawyers financed their legal education through summer employment (82%), financial support from family (58%), and government student loans (52%). Further options included part-time employment during the school year, bank loans, bursaries, scholarships, and “other” (see Table 2.11 and Figure 2.6).

Table 2.11: Financing of Legal Education (N=1,753)

How did you finance your legal education? (Circle as many as apply)	Yes		No	
	N	%	N	%
Earnings through summer employment	1,438	82.0	315	18.0
Earnings through part-time employment during school year	575	32.8	1,178	67.2
Financial support from family	1,008	57.5	744	42.5
Government student loans	906	51.7	847	48.3
Bank loans	131	7.5	1,622	92.5
Bursaries	195	11.1	1,557	88.9
Scholarships	222	12.7	1,530	87.3
Other	163	9.3	1,589	90.7

Figure 2.6: Financing of Legal Education



Characteristics of Current Position

Type of Setting, Location, and Professional Position

This section describes the professional positions held by lawyers in Ontario as of 2002, including fields of law practised, size of firm or organization, and time dedicated to different work tasks. The first part of the analysis examines all lawyers practising law. The second part focuses on private practice (sole practitioners and lawyers working for law firms).

The comparisons made in this section emphasize both gender and ethnic/racial dynamics. Tables explore differences and similarities between the experiences of people of racialized and non-racialized communities, as well as the contrasting experiences of male and female lawyers.

Lawyers Practising Law: All Settings

The vast majority of lawyers surveyed work on a full-time basis (see Table 3.1 and Figure 3.1). Of the 1,533 practising lawyers who responded to the survey, 94% work full-time. The analysis in Table 3.1 excludes seven lawyers who indicated that they were on leave, and two sole practitioners who were not working for pay at the time. Lawyers are more likely to work full-time across an array of work settings; for example, 95% of government lawyers work full-time. There were only two settings in which more than 10% of respondents indicated that they worked part-time: in-house counsel (11% part-time), and adjunct/board/tribunal (22% part-time). Ten percent of sole practitioners work part-time. In contrast, only 3% of lawyers working in large law firms of 75 or more lawyers work part-time.

Table 3.1: Full-time or Part-time Work

Work Setting	Full-time (N=1,439)	Part-time (N=94)	Total (%)
Government	94.7	5.3	100.0%
In-house Counsel	88.7	11.3	100.0%
Community Legal Clinic	90.5	9.5	100.0%
Adjunct/Board/Tribunal	77.8	22.2	100.0%
Sole Practitioner	90.1	9.9	100.0%
Firm of 2-9 Lawyers	96.8	3.2	100.0%
Firm of 10-19 Lawyers	96.2	3.8	100.0%
Firm of 20-49 Lawyers	97.0	3.0	100.0%
Firm of 50-74 Lawyers	90.3	9.7	100.0%
Firm of 75+ Lawyers	96.8	3.2	100.0%
Community/Non-profit	100.0	0.0	100.0%
Other	91.2	8.8	100.0%

Pearson Chi-Square Value = 31.89 d.f. = 11 p<.05
6 cells have expected count of less than 5.

Figure 3.1: Full-time or Part-Time Work

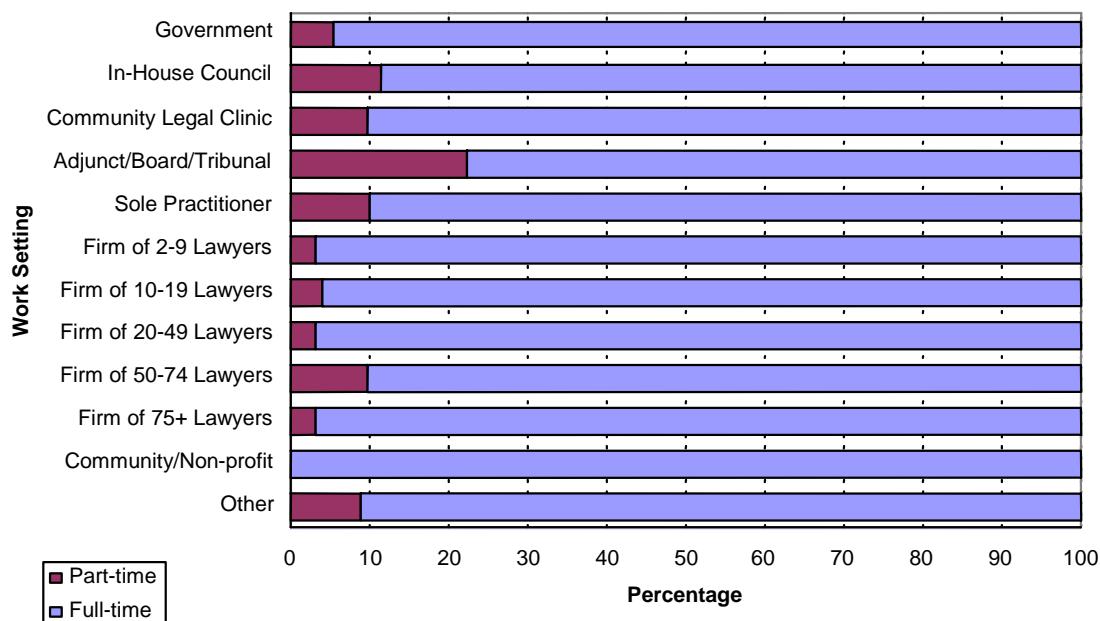
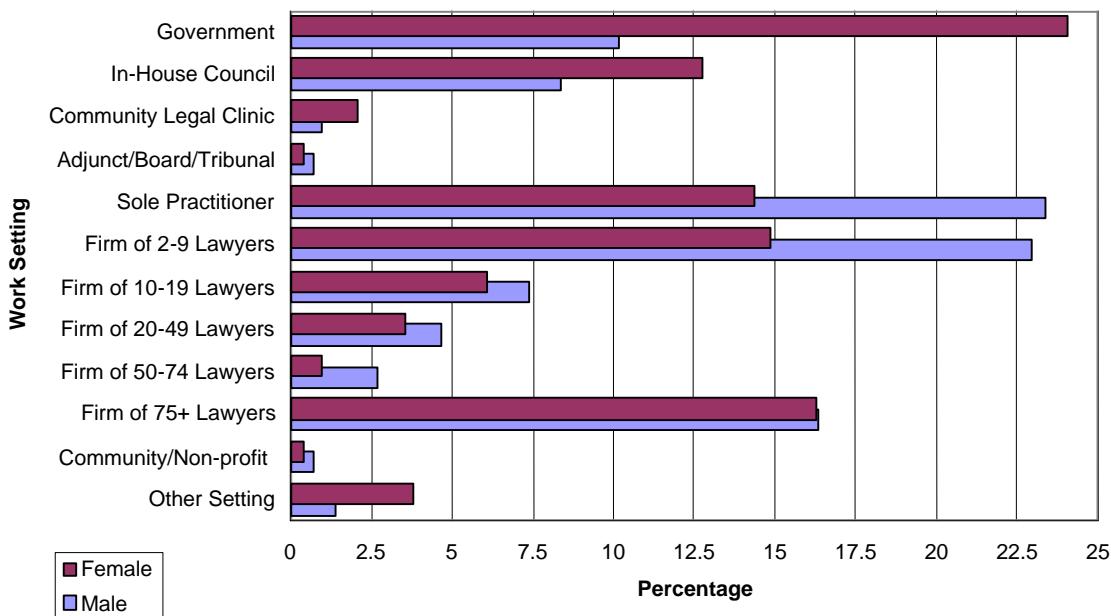


Table 3.2 examines the percentages of men and women practising law across various work settings (also refer to Figure 3.2). The majority of lawyers in our sample are male (1,016 males compared with 522 females). Women lawyers are more likely to be working in government (24% of women compared with 10% of men), or employed as in-house counsel (13% compared with 8%). In addition, women are slightly more likely than men to describe their professional position as “other” than the categories listed (4% compared with 1%). A higher percentage of men work as sole practitioners (23% of men compared with 14% of women), and in small firms of 2 to 9 lawyers (23% versus 15%). For both men and women, representation was greater in small firms (less than 10 lawyers) and in large firms (75 or more lawyers) than in mid-sized firms of 10 to 74 lawyers. Approximately 16% of all lawyers work in large firms of 75 or more.

Table 3.2: Work Settings by Gender

Work Setting	Male (N=1,016)	Female (N=522)
Government	10.2	24.1
In-house Counsel	8.4	12.8
Community Legal Clinic	1.0	2.1
Adjunct/Board/Tribunal	0.7	0.4
Sole Practitioner	23.4	14.4
Firm of 2-9 Lawyers	23.0	14.9
Firm of 10-19 Lawyers	7.4	6.1
Firm of 20-49 Lawyers	4.7	3.6
Firm of 50-74 Lawyers	2.7	1.0
Firm of 75+ Lawyers	16.4	16.3
Community/Non-profit	0.7	0.4
Other Setting	1.4	3.8
Total (%)	100.0	100.0
Pearson Chi-Square Value = 96.73 d.f. = 11 p<.001 2 cells have expected count less than 5.		

Figure 3.2: Work Settings by Gender

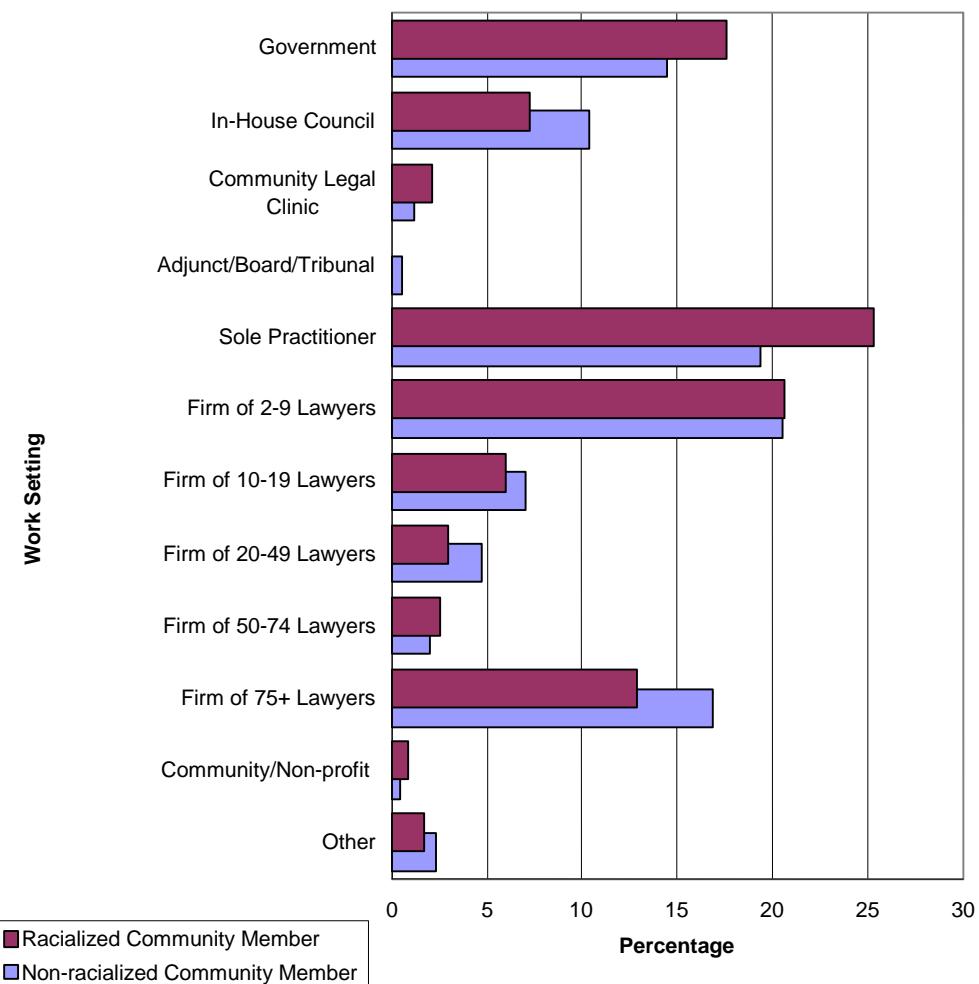


The work settings of lawyers of racialized and non-racialized communities differ slightly (see Table 3.3 and Figure 3.3). A total of 233 lawyers identified themselves as people of racialized communities (15% of the sample), while 1,303 lawyers (85%) identified with non-racialized communities. Racialized community lawyers are slightly more likely to work for government (18%, compared with 15% of non-racialized lawyers), or to work as sole practitioners (25% compared with 19%). Non-racialized lawyers are slightly more likely to work as in-house counsel (10% compared with 7%), and in large law firms of 75 or more lawyers (17% compared with 13%). These differences are small and statistically insignificant.

Table 3.3: Work Settings by Racial/Ethnic Background

Work Setting	Non-Racialized Community Member (N=1,303)	Racialized Community Member (N=233)
Government	14.5	17.6
In-house Counsel	10.4	7.3
Community Legal Clinic	1.2	2.1
Adjunct/Board/Tribunal	0.6	0.0
Sole Practitioner	19.4	25.3
Firm of 2-9 Lawyers	20.5	20.6
Firm of 10-19 Lawyers	7.0	6.0
Firm of 20-49 Lawyers	4.7	3.0
Firm of 50-74 Lawyers	2.0	2.6
Firm of 75+ Lawyers	16.9	12.9
Community/Non-profit	0.5	0.9
Other	2.3	1.7
Total (%)	100.00	100.00
Pearson Chi-Square Value = 13.64 d.f. = 11 NS 4 cells have expected count less than 5.		

Figure 3.3: Work Settings by Racial/Ethnic Background



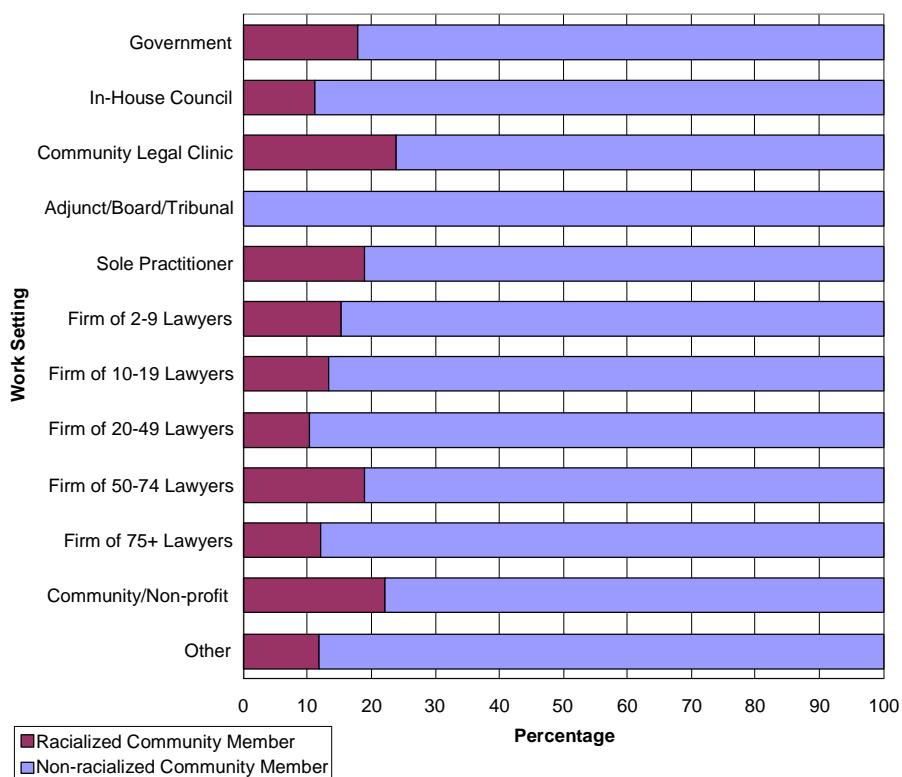
Racialized communities remain under-represented within the profession as a whole (see Table 3.4 and Figure 3.4). In government work settings, where employment equity policies have been implemented, 18% of lawyers on staff self-identify as people of racialized communities. Twenty-four percent (24%) of lawyers in community legal clinics and 22% of lawyers in community and non-profit organizations are people of racialized communities. Mid-sized law firms of 50 to 74 lawyers are slightly more likely to hire racialized lawyers (19% self-identify as people of racialized communities) than firms of 75 or more (12%). These differences are statistically insignificant, yet the overall pattern is one of under-representation of racialized community members across work settings relative to their representation in the Canadian population.

Table 3.4: Racial/Ethnic Diversity Across Various Work Settings

Work Setting	Non-Racialized Community Member (N=1,303)	Racialized Community Member (N=233)	Total (%)
Government	82.2	17.8	100.0
In-house Counsel	88.8	11.2	100.0
Community Legal Clinic	76.2	23.8	100.0
Adjunct/Board/Tribunal	100.0	0.0	100.0
Sole Practitioner	81.1	18.9	100.0
Firm of 2-9 Lawyers	84.8	15.2	100.0
Firm of 10-19 Lawyers	86.7	13.3	100.0
Firm of 20-49 Lawyers	89.7	10.3	100.0
Firm of 50-74 Lawyers	81.3	18.8	100.0
Firm of 75+ Lawyers	88.0	12.0	100.0
Community/Non-profit	77.8	22.2	100.0
Other	88.2	11.8	100.0

Pearson Chi-Square Value = 13.64 d.f. = 11 NS
4 cells have expected count less than 5.

Figure 3.4: Racial/Ethnic Diversity Across Various Work Settings



Main Fields of Law Practised

Respondents were asked to identify the main field of law that they currently practise. The categories included the following:

- | | |
|-------------------------------------|---|
| (1) Administrative Law | (9) Insurance Law |
| (2) Civil Litigation | (10) Municipal Law |
| (3) Criminal Law | (11) Other |
| (4) Corporate and Commercial | (12) Patents, Trademarks, and Copyright |
| (5) Employment and Labour Relations | (13) Poverty Law |
| (6) Estates, Wills, and Trusts | (14) Real Estate |
| (7) Family Law and Divorce | (15) Taxation |
| (8) Immigration | |

The category “other” includes Aboriginal rights, adjudication/mediation, constitutional law, debtors’ and creditors’ rights, human rights and charter, landlord and tenant, and legal policy work. Each of these fields of law contained fewer than five cases in the sample. These fields of law were collapsed into a single category (“other”) so that statistical tests of difference could be calculated.

A number of differences occur along gender lines (see Table 3.5 and Figure 3.5). Women are more likely than men to practise family or divorce law (13% compared with 7%), and fields classified as “other” (16% compared with 11%). In contrast, men are much more likely than women to practise real estate law (16% compared with 5%). Males are also slightly more likely to practise civil litigation than their female counterparts (18% compared with 15%). Men and women are equally likely to practise in the areas of administrative law (3%), municipal law (2%), corporate and commercial law (16% of men compared with 15% of women), and criminal law (10% of men compared with 11% of women). The differences noted across fields of law are statistically significant ($p<.001$).

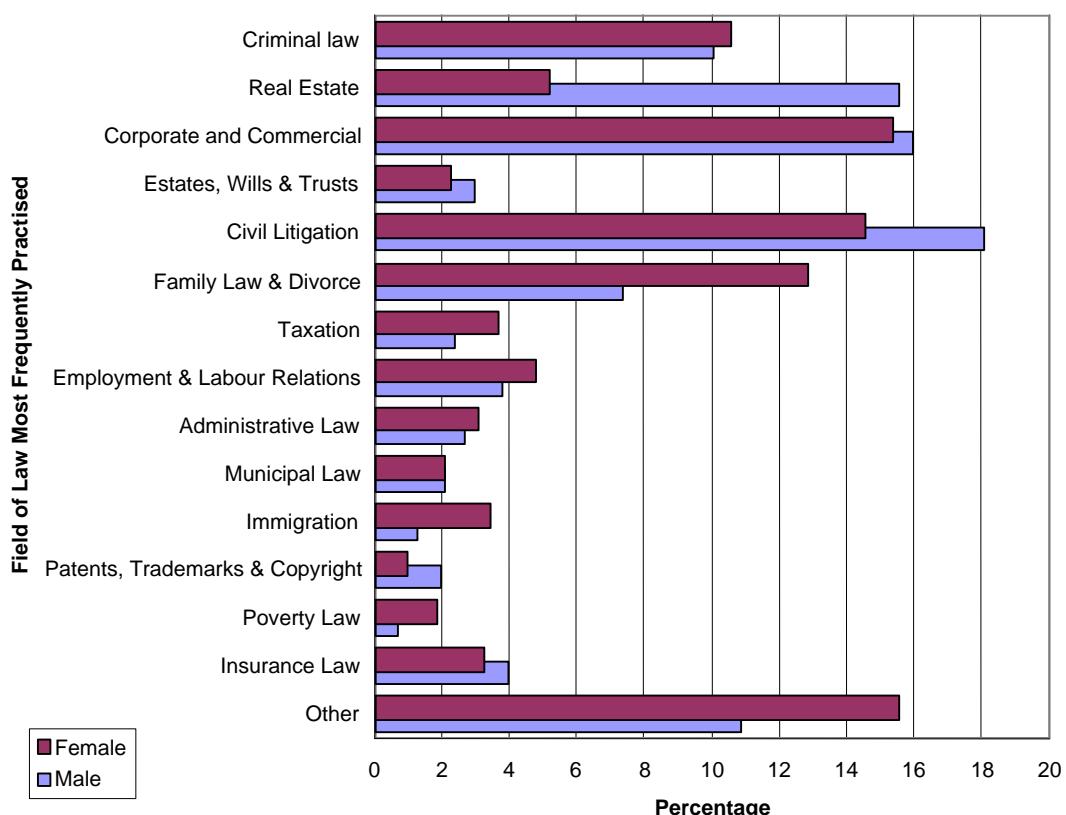
Table 3.5: Fields of Law by Gender

Field of Law Most Frequently Practised	Male (N=1,015)	Female (N=519)
Criminal law	10.1	10.6
Real Estate	15.6	5.2
Corporate and Commercial	16.0	15.4
Estates, Wills & Trusts	3.0	2.3
Civil Litigation	18.1	14.6
Family Law & Divorce	7.4	12.9
Taxation	2.4	3.7
Employment & Labour Relations	3.8	4.8
Administrative Law	2.7	3.1
Municipal Law	2.1	2.1
Immigration	1.3	3.5
Patents, Trademarks & Copyright	2.0	1.0
Poverty Law	0.7	1.9
Insurance Law	4.0	3.3
Other ¹	10.9	15.6
Total (%)	100.0	100.0

Pearson Chi-Square Value = 69.59 d.f. = 14 $p<.001$

¹ Other includes Aboriginal Rights, Adjudication/Mediation, Constitutional Law, Debtors' and Creditors' Rights, Human Rights and Charter, Landlord and Tenant, and Legal Policy Work.

Figure 3.5: Fields of Law by Gender



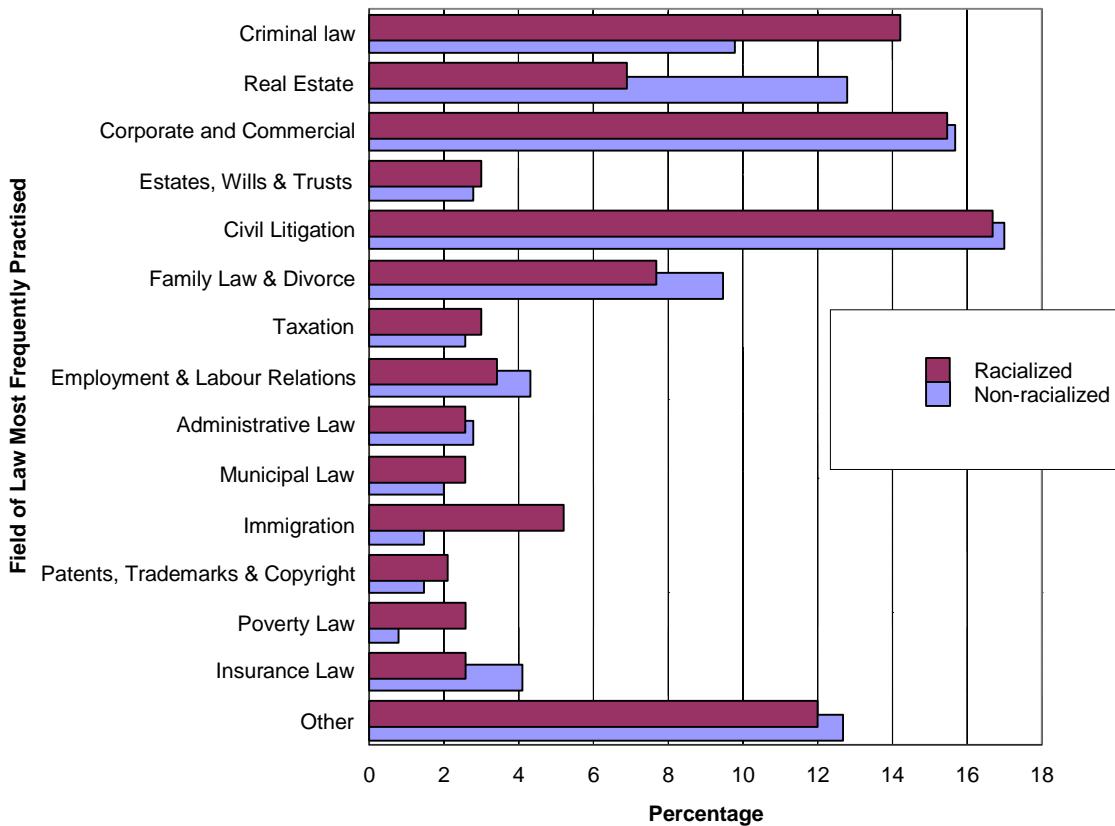
Racial and ethnic diversity is an important factor in fields of law practised. Table 3.6 displays the fields of law practised most often by lawyers self-identifying as people of either racialized or non-racialized communities (see also Figure 3.6). Non-racialized and racialized lawyers have approximately the same likelihood of practising civil litigation (17%), and corporate and commercial law (16%). Racialized lawyers are slightly more likely to practise criminal law (14%, compared with 10% of non-racialized lawyers), immigration law (5% compared with 2%), and poverty law (3% compared with 1%). Non-racialized lawyers are more likely than racialized lawyers to practise real estate law (13% compared with 7%), and slightly more likely to practise insurance law (4% compared with 2.6%) and family law and divorce (10% compared with 8%). These differences are statistically significant ($p<.05$).

Table 3.6: Fields of Law by Racial/Cultural Identification

Field of Law Most Frequently Practised	Non-Racialized Community Member (N=1,300)	Racialized Community Member (N=233)
Criminal law	9.8	14.2
Real Estate	12.8	6.9
Corporate and Commercial	15.7	15.5
Estates, Wills & Trusts	2.8	3.0
Civil Litigation	17.0	16.7
Family Law & Divorce	9.5	7.7
Taxation	2.6	3.0
Employment & Labour Relations	4.3	3.4
Administrative Law	2.8	2.6
Municipal Law	2.0	2.6
Immigration	1.5	5.2
Patents, Trademarks & Copyright	1.5	2.1
Poverty Law	0.8	2.6
Insurance Law	4.1	2.6
Other ¹	12.7	12.0
Total (%)	100.0	100.0

Pearson Chi-Square Value = 31.39 d.f. = 14 p<.05
 4 cells have expected count less than 5; the observed cell count is greater than 5
¹ Other includes Aboriginal Rights, Adjudication/Mediation, Constitutional Law, Debtors' and Creditors' Rights, Human Rights and Charter, Landlord and Tenant, and Legal Policy Work.

Figure 3.6: Fields of Law by Racial/Cultural Identification



Earnings

Earnings were examined through the question, “In which of the following groups did your earnings for 2002 fall (after business deductions and before taxes)?” The earnings of lawyers working both full-time and part-time were analyzed based on gender and racial/ethnic identity.

Table 3.7 and Figure 3.7 show the distribution of men and women lawyers across income categories. Women remain less likely to earn the highest levels of income. Approximately 8% of men reported earnings of over \$500,000 compared with 3% of women. Likewise, 4% of men compared with less than 1% of women reported earnings of \$400,000 to \$499,999. In addition, 21% of men compared with only 13% of women reported earnings between \$150,000 and \$299,999.

On the other hand, women were more highly represented in each of the lower income categories (at intervals of \$5,000) under \$90,000. This may be attributed in part to the higher representation of women among newer entrants to the profession and among part-time workers.

Table 3.7: Earnings by Gender

Earnings for 2002	Male (N=978)	Female (N=514)
Under 35,000	3.9	5.6
35,000 to 39,999	1.7	1.8
40,000 to 44,999	1.7	1.9
45,000 to 49,999	1.8	2.1
50,000 to 54,999	2.1	3.9
55,000 to 59,999	1.6	4.3
60,000 to 64,999	2.9	4.9
65,000 to 69,999	2.6	4.3
70,000 to 74,999	3.6	4.3
75,000 to 79,999	3.0	4.3
80,000 to 84,999	2.5	3.3
85,000 to 89,999	2.9	4.1
90,000 to 94,999	3.9	3.7
95,000 to 99,999	4.3	4.9
100,000 to 149,999	24.2	27.2
150,000 to 199,999	11.5	8.9
200,000 to 299,999	9.8	4.1
300,000 to 399,999	5.1	3.5
400,000 to 499,999	3.5	0.4
500,000 plus	7.5	2.5
Total (%)	100.0	100.0

Pearson Chi-Square Value = 74.11 d.f. = 19 p<.05

Figure 3.7: Earnings by Gender

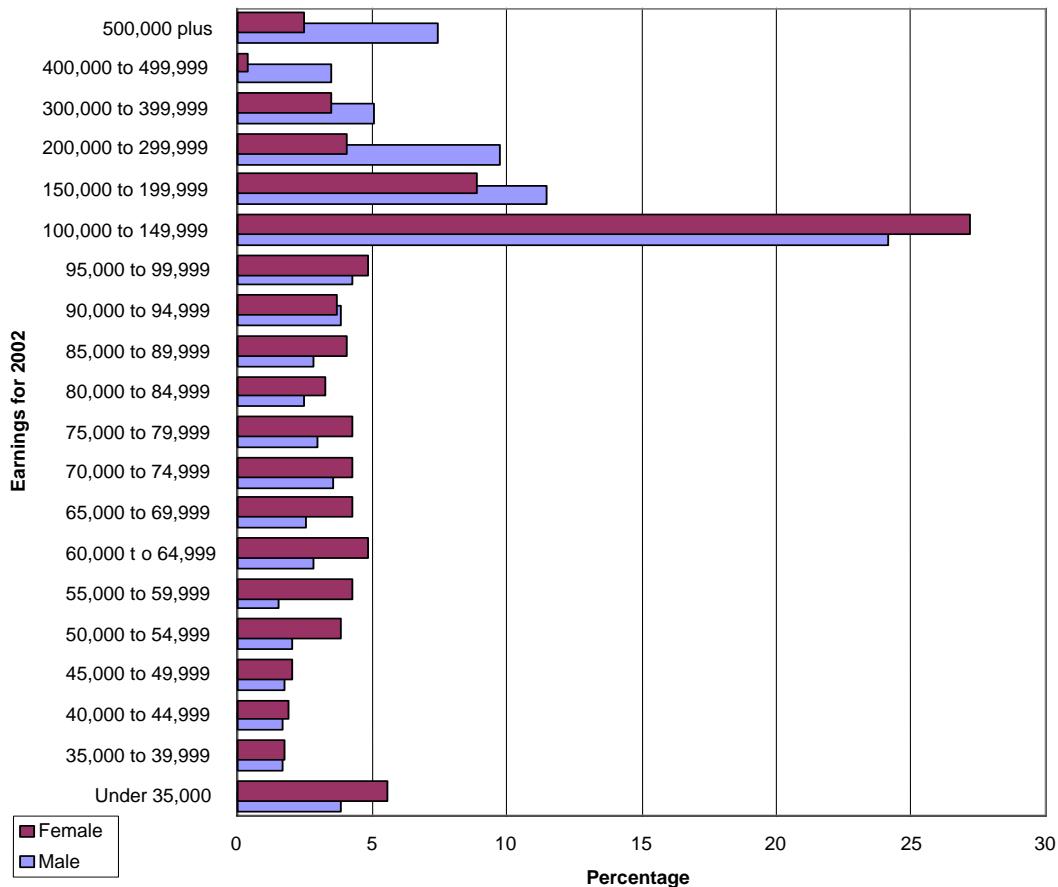


Table 3.8 examines the earnings of lawyers while taking into account their racial/ethnic background (see also Figure 3.8). The pattern observed among members of different racialized/ethnic communities parallels the gender differences noted in the previous table: lawyers of racialized communities are more likely than non-racialized lawyers to report earnings in the lower income brackets of under \$90,000. Racialized community lawyers are more highly represented in the very lowest income levels of under \$35,000, as well as in each of the \$5,000 intervals between \$40,000 and \$90,000. In sharp contrast, non-racialized lawyers are more highly represented among the income levels of \$150,000 through \$500,000. In the very highest income levels, we find 7% of non-racialized community lawyers compared with only 1% of racialized community lawyers. Racialized lawyers remain conspicuously absent from the higher income levels. The differences in earnings between racialized and non-racialized communities are statistically significant ($p < .05$).

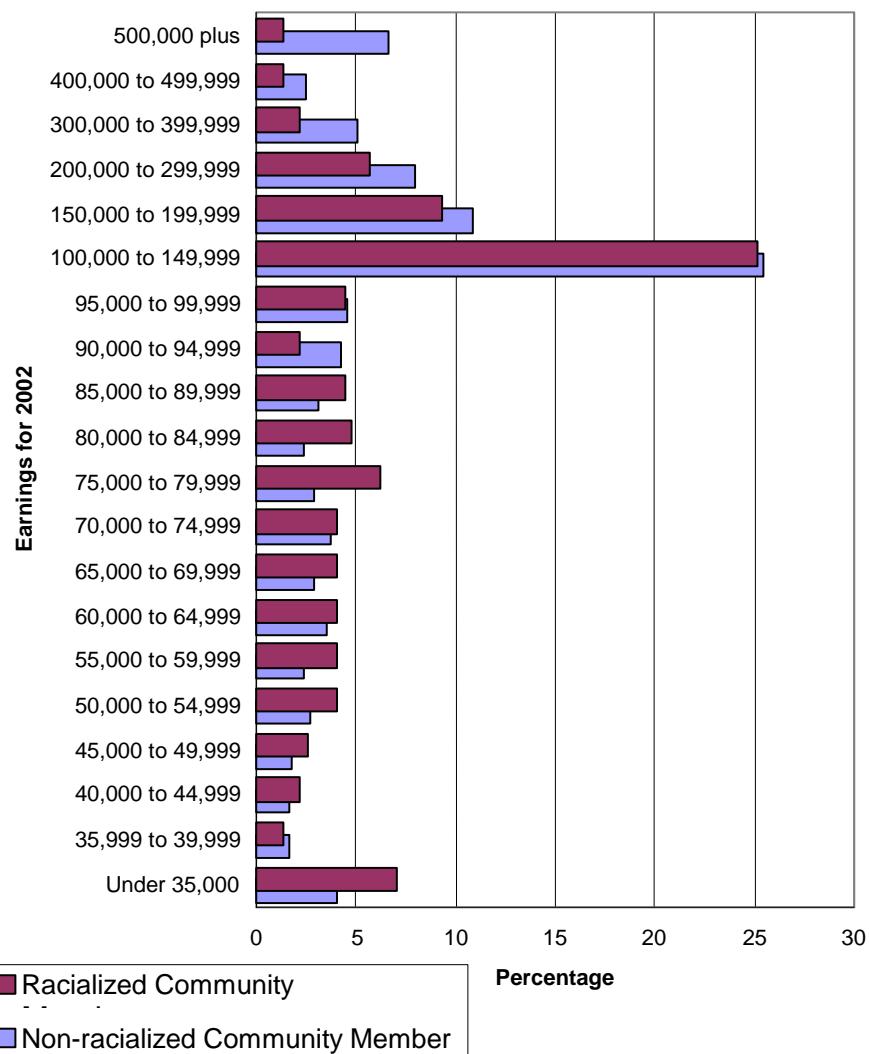
Our analyses reveal that racialized lawyers are less well represented in prestigious (and remunerative) fields of law, and in more senior positions such as partnerships in law firms. Fewer years of experience, less prestigious specializations, and lower representation among senior positions all contribute to the disparity in earnings between racialized and non-racialized lawyers. Interestingly, years of experience are not a significant factor: non-

racialized lawyers in this random sample have an average of 17 years of experience since call to the bar compared with 14 years of experience for racialized lawyers. The profession has grown rapidly in the past two decades, with people of both racialized and non-racialized communities entering law practice. The pressing question is why people of racialized communities remain under-represented among particular fields of law and excluded from positions of authority within the legal profession.

Table 3.8: Earnings by Racial/Ethnic Identity

Earnings for 2002	Non-Racialized Community Member (N=1,265)	Racialized Community Member (N=227)
Under 35,000	4.0	7.0
35,999 to 39,999	1.7	1.3
40,000 to 44,999	1.7	2.2
45,000 to 49,999	1.8	2.6
50,000 to 54,999	2.7	4.0
55,000 to 59,999	2.4	4.0
60,000 to 64,999	3.5	4.0
65,000 to 69,999	2.9	4.0
70,000 to 74,999	3.7	4.0
75,000 to 79,999	2.9	6.2
80,000 to 84,999	2.4	4.8
85,000 to 89,999	3.1	4.4
90,000 to 94,999	4.2	2.2
95,000 to 99,999	4.5	4.4
100,000 to 149,999	25.5	25.1
150,000 to 199,999	10.8	9.3
200,000 to 299,999	8.0	5.7
300,000 to 399,999	5.1	2.2
400,000 to 499,999	2.5	1.3
500,000 plus	6.6	1.3
Total (%)	100.0	100.0
Pearson Chi-Square Value = 37.49 d.f. = 19 p<.05 3 cells have expected counts less than 5.		

Figure 3.8: Earnings by Racial/Ethnic Identity



Hours Spent on Law-Related Matters

The following section describes the work of lawyers employed in the private practice of law, including a discussion of hours, firm size, ability to obtain business for one's firm, and clientele responsibilities. All respondents who reported to be working as sole practitioners or in law firms, whether full-time or part-time, are included in the analyses.

The survey asked respondents to report the number of hours worked per weekday and weekend. Both men and women work an average of nine hours on weekdays, whether in private or non-private practice (see Table 4.1 and Table 4.2). On weekends, men in private practice work approximately 3.8 hours and women work 3.7; however, variation around the mean is greater for women than for men (the standard deviations are 3.7 hours for women and 3.2 hours for men). In non-private practice, men work an average of 3 hours compared with 2 hours for women. Only the gender differences in weekend hours is statistically significant.

Table 4.1: Hours Worked by Private Practitioners

	Male		Female		t-value of Difference
	Hours ^a	N	Hours	N	
Average Number of Hours Worked Each Weekday	9.01 (2.152)	772	9.02 (2.059)	288	-0.11
Average Number of Hours Worked Each Weekend	3.76 (3.237)	772	3.74 (3.727)	285	0.09

^a Standard deviations are in brackets beneath mean averages.

Table 4.2: Hours Worked by Non-Private Practitioners

	Male		Female		t-value of Difference
	Hours ^a	N	Hours	N	
Average Number of Hours Worked Each Weekday	8.97 (1.517)	221	8.80 (1.581)	218	1.11
Average Number of Hours Worked Each Weekend	2.98 (2.820)	218	2.12 (2.482)	216	3.36**

**p<.01

^a Standard deviations are in brackets beneath mean averages.

In private practice, the differences between racialized and non-racialized community members for hours worked are statistically significant (see Table 4.3). On average, members of racialized communities work 9.44 hours on weekdays, compared with 8.92 hours for members of non-racialized communities. Lawyers of racialized communities also work more

hours than those from non-racialized communities on the weekend (4.74 hours compared with 3.56). However, for both of these measures, the standard deviations are greater for racialized community members, indicating greater variation around the mean averages.

Table 4.3: Hours Worked by Private Practitioners by Racial/Ethnic Identity

	Non-Racialized Community		Racialized Community		<i>t</i> -value of Difference
	Hours ^a	N	Hours	N	
Average Number of Hours Worked Each Weekday	8.92 (2.089)	899	9.44 (2.276)	160	-2.71**
Average Number of Hours Worked Each Weekend	3.56 (3.140)	897	4.74 (4.277)	159	-3.32**

** p<.01
^a Standard deviations are in brackets beneath mean averages.

Table 4.4 displays the hours worked by non-private practitioners by racial/ethnic identity. For hours worked each weekday, members of non-racialized communities work slightly more than lawyers from racialized communities (8.91 compared to 8.76). On the weekend, racialized community members work slightly more than lawyers of non-racialized communities (2.85 compared to 2.50). These very slight differences are statistically insignificant.

Table 4.4: Hours Worked by Non-Private Practitioners by Racial/Ethnic Identity

	Non-Racialized Community		Racialized Community		<i>t</i> -value of Difference
	Hours ^a	N	Hours	N	
Average Number of Hours Worked Each Weekday	8.91 (1.497)	376	8.76 (1.831)	65	0.64
Average Number of Hours Worked Each Weekend	2.50 (2.562)	369	2.85 (3.324)	65	-0.82

^a Standard deviations are in brackets beneath mean averages.

The number of hours billed, dedicated to pro bono, and to Legal Aid are examined by gender in Table 4.5 and by racial/ethnic identity in Table 4.6. Gender differences in the number of hours billed are statistically insignificant. Men billed an average of 1,409 hours a year with a standard deviation of 593 hours, while women billed an average of 1,464 hours with a standard deviation of approximately 661 hours. For hours devoted to Legal Aid, the gender differences are also statistically insignificant (113 hours for men compared to 167 hours for women). In contrast, there are statistically significant gender differences in the hours devoted to pro bono legal work. Men dedicate, on average, 110 hours to pro bono work per year compared with 61 hours by women.

Table 4.5: Billable, Pro Bono, and Legal Aid Hours by Gender

	Male		Female		<i>t</i> -value of Difference
	Hours ^a	N	Hours	N	
Approximate Number of Hours Billed in the Last Fiscal Year	1,408.94 (593.222)	702	1,463.59 (661.824)	240	-1.13
Approximate Number of Hours Dedicated to Pro Bono Legal Services in the Last Fiscal Year	109.89 (229.494)	736	60.59 (101.834)	257	4.66***
Approximate Number of Hours Dedicated to Legal Aid in the Last Fiscal Year	112.72 (338.879)	710	167.46 (497.960)	260	-1.64

***p<.001
^a Standard deviations are in brackets beneath mean averages.

Table 4.6 examines the number of hours devoted to billable, pro bono, and Legal Aid by racial/ethnic identity. Lawyers from non-racialized communities reported a slightly greater number of hours billed than racialized lawyers (1,427 hours compared with 1,388 hours); however, this difference is statistically insignificant. There are high standard deviations for lawyers of both non-racialized and racialized communities (615 and 589 hours, respectively). This statistic suggests considerable variation around mean averages, with some lawyers working extremely long hours and others working significantly shorter hours or part-time hours.

The average number of hours dedicated to pro bono work is approximately the same for people of non-racialized and racialized communities (97 hours for both groups). The standard deviation for both groups exceeds the mean (216 hours for non-racialized and 121 for racialized lawyers), suggesting tremendous variation in these hours. Lawyers of racialized communities devote more hours, on average, to Legal Aid than non-racialized lawyers and this difference is statistically significant (233 hours compared with 109 hours).

Table 4.6: Billable, Pro Bono, and Legal Aid Hours by Racial/Ethnic Identity

	Non-Racialized Communities		Racialized Communities		<i>t</i> -value of Difference
	Hours ^a	N	Hours	N	
Approximate Number of Hours Billed in the Last Fiscal Year	1,427.09 (615.021)	811	1,388.44 (589.415)	134	0.70
Approximate Number of Hours Dedicated to Pro Bono Legal Services in the Last Fiscal Year	96.98 (216.445)	849	96.63 (120.920)	147	0.03
Approximate Number of Hours Dedicated to Legal Aid in the Last Fiscal Year	108.88 (324.114)	830	232.55 (637.55)	142	-2.26**

**p<.01
^a Standard deviations are in brackets beneath mean averages.

Table 4.7 and Figure 4.1 summarize the average percentage of time spent on various law-related tasks by gender in the last fiscal year. Men and women devote the greatest percentage of their time to the practice of law. However, some differences exist in the tasks performed by lawyers. For example, women devote a greater percentage of their time to legal research and to uncompensated law-related work. On the other hand, men devote a larger percentage of their time to practising law, law reform, promotion and client development, and community development. The largest differences are in the areas of legal research, where women spend nearly twice as much time as men (8.9% compared with 4.7%); and law practice, where men spend about 67% and women 62% of their time.

Table 4.7: Average Percentage of Time Spent Working on Particular Types of Tasks by Gender

	Men		Women		<i>t</i> -value of Difference
	%	N	%	N	
Administrative work	9.18	773	10.23	284	-1.59
Promotion & client development	5.93	775	4.94	284	2.46*
Keeping up-to-date	5.69	775	5.79	284	-0.28
Uncompensated law-related work	4.53	771	5.99	284	-3.01**
Teaching	0.83	768	0.94	283	-0.39
Practising law	67.25	776	62.30	284	3.58***
Legal research	4.67	773	8.88	284	-4.96***
Law reform	0.12	772	0.03	283	2.31*
Community development	0.93	773	0.32	283	4.51***
Public legal education	0.28	771	0.23	283	0.69
Other	0.73	770	0.96	284	-0.58

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

Figure 4.1: Average Percentage of Time Spent Working on Particular Types of Tasks by Gender

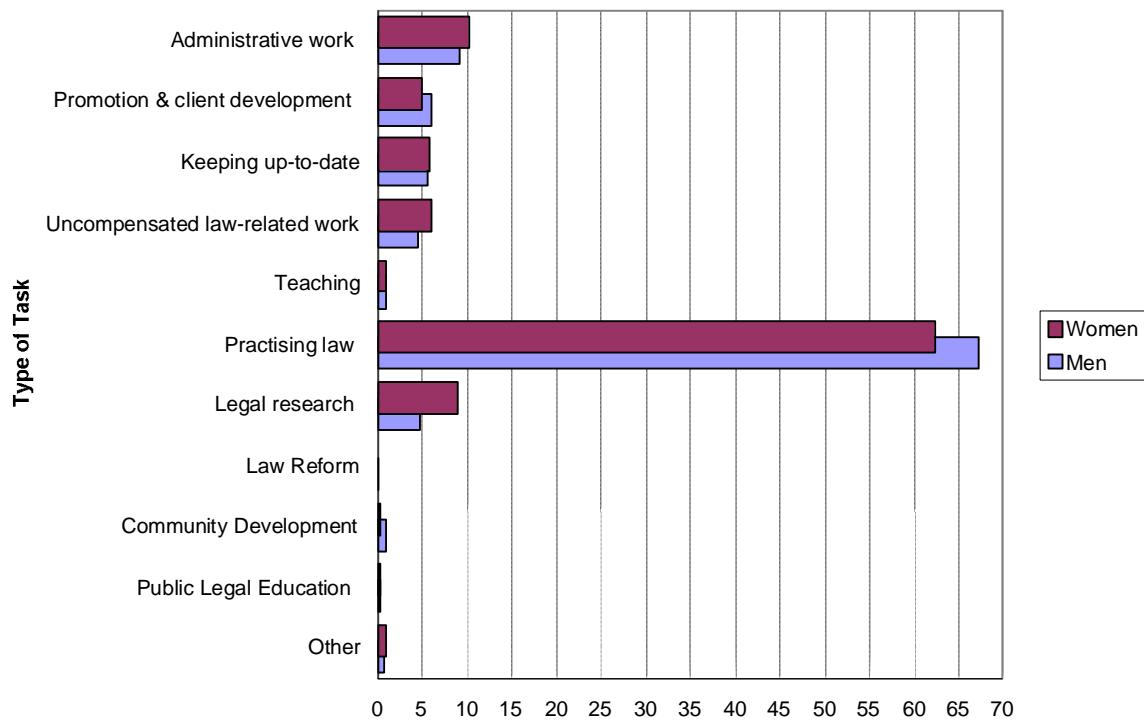
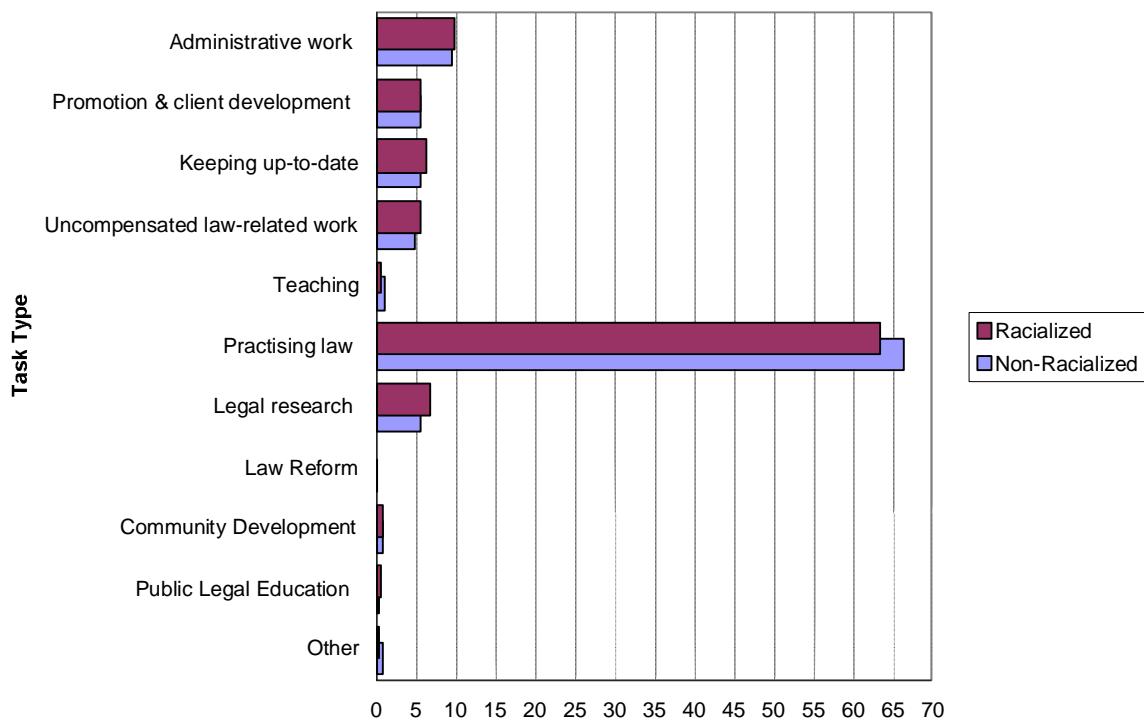


Table 4.8 and Figure 4.2 examine the average percentage of time spent on law-related tasks in the last year by racial/cultural community. The differences between lawyers of racialized and non-racialized communities are small and statistically insignificant. Lawyers, on average, spend 64 to 66% of their time practicing law. In addition, lawyers devote 6% of their time to keeping up-to-date. Lawyers from both racialized and non-racialized communities devote less than 1% of their time to teaching, law reform, community development, and public legal education.

Table 4.8: Average Percentage of Time Spent Working on Particular Types of Tasks by Racial/Cultural Community

	Non-Racialized Communities		Racialized Communities		<i>t</i> -value of Difference
	%	N	%	N	
Administrative work	9.47	900	9.73	154	-0.38
Promotion & client development	5.66	900	5.73	155	-0.13
Keeping up-to-date	5.58	900	6.27	156	-1.45
Uncompensated law-related work	4.82	897	5.37	155	-1.09
Teaching	0.90	895	0.59	154	1.46
Practising law	66.36	900	63.56	156	1.74
Legal research	5.63	899	6.86	156	-1.40
Law reform	0.10	898	0.05	154	1.39
Community development	0.74	898	0.86	156	-0.43
Public legal education	0.24	898	0.46	154	-1.63
Other	0.88	897	0.32	154	1.53

Figure 4.2: Average Percentage of Time Spent on Particular Types of Work by Racial/Cultural Community



Number of People Employed at Firm

Lawyers working in law firms were asked to report the size of their law firm as of May 2003. This report divides the size of firm into the following categories: firms of 2 to 9 lawyers, 10 to 19 lawyers, 20 to 49 lawyers, and 50 or more lawyers. There are no significant differences in the sizes of law firms employing men and women, and people of racialized and non-racialized communities (see Table 4.9). The largest percentage of lawyers work in small law firms of less than ten lawyers (41%), followed by large law firms with 50 or more lawyers (37%), followed by firms of 10 to 19 lawyers (14%). Only 9% of lawyers work in firms of 20 to 49 lawyers. Sole practitioners are excluded from this analysis.

Table 4.9: Size of Law Firm by Gender and Racial/Cultural Community

Work Setting	Male		Female		Total
	Non-Racialized (N=476)	Racialized (N=73)	Non-Racialized (N=184)	Racialized (N=29)	
Firm of 2-9 Lawyers	41.6	49.3	36.4	34.5	40.8
Firm of 10-19 Lawyers	13.4	15.1	14.1	10.3	13.6
Firm of 20-49 Lawyers	9.2	5.5	8.7	6.9	8.7
Firm of 50+ Lawyers	35.7	30.1	40.8	48.3	36.9
Total (%)	100.0	100.0	100.0	100.0	100.0

Male: Pearson Chi-Square Value = 2.60 d.f. = 3 NS
 Female: Pearson Chi-Square Value = 0.72 d.f. = 3 NS
 2 cells have expected counts of less than 5 cases.

Respondents were asked to rate their ability to obtain business for their firms as very good, above average, average, below average, or poor. Ratings are analyzed according to gender (see Table 4.10) and race (see Table 4.11). Both of these measures include all private practitioners, including sole practitioners. Table 4.10 shows that men are more likely than women to rate themselves as average or above (91% compared with 82%). In contrast, women are more likely than men to rate themselves as average (37% compared with 31%). Women are also significantly more likely than men to rate themselves as poor (9% compared with 3%) ($p<.001$).

Table 4.10: Ability to Obtain Business for Your Firm by Gender

Self Rating of Ability to Obtain Business for Your Firm	Male (N=735)	Female (N=249)
Very Good	33.2	24.9
Above Average	27.1	19.3
Average	30.9	37.3
Below Average	6.3	9.2
Poor	2.6	9.2
Total (%)	100.0	100.0

Pearson Chi-Square Value = 32.65 d.f. = 4 $p<.001$

Differences in self-evaluation between lawyers of racialized and non-racialized communities are also statistically significant. Table 4.11 indicates that people of racialized communities are more likely than lawyers of non-racialized communities to rate themselves as very good

(39% compared with 30%) and above average (30% compared with 25%). Lawyers of non-racialized communities are more likely to see their ability to obtain business as average (35% compared with 20% of lawyers of non-racialized communities). Similar numbers of lawyers from these groups rate themselves as being below average (% of total).

Table 4.11: Ability to Obtain Business for Your Firm by Racial/Ethnic Identity

Self Rating of Ability to Obtain Business	Non-Racialized Communities (N=842)	Racialized Communities (N=143)	Total
Very Good	29.5	39.2	30.9
Above Average	24.5	30.1	25.3
Average	34.8	19.6	32.6
Below Average	7.0	7.7	7.1
Poor	4.3	3.5	4.2
Total (%)	100.0	100.0	100.0

Pearson Chi-Square Value = 14.20 d.f. = 4 p<.01

Clientele Responsibilities

Clientele responsibilities are analyzed based on the amount of contact a lawyer has with clients and the percentage of work representing corporate or other clients. This section applies to lawyers in the private practice of law.

Table 4.12 shows that the largest percentage of both men and women have considerable contact with clients (90% and 82%, respectively). Women are slightly more likely than men to respond that they have some contact with clients (15% compared with 9%) and little or no contact with clients (4% compared with 1%). These gender differences in clientele services are significant (p<.001).

Table 4.12: Interaction with Clients by Gender

Reported Extent of Interaction with Clients	Male (N=779)	Female (N=283)
Considerable Contact	90.0	81.6
Some Contact	8.9	14.5
Little or No Contact	1.2	3.9
Total (%)	100.0	100.0

Table 4.13 indicates that the majority of lawyers of non-racialized and racialized communities also report considerable contact with clients (88% compared with 86%). There are no statistically significant differences in the amount of contact with clients between lawyers of racialized and non-racialized communities.

Table 4.13: Interaction with Clients by Racial/Ethnic Identity

Reported Extent of Interaction with Clients	Non-Racialized Communities (N=900)	Racialized Communities (N=160)
Considerable Contact	88.3	85.6
Some Contact	10.0	11.3
Little or No Contact	1.7	3.1
Total (%)	100.0	100.0

Pearson Chi-Square Value = 1.85 d.f. = 2 NS

1 cell has an expected count less than 5.

There are no statistically significant differences between men and women lawyers and the types of clients with whom they work (see Table 4.14). Lawyers in our sample spend between 44 and 46% of their work representing corporate clients.

Table 4.14: Clientele by Gender of Lawyer

Percentage of Work in the Last 12 Months Representing Corporate or Other Clients	Male		Female		<i>t</i> -value of Difference
	% ^a	N	%	N	
Work Representing Corporate Clients	43.56 (36.891)	773	45.82 (41.851)	283	-0.80
Work Representing Other Clients	56.39 (36.906)	773	54.78 (41.765)	283	0.58

^a Standard deviations are in brackets

Table 4.15 compares lawyers of racialized and non-racialized communities and the types of clientele they represent. The differences in time spent representing corporate clients are statistically insignificant. Lawyers have, on average, 39 to 45% of their work that consists of representing corporate clients. However, the differences for representation of other clients are significant. Lawyers of non-racialized communities spend 55% of their time representing other clients, while lawyers of racialized communities spend 62% of their time representing these clients. It is noteworthy that the standard deviations are sizeable, suggesting considerable variation among lawyers with regard to the proportion of time they spend representing corporate clientele.

Table 4.15: Clientele by Racial/Ethnic Identity of Lawyer

Percentage of Work in the Last 12 Months Representing Corporate or Other Clients	Non-Racialized Communities		Racialized Communities		<i>t</i> -value of Difference
	%	N	%	N	
Work Representing Corporate Clients	44.97 (38.261) ^a	894	38.71 (38.153)	159	1.91
Work Representing Other Clients	54.99 (38.260)	894	62.33 (37.857)	159	-2.25*

* p<.05
^aStandard deviations are in brackets.

Partnership

Men continue to dominate among partnership positions: 63% of men working in law firms are partners compared with only 35% of women (see Table 4.16). The gender difference in partnership status is sizeable and statistically significant ($p<.001$).

Table 4.16: Partnership by Gender

Partnership	Male (N=551)	Female (N=224)
Yes	63.3	34.8
No	36.7	65.2
Total (%)	100.0	100.0
Pearson Chi-Square Value = 52.35 d.f. = 1 p<.001		

Table 4.17 further examines the relationship between partnership status and gender, controlling for year of call to the bar as a proximate measure of years of experience. The analysis divides bar admissions into three separate cohorts: lawyers called to the bar from 1996 to 2002³³ (32% of the sample), lawyers called to the bar from 1989 to 1995 (18%), and prior to 1989 (50%). Gender differences are most striking among lawyers called to the Ontario Bar between 1989 and 1995, a cohort that would likely have already passed the time of partnership decisions. In this seven-year cohort, 75% of men compared with only 53% of women were partners in 2003. Gender differences in partnership status are statistically insignificant among more junior lawyers admitted to the bar between 1996 and the time of the study (2003); only 12% of men and 11% of women from this cohort were partners.

³³ In our sample, only one lawyer in the sample was called to the bar in 2003. Recall that the survey was mailed in the spring of 2003, prior to 2003 bar admissions.

Among the most senior cohort in the sample (those called to the bar prior to 1989), 80% of men and 72% of women were partners, a disparity that is statistically insignificant.

Table 4.17: Partnership by Gender, Controlling for Year of Call to the Bar

Partnership Status Bar Admissions: 1996-2002	Male (N=131)	Female (N=118)
Yes	12.2	11.0
No	87.8	89.0
Total (%)	100.0	100.0
NS		
Partnership Status Bar Admissions: 1989-1995	Male (N=80)	Female (N=59)
Yes	75.0	52.5
No	25.0	47.5
Total (%)	100.0	100.0
p<.01		
Partnership Status Bar Admissions: Prior to 1989	Male (N=340)	Female (N=47)
Yes	80.3	72.3
No	19.7	27.7
Total (%)	100.0	100.0
NS		

In Table 4.18 we examine partnership status among people from racialized communities. Only 40% of lawyers of racialized communities are partners. In sharp contrast, 58% of all non-racialized lawyers are partners in law firms. The disparity in partnership status across ethnic/racial background is statistically significant (p<.001).

Table 4.18: Partnership by Racial/Cultural Community

Partnership	Non-Racialized (N=670)	Racialized (N=108)
Yes	57.8	39.8
No	42.2	60.2
Total (%)	100.0	100.0
Pearson Chi-Square Value = 12.12 d.f. = 1 p<.001		

Table 4.15: Clientele by Racial/Ethnic Identity of Lawyer

Percentage of Work in the Last 12 Months Representing Corporate or Other Clients	Non-Racialized Communities		Racialized Communities		<i>t</i> -value of Difference
	%	N	%	N	
Work Representing Corporate Clients	44.97 (38.261) ^a	894	38.71 (38.153)	159	1.91
Work Representing Other Clients	54.99 (38.260)	894	62.33 (37.857)	159	-2.25*

* p<.05
^aStandard deviations are in brackets.

Partnership

Men continue to dominate among partnership positions: 63% of men working in law firms are partners compared with only 35% of women (see Table 4.16). The gender difference in partnership status is sizeable and statistically significant ($p<.001$).

Table 4.16: Partnership by Gender

Partnership	Male (N=551)	Female (N=224)
Yes	63.3	34.8
No	36.7	65.2
Total (%)	100.0	100.0

Pearson Chi-Square Value = 52.35 d.f. = 1 $p<.001$

Table 4.17 further examines the relationship between partnership status and gender, controlling for year of call to the bar as a proximate measure of years of experience. The analysis divides bar admissions into three separate cohorts: lawyers called to the bar from 1996 to 2002³³ (32% of the sample), lawyers called to the bar from 1989 to 1995 (18%), and prior to 1989 (50%). Gender differences are most striking among lawyers called to the Ontario Bar between 1989 and 1995, a cohort that would likely have already passed the time of partnership decisions. In this seven-year cohort, 75% of men compared with only 53% of women were partners in 2003. Gender differences in partnership status are statistically insignificant among more junior lawyers admitted to the bar between 1996 and the time of the study (2003); only 12% of men and 11% of women from this cohort were partners.

³³ In our sample, only one lawyer in the sample was called to the bar in 2003. Recall that the survey was mailed in the spring of 2003, prior to 2003 bar admissions.

Lawyers' Perception of the Profession

This section concentrates on lawyers' perceptions of their workplace and the profession of law. Issues include perceptions lawyers have of their job, benefits offered, discrimination against women and ethnic/racial communities, and representation of men and women and various ethnic/racialized communities across legal settings.

To investigate lawyers' perceptions of their current professional position, we asked participants to score a number of job qualities based on their level of agreement or disagreement (See Table 5.1). For most qualities, the mean score is greater than 3.0 (neutral) but less than 4.0 (agree), indicating that lawyers, on average, are inclined to agree with the statements describing their current or most recent job (overall mean scores are reported in brackets):

- The pay is good (mean = 3.64)
- I control the scheduling of my work (mean = 3.56)
- The opportunities for promotion are excellent (mean = 2.60)
- The work is intellectually challenging (mean = 4.00)
- The work gives me a feeling of accomplishment (mean = 3.87)
- My co-workers help me to get my job done (mean = 3.64)
- Promotions in this organization are based primarily on one's ability (mean = 3.16)
- I am rewarded for the amount of effort that I put in (mean = 3.35)
- I am rewarded fairly considering the responsibilities I have (mean = 3.41)
- I am rewarded fairly in view of my experience (mean = 3.35)
- There are plenty of good jobs outside this organization that I could have (mean = 3.02)
- I find real enjoyment in my work (mean = 3.64)
- My work is important to society (mean = 3.45)
- I feel a real loyalty to this organization/firm/company (mean = 3.71)
- I am proud to tell others that I am part of this organization (mean = 3.96)
- I can usually work in the official language of my choice (French or English) (mean = 4.24)

The results are summarized in Table 5.1. Lawyers of non-racialized communities are more likely to *agree* that—

- The benefits are good (mean = 3.34, racialized community 3.05)
- Job security is good (mean = 3.54, racialized community 3.32)
- I am rewarded reasonably given the market for legal services (mean = 3.43, racialized community 3.25)
- The work allows me to balance career and family (3.39, racialized community 3.18)

Lawyers from racialized communities are more likely than lawyers of non-racialized communities to agree that—

- My workload is too heavy (mean = 3.51, non-racialized community 3.18)
- By practising law, I am making a difference to people's lives (mean = 3.60, non-racialized community 3.45)

Overall, lawyers from both non-racialized and racialized communities tend to agree that their job has the following qualities:

- The work is intellectually challenging (mean = 4.00)
- I am proud to tell others that I am part of this organization (mean = 3.96)
- I can usually work in the official language of my choice (French or English) (mean = 4.24)

Table 5.1: Qualities of Present or Most Recent Job

Quality	Non-Racialized Community Member (N=1,472) Mean	Racialized Community Member (N=269) Mean	t-value of difference
The pay is good	3.66	3.52	1.92
I control the scheduling of my work	3.58	3.45	1.72
The benefits are good	3.34	3.05	3.30***
The opportunities for promotion are excellent	2.63	2.53	1.17
Job security is good	3.54	3.32	2.49*
The work is intellectually challenging	4.00	3.96	0.68
My workload is too heavy	3.18	3.51	-4.53***
The work gives me a feeling of accomplishment	3.86	3.91	-0.73
My co-workers help me to get my job done	3.65	3.56	1.32
Promotions in this organization are based primarily on one's ability	3.18	3.05	1.63
I am rewarded for the amount of effort I put in	3.38	3.24	1.68
I am rewarded fairly considering the responsibilities I have	3.43	3.33	1.25
I am rewarded reasonably given the market for legal services	3.43	3.25	2.44*
I am rewarded fairly in view of my experience	3.37	3.26	1.40
There are plenty of good jobs outside this organization that I could have	3.01	3.12	-1.57
I find real enjoyment in my work	3.63	3.71	-1.10
My work is important to society	3.42	3.56	-1.76
By practising law, I am making a difference to people's lives	3.45	3.60	-1.98*
I feel a real loyalty to this organization/firm/company	3.71	3.64	0.87
I am proud to tell others that I am part of this organization	3.96	3.94	0.33
The work allows me to balance career and family	3.39	3.18	2.78**
I can usually work in the official language of my choice (French or English)	4.26	4.12	1.77

* p≤.05, ** p≤ .01, *** p≤.001

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

Benefits

A major workplace issue that influences lawyers' decisions to accept job offers as well as their subsequent job satisfaction is that of benefits. Here, we discuss a number of benefits that are offered by employers, and make comparisons between law firms and non-private practice. We also examine maternity leave policies of firms and the degree to which lawyers are satisfied with these policies.

For the purposes of this study, benefits are divided into four categories. The first category includes pension plans, medical insurance, dental plans, sick leave, and long-term disability income support. The second group consists of work arrangements such as part-time work, flexible hours, job sharing, and telework. The third category contains continuing legal education, and leaves of absence/sabbatical. The fourth group of benefits revolves around children and child care including unpaid maternity and paternity leave, topped-up maternity and paternity leave, child care benefits, and daycare facilities. Table 5.2 illustrates the differences in benefits offered between law firms and non-private practice settings. Sole practitioners have been excluded from these analyses because of the large number of respondents who indicated that these benefits were not applicable to them.

For the first category of benefits, there are some dramatic differences between law firms and non-private practice settings. The greatest disparity is in pension plans: 84% of lawyers in non-private practice, compared to only 14% of lawyers working in law firms, said that pensions were offered. Many of the other benefits are widely available in both contexts, although the following benefits are more commonly offered in non-private practice: medical insurance (92% in non-private practice compared with 75% in law firms), dental plan (92% compared with 71%), sick leave (92% compared with 66%), and long-term disability income (89% compared with 62%).

Lawyers working in non-private practice are also more likely to have access to alternative work arrangements. Part-time work is more readily available: 57% of lawyers in non-private practice, compared to 47% of lawyers working in law firms, reported that part-time work was an option. Job sharing, although not widely available, is more common in non-private practice (34% compared to 16%), as is telework (56% compared to 42%). Interestingly, flexible full-time hours were equally available in both settings: 65% of lawyers employed in non-private practice and 64% of lawyers in law firms reported flexible hours for full-time work.

The third category of benefits includes leaves of absence/sabbaticals and continuing legal education. Dramatic differences emerge in the availability of leaves of absence/sabbaticals: 64% of lawyers employed in non-private practice, compared with 33% in law firms, reported that this benefit is offered. However, the majority of lawyers in both non-private practice (87%) and in law firms (82%) reported that their employer offered continuing legal education.

Similarly, non-private practice is more generous in offering family-related benefits. This applies to all benefits within this category: unpaid maternity leave (51% in non-private practice compared with 40% in law firms); unpaid paternity leave (45% compared with 23%); topped-up maternity leave (49% and 31%); topped-up paternity leave (37% and 11%); child care benefits (7% and 3%); and daycare facilities (9% and 0.8%). It should be noted

that a large group of participants both from law firms and non-private practice indicated that they either did not know if these benefits were offered or that the benefits were not applicable.

Table 5.2: Benefits (Law Firms vs. Non-Private Practice)

Benefit	Law Firms			Non-Private Practice			don't know, N/A ^a	N
	% yes	% no	don't know, N/A ^a	% yes	% no			
Pension plan	13.8	73.7	12.6	743	83.7	11.5	4.8	447
Medical insurance	75.1	15.7	9.2	741	92.2	2.8	5.0	447
Dental plan	70.8	20.9	8.3	746	91.7	3.6	4.7	447
Part-time work	47.4	32.8	19.9	733	56.9	24.3	18.8	438
Flexible work hours	64.0	19.2	16.7	738	65.1	22.8	12.1	443
Job sharing	15.5	56.0	28.5	729	33.7	36.7	29.6	438
Unpaid maternity leave	39.7	15.5	44.8	718	50.7	11.2	38.1	430
Unpaid paternity leave	23.0	22.2	54.8	711	44.8	12.4	42.9	432
Topped-up maternity leave	30.9	28.6	40.5	723	49.1	17.6	17.6	440
Topped-up paternity leave	11.0	36.8	52.2	710	36.7	21.2	42.1	441
Part-time partnerships	15.5	60.0	24.5	726	2.5	21.0	76.5	422
Child care benefits	2.7	64.4	32.9	722	7.3	54.4	38.3	428
Daycare facilities	0.8	78.6	20.6	724	9.2	72.7	18.1	431
Sick leave	65.6	13.2	21.2	734	91.8	1.5	6.7	445
Long-term disability income support	62.1	20.5	17.4	736	88.7	2.7	8.6	446
Continuing legal education	81.7	7.9	10.4	736	87.2	6.8	6.1	445
Leave of absence or sabbatical	33.4	33.6	33.0	730	64.3	13.8	21.3	442
Telework	42.2	34.4	23.4	728	55.9	29.1	15.1	440

^a Missing cases included in this category.

Table 5.3 shows levels of satisfaction with maternity leave policies and the average length of maternity leave. Lawyers were asked: "How satisfied are you with the maternity (or paternity) leave policy at your office?" The differences between men and women are statistically significant ($p<.001$). In general, women are more likely to have opinions than men (34% of men were undecided, compared with 22% of women), and to have strong opinions either positive or negative. Women are more likely to be highly satisfied (27% of

women compared with 21% of men), but they are also more likely to be dissatisfied (17% of women compared with 8% of men).

Despite gender differences in satisfaction with maternity and paternity leave policies, the majority of both women and men have made no attempt to influence policy in this area (72% of women and 68% of men). This perhaps is not surprising given the fact that the majority of participants are either satisfied with these policies, or undecided. In addition, many participants do not have children at present.

Respondents who indicated that they had attempted to change maternity or paternity leave policies were also asked: "Have you been successful in these efforts?" Men are more likely to perceive their efforts as being successful (55% of men compared with 37% of women), and women are more likely to perceive their efforts as unsuccessful (25% of women compared with 10% of men). These differences are statistically significant. Similar percentages of men and women were uncertain about the success of their efforts (35% of men compared to 39% of women), which suggests that the support and active participation of male colleagues is important in initiating policy reform within organizations.

Table 5.3: Satisfaction with Maternity Leave Policies

Question	Men		Women	
	N	%	N	%
How satisfied are you with the maternity (or paternity) leave policy at your office?				
Highly satisfied	170	20.7	122	27.0
Satisfied	315	38.3	153	33.8
Undecided	275	33.5	99	21.9
Dissatisfied	35	4.3	38	8.4
Very dissatisfied	27	3.3	40	8.8
Total	822	100.0	452	100.0
Pearson Chi-Square Value = 45.85 d.f. = 4 p≤.001				
Have you tried to influence policy in this area?				
A great deal	56	6.6	28	6.0
To some extent	112	13.1	61	13.0
Very little	101	11.9	42	9.0
Not at all	583	68.4	337	72.0
Total	852	100.0	468	100.0
Pearson Chi-Square Value = 3.04 d.f. = 3 NS				
Have you been successful in these efforts?				
Successful	151	54.5	53	37.1
Uncertain	98	35.4	55	38.5
Unsuccessful	28	10.1	35	24.5
Total	277	100.0	143	100.0
Pearson Chi-Square Value = 19.14 d.f. = 2 p≤.001				

Discrimination

This section concentrates on the experiences and perceptions of discrimination among Ontario lawyers. A number of different questions were used to measure forms of discrimination and to make comparisons according to both gender and racial/cultural identity.

The questions in this section inquire about specific instances of exclusion and discrimination experienced by respondents in the practice of law. It should be noted that these questions offer more specific and personal experiences of exclusion and discrimination than are included in other studies. Other research has tended to examine general perceptions of discrimination within the profession. These more general questions (e.g., “Do you think discrimination against ethnic or racial minorities exists in the legal profession?”) tend to illicit larger percentages reporting discrimination. The questions used in the present study provide more conservative estimates than questions of a general nature.

Table 5.4 focuses on the denial of opportunity by gender, and Table 5.5 discusses discrimination on the basis of racial/ethnic group. To measure these forms of discrimination, participants were asked if they were aware of any situation in which they had been denied opportunity to take major responsibility for a case/file either because a client or a colleague had objected to their sex, ethnic, racial or cultural background, disability, language, or sexual orientation. An additional question was included to measure discrimination by gender: “Have you been assigned or referred cases/files because of your sex?”

Women are more likely to state that they had been denied a case/file because clients had objected (18% of women compared with 4% of men). Approximately 4.5% of men and women claimed that although clients had never objected to them, they had observed this happening to other lawyers in their firm. Likewise, women are more likely to report denial of opportunity because someone in their firm objected to them (9% of women compared with 1% of men). Women are also more likely to say that although no one in their firm had objected to them working on a file, this situation had happened to someone else at their firm (4% of women compared with 2% of men). Again, women are more likely to say that they had been assigned files because of their gender (33% of women compared with 5% of men). Approximately 3% of men and women claimed that while they had not been assigned files on the basis of their gender, other lawyers in their firm have been.

Table 5.5 concentrates on discrimination on the basis of ethnic/racial group. Lawyers of racialized communities are more likely to state that they had been denied opportunity for a case/file, frequently or a few times, because clients had objected (10% of racialized lawyers compared with 4% of non-racialized lawyers). People of racialized communities are also more likely to state that this had happened to them on one occasion (5.5%, compared with 3.5% of non-racialized lawyers). These differences are statistically significant.

Table 5.4: Discrimination in the Practice of Law by Gender

Question	Men		Women	
	N	%	N	%
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the CLIENTS objected to your sex, ethnic, racial or cultural background, disability, language or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times	24	2.2	60	10.2
2. yes, on one occasion	18	1.6	48	8.2
3. no, the situation has not occurred	1,009	91.8	452	77.0
4. no, the situation has not happened to me, but I am aware of it happening to others at my firm or office	48	4.4	27	4.6
Total	1,099	100.0	587	100.0
Pearson Chi-Square Value = 101.14 d.f. = 3 p≤.001				
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a PERSON IN YOUR FIRM/OFFICE objected on the basis of your sex, ethnic, racial or cultural background, disability, language, or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times	7	0.6	29	5.0
2. yes, on one occasion	6	0.6	21	3.6
3. no, the situation has not occurred	1,048	96.7	510	87.5
4. no, the situation has not happened to me, but I am aware of it happening to others	23	2.1	23	3.9
Total	1,084	100.0	583	100.0
Pearson Chi-Square Value = 62.65 d.f. = 3 p≤ .001				
Have you been assigned or referred cases/files because of your sex?				
1. yes, I have been assigned cases/files with some frequency <u>OR</u> I have been assigned cases/files a few times	48	4.4	175	29.7
2. yes, on one occasion	10	0.9	20	3.4
3. no, the situation has not occurred	995	91.3	375	63.7
4. no, the situation has not happened to me, but I am aware of it happening to others	37	3.4	19	3.2
Total	1,090	100.0	589	100.0
Pearson Chi-Square Value = 233.31 d.f. = 3 p≤.001				

Table 5.5: Discrimination by Ethnic/Racial Group

Question	Non-Racialized Community Members		Racialized Community Members	
	N	%	N	%
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the CLIENTS objected to your sex, ethnic, racial or cultural background, disability, language or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times	59	4.1	25	9.9
2. yes, on one occasion	50	3.5	14	5.5
3. no, the situation has not occurred	1,254	87.8	204	80.6
4. no, the situation has not happened to me, but I am aware of it happening to others at my firm or office	66	4.6	10	4.0
Total	1,429	100.0	253	100.0
Pearson Chi-Square Value = 18.05 d.f. = 3 p≤.001				
Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a PERSON IN YOUR FIRM objected on the basis of your sex, ethnic, racial or cultural background, disability, language, or sexual orientation?				
1. yes, I have been denied the opportunity with some frequency <u>OR</u> I have been denied the opportunity a few times	27	1.9	9	3.6
2. yes, on one occasion	23	1.6	4	1.6
3. no, the situation has not occurred	1,323	93.8	230	91.3
4. no, the situation has not happened to me, but I am aware of it happening to others	37	2.6	9	3.6
Total	1,410	100.0	252	100.0
Pearson Chi-Square Value = 3.55 d.f. = 3 NS				

Lawyers were also asked about their experiences of specific forms of exclusion and discrimination; for instance, the degree to which they have been assigned tasks beneath their skill level or excluded from social gatherings. These questions are analyzed according to gender (Table 5.6) and racial/cultural group identity (Table 5.7). Measures are scored on a 5-point scale, where 1=never, 2=rarely, 3=occasionally, 4=routinely, and 5=frequently. A higher mean score implies a greater frequency of occurrence.

**Table 5.6: Experiences of Discrimination by Gender
(Mean and Standard Deviations)**

During your career as a lawyer, how often have you:	Men			Women			<i>t</i> -value of difference
	Mean	SD	N	Mean	SD	N	
Been assigned tasks you think are beneath your skill experience?	2.45	.94	1,088	2.74	.89	582	-6.16***
Not been invited to work with particular senior lawyers in your firm or office?	1.62	.94	1,044	2.08	1.13	571	-8.29***
Been excluded from social gatherings?	1.47	.75	1,074	1.84	1.01	584	-7.74***
Been denied work when you expressed an interest?	1.55	.75	1,067	1.82	.92	579	-5.98***
Received comments about your physical appearance?	1.59	.86	1,078	2.10	1.10	585	-9.81***
Experienced derogatory comments about your family status?	1.11	.41	1,081	1.31	.67	587	-6.53***
Experienced disrespectful remarks by judges or other lawyers?	1.70	.80	1,091	2.04	.94	588	-7.37***
Experienced rude or inappropriate remarks by clients?	1.90	.82	1,086	1.94	.84	583	-.90
Experienced a lack of support by office/firm staff?	1.77	.82	1,079	2.00	.98	584	-4.88***

*** p≤.001

Respondents were asked: "How often have you experienced the following events during your career as a lawyer?" Responses were coded on a 5-point scale on which never = 1, and frequently = 5. The higher the mean response, the more frequently respondents perceived these events as having happened to them.

Table 5.6 shows experiences of exclusion and discrimination by gender. All of these measures, with the exception of whether or not lawyers experienced rude or inappropriate remarks by clients, reveal statistically significant differences between men and women.

Women perceived the following situations to have happened to them with *greater* frequency than men:

- been assigned tasks you think are beneath your skill experience (men 2.45, women 2.74)
- not been invited to work with particular senior lawyers in your firm or office (men 1.62, women 2.08)
- been excluded from social gatherings (men 1.47, women 1.84)
- been denied work when you expressed an interest (men 1.55, women 1.82)
- received comments about your physical appearance (men 1.59, women 2.10)

- experienced derogatory comments about your family status (men 1.11, women 1.31)
- experienced disrespectful remarks by judges or other lawyers (men 1.70, women 2.04)
- experienced a lack of support by office/firm staff (men 1.77, women 2.00)

Table 5.7 shows the distribution of men and women across categories of response by percentages. The five categories of response are recoded into three categories: (1) never or rarely, (2) occasionally, and (3) routinely or frequently. For women lawyers, patterns of exclusion and experiences of inappropriate or disrespectful remarks are apparent. For example, 14% of women lawyers are routinely or frequently assigned tasks beneath their skill level, and another 51% experience this occasionally. In contrast, only 10% of men are assigned tasks beneath their skill level on a routine or frequent basis, and 42% experience this occasionally. Thirty-three percent of women lawyers are not invited to work with particular senior lawyers in their firm or office at least occasionally, while 17% of men lawyers do not receive such invitations. Twenty-six percent of women lawyers are excluded from social gatherings occasionally, routinely or frequently, contrasted with 10% of men lawyers.

Similarly, 21% of women lawyers, compared with 11% of men, have been denied work when they expressed an interest (occasionally, routinely or frequently). Thirty-six percent of women lawyers and just 16% of men report receiving comments about their physical appearance. Nine percent of women lawyers report experiencing derogatory comments about their family status, compared with only 2% of men lawyers.

Women lawyers are also more likely to experience disrespectful remarks from judges and other lawyers (33%, compared with 15% of men). Women lawyers are disadvantaged when it comes to support from office staff: 27% of women compared with 18% of men report that they experienced this lack of support.

The one area with insignificant gender differences was the experience of rude and inappropriate remarks from clients. About 2% of lawyers experience rude remarks from clients on a routine or frequent basis, and 20% experience them occasionally. The vast majority of lawyers (77% of men and 78% of women) report having this experience rarely or never.

Table 5.7: Experiences of Discrimination by Gender (Percentage Distribution)

During your career as a lawyer, how often have you:	Men			Women			Significance Level
	Never/ Rarely	Occa- sionally	Rout- inely/ Freq.	Never/ Rarely	Occa- sionally	Rout- inely/ Freq.	
Been assigned tasks you think are beneath your skill/experience?	48.2%	41.5%	10.3%	34.8%	51.3%	13.9%	P<.001
Not been invited to work with particular senior lawyers in your firm or office?	82.7%	12.2%	5.1%	66.9%	21.5%	11.6%	P<.001
Been excluded from social gatherings?	89.8%	8.5%	1.8%	74.3%	19.2%	6.5%	P<.001
Been denied work when you expressed an interest?	88.5%	9.7%	1.6%	79.4%	15.7%	4.8%	P<.001
Received comments about your physical appearance?	84.0%	13.4%	2.7%	63.7%	26.9%	9.4%	P<.001
Experienced derogatory comments about your family status	98.1%	1.4%	0.5%	91.3%	7.7%	1.0%	P<.001
Experienced disrespectful remarks by judges or other lawyers?	84.6%	13.1%	2.3%	67.2%	28.1%	4.8%	P<.001
Experienced rude or inappropriate remarks by clients?	78.3%	19.4%	2.3%	76.6%	20.8%	2.6%	NS
Experienced a lack of support by office/firm staff?	82.5%	15.2	2.3%	73.1%	19.9%	7.0%	P<.001
Respondents were asked: "How often have you experienced the following events during your career as a lawyer?" Responses were coded on a 5-point scale, where 1=never, 2=rarely, 3=occasionally, 4=routinely, and 5=frequently. These categories were recoded for this table as 1=rarely or never, 2=occasionally, and 3=routinely or frequently.							

Table 5.8 shows the same measures of exclusion and discrimination according to racial/cultural group identity. A very different trend emerges; none of the differences are large in magnitude or statistically significant. To explore subtle differences in further depth, we examine the percentage distribution of lawyers across responses to eight questions of exclusion and discrimination (see Table 5.9).

**Table 5.8: Experiences of Discrimination by Racial/Cultural Group Identity
(Mean and Standard Deviations)**

During your career as a lawyer, how often have you:	Non-Racialized Community Members			Racialized Community Members			t-value of difference
	Mean	SD	N	Mean	SD	N	
Been assigned tasks you think are beneath your skill experience?	2.55	.93	1,419	2.61	.99	247	-.88
Not been invited to work with particular senior lawyers in your firm or office?	1.78	1.02	1,368	1.80	1.10	243	-.34
Been excluded from social gatherings?	1.60	.86	1,409	1.59	.91	245	.14
Been denied work when you expressed an interest?	1.66	.82	1,400	1.61	.83	243	.84
Received comments about your physical appearance?	1.76	.97	1,411	1.79	1.02	248	-.30
Experienced derogatory comments about your family status?	1.18	.52	1,416	1.21	.54	248	-.74
Experienced disrespectful remarks by judges or other lawyers?	1.80	.85	1,424	1.92	.97	250	-1.87
Experienced rude or inappropriate remarks by clients?	1.90	.81	1,415	1.94	.93	249	-.57
Experienced a lack of support by office/firm staff?	1.84	.88	1,412	1.90	.94	247	-.99

Respondents were asked: "How often have you experienced the following events during your career as a lawyer?" Responses were coded on a 5-point scale, where 1=none, 2=rarely, 3=occasionally, 4=routinely, 5=frequently.

Lawyers from racialized communities are slightly more likely to report they had been assigned tasks beneath their skill level routinely or frequently (14%, compared with 11% among non-racialized lawyers). Lawyers from racialized communities are slightly more likely to report exclusion, routinely or frequently, from social gatherings (4%); rude or inappropriate remarks by clients (4%); and a lack of support from staff at the firm (5%). Yet, their slight differences remain statistically insignificant. However, compared with lawyers of non-racialized communities, racialized lawyers also experience (occasionally, routinely or frequently) disrespectful remarks by judges and other lawyers (26%, compared with 21%) ($p < .10$).

One possible explanation for the lack of more sizeable differences is the fact that people of racialized communities within this study are made up of lawyers from a number of different communities, such as African-Canadians, Southeast Asian Canadians, Indo-Canadians, biracial or multiracial Canadians, and Aboriginals. Although these individuals are aggregated

for the purposes of statistical analyses, as separate groups they may have very different experiences of exclusion and discrimination. The amalgamation of so many different groups, with differential visibility and numbers within the legal profession, is likely to mask the more extreme experiences of specific communities.

**Table 5.9: Experiences of Discrimination by Racial/Cultural Group Identity
(Percentage Distribution)**

During your career as a lawyer, how often have you:	Non-Racialized Community Members			Racialized Community Members			Significance Level
	Never/Rarely	Occasionally	Routinely/ Freq.	Never/Rarely	Occasionally	Routinely/Freq.	
Been assigned tasks you think are beneath your skill experience?	43.2%	45.6%	11.2%	45.2%	40.9%	13.9%	NS
Not been invited to work with particular senior lawyers in your firm or office?	77.3%	25.6%	7.2%	76.0%	15.4%	8.7%	NS
Been excluded from social gatherings?	84.2%	12.4%	3.3%	84.8%	10.9%	4.3%	NS
Been denied work when you expressed an interest?	85.4%	11.9%	2.7%	85.8%	11.5%	2.8%	NS
Received comments about your physical appearance?	77.1%	17.9%	5.0%	76.0%	19.0%	5.0%	NS
Experienced derogatory comments about your family status?	95.9%	3.3%	0.8%	94.6%	5.0%	0.4%	NS
Experienced disrespectful remarks by judges or other lawyers?	79.4%	17.8%	2.8%	74.3%	20.7%	5.0%	p<.10
Experienced rude or inappropriate remarks by clients?	78.4%	19.5%	2.1%	74.6%	21.5%	3.8%	NS
Experienced a lack of support by office/firm staff?	79.8%	16.3%	3.9%	75.9%	19.5%	4.7%	NS

Respondents were asked: "How often have you experienced the following events during your career as a lawyer?" Responses were coded on a 5-point scale, where 1=never, 2=rarely, 3=occasionally, 4=routinely, and 5=frequently. These categories were recoded for this table as 1=rarely or never, 2=occasionally, and 3=routinely or frequently.

Table 5.10 shows lawyers' estimations of the degree of diversity in their places of work. To obtain these measures, lawyers within law firms and those who work as government lawyers and in-house counsel were asked about the number of women, men, members of ethno-cultural and ethno-racial groups, Aboriginal or indigenous people, and Francophones that work within their organization. The numbers that lawyers reported in response to these questions were divided by the total number of lawyers at the respondent's place of work. The

resulting percentages were then compared across work settings in law firms and in non-private practice. These figures are approximate estimates made by respondents and may not reflect the actual number of individuals from diverse groups within organizations.

Table 5.10 compares lawyers working in law firms and in non-private practice. There are statistically significant differences in the representation of women (33% in law firms, compared with 48% in non-private practice), and Francophones (4% compared with 11%). Women and Francophones are more likely to work in non-private practice than in law firms. In contrast, the differences between law firms and non-private practice are not statistically significant for the categories of ethno-cultural groups (18% in law firms compared to 13% in non-private practice), members of ethno-racial groups (8% and 9%), and Aboriginal or indigenous people (0.9% and 1%).

Both the private practice and non-private practice of law have low representation of communities traditionally excluded from the legal profession. Interestingly, participants in the survey tended to overestimate the presence of traditionally under-represented groups in the legal profession. For example, 16% of the survey respondents described themselves as people of racialized communities (e.g., Aboriginal, ethno-racial, and ethno-cultural communities).³⁴ Yet lawyers working in law firms estimated that fully 28% of their colleagues (at the same firm) were members of these communities. Similarly, in non-private practice (where in fact there is slightly greater representation of racialized communities), survey respondents estimated that 23% of their office colleagues were people of racialized communities (e.g., Aboriginal, ethno-cultural, ethno-racial communities). The representation of racialized communities in the legal profession remains far below the provincial figures for representation of ethno-racial groups, ethno-cultural groups, and Aboriginal or indigenous people.

Table 5.10: Representation of Demographic Groups

Percentage of lawyers in firms/ organizations who can be described as:	Law Firms (N=732) %	Non-Private Practice (N=391) %	t-value of difference
Women	32.48	47.51	-6.73***
Members of ethno-cultural groups	18.44	13.03	1.81
Members of ethno-racial groups	8.29	9.03	-.43
Aboriginal or indigenous	0.90	1.06	-.37
Francophone	4.35	10.46	-5.74***

³⁴ In our survey, 10% of respondents identified themselves as members of an under-represented group by virtue of their ethnicity or cultural background. Five percent identified as members of an under-represented group by virtue of their race. When asked about specific ethnic, racial and cultural backgrounds, 16% described themselves as people of communities other than Caucasian or European Canadian. See Section 1 of this report, “Characteristics of the Sample,” for more detailed demographic data.

Analysis of Comments offered by Participants

A Thematic Discussion

Participants in the study were provided with several opportunities to elaborate on their experiences inside and outside the practice of law. Many lawyers wrote several pages describing their experiences in the profession. Their comments are tremendously insightful and provoke serious thought about the contemporary legal profession and directions for change.

Respondents emphasized sources of satisfaction in the substance of their work, and arrangements they had found most effective in meeting career and personal goals. A large percentage of respondents also articulated sources of frustration within the profession. Their criticisms provide insights into arenas of struggle and dissatisfaction within law. Many of the respondents went beyond criticism to provide concrete suggestions for reform of the legal profession.

Analyzing comments is a difficult task. The objective of this section is twofold: to present the experiences of participants *in their own words*, and to summarize the various themes that emerge from these data. Interpretation of the comments is limited to providing this thematic structure. Although not all the comments could be included in this report, as far as possible the number of quotes in each section is proportionate to the overall number of statements reflecting this theme. Themes were developed inductively from the data; the researchers started with the transcribed quotes and made thematic categories (or generalizations) from these particular cases. A total of 28 thematic categories emerged:

1. Satisfaction in Law Practice
2. The Diversity of Careers
3. Mentorship
4. Stress
5. Problems with Billing
6. Hours and Demands of Work
7. Balance Between Career and Family
8. Consequences of Having Children
9. Maternity and Paternity Leave Policies
10. Disillusionment and Dissatisfaction
11. Law as a Business versus a Profession
12. The Image of the Legal Profession

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

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

Satisfaction in Law Practice

Several participants in the study commented on rewarding aspects of their work as lawyers. These comments touch upon satisfaction with the financial and personal rewards of practising law. A sampling of these comments is provided below:

Despite the stresses and demands of the job, I am proud to be a lawyer. I feel I make a difference in society. I like and respect my colleagues and I am happy with my choice of profession. (Case # 4553: male, government lawyer)

Generally speaking, I am a happy, fulfilled lawyer. Law is a wonderful profession, a great way to spend one's working life and earn a living. But I would not feel this way if my non-professional life were not equally rich and rewarding. (Case # 1918: male, partner in a large law firm)

I am 50 years old and very satisfied as a government lawyer with my income, workload and lifestyle... (Case # 1592: male, government lawyer)

I find the practice of law extremely rewarding. My father is a lawyer, and he is also one of the few people I know who absolutely loves what he does. I think I can better manage my kids' busy life and my husband's busy life along with my busy life & our lives together by being a self-employed lawyer. I make a good amount of \$ (just under \$200,000), am always stimulated and excited by what I do – who could ask for anything more? Sure it is stressful in many ways – but I'm sure working at Zellers & earning minimum wage at some boring drudge job would be stressful too. (Case # 2149: female, sole practitioner)

I can't think of a better or more rewarding opportunity (in every sense of rewarding and opportunity) for me. My abilities were entirely determinative of opportunities and achievement. I look forward to going to work, 20 years later. Most cannot say that. (Case # 2300: male, partner in a medium-sized law firm)

Overall, I have enjoyed being a lawyer & would do so again. My daughter is now practicing law with me – one year so far as an employee. I hope she will take over my firm. (Case # 1149: male, sole practitioner)

By and large a rewarding (although not always financially) and interesting career. I sometimes get jealous of the teachers and cops that went to high-school with me and are now retired, but in this stage of life I am, basically, satisfied. (Case # 1363: male, partner in a small law firm)

The Diversity of Careers

A number of participants discussed an array of career paths. Many lawyers indicated that they had left law to pursue careers in business and other sectors, while others responded that they continue to practise law but in such non-traditional formats as mediation and governmental policy-making. Their comments point to the need for greater awareness of potential career avenues for graduates of law school, as well as the need for further research into the diversity of careers outside traditional law practice.

I use my legal skills daily – drafting documents and interpreting legislation, etc., but don't give legal opinions as I do not work at a law firm, so I am not sure if you consider this the "practice of law." I have (so far) chosen not to work for a law firm as I do not want the increased billing expectations. (Case # 0598: male, practising law in "other" setting)

I am half-in/half-out of practice. My policy work is increasing and traditional legal work is decreasing, this provides a better work-life balance for me, even though I miss legal practice. (Case # 1114: female, government lawyer)

I have been very fortunate to work in a supportive in-house environment. My employer has been very accommodating about my wish to continue working on a part-time basis so that I can continue to be home with my son. It's not easy to balance the two but I consider myself lucky to have been given the opportunity. (Case # 2498: female, part-time in-house counsel)

I like the fact that lawyers no longer feel as though they have to stay in private practice. There are many more choices for the application of legal training than there were when I started practice. I encourage young lawyers to maintain a perspective on their professional & personal lives & to ensure they are enjoying what they are doing. (Case # 0927: female, in-house counsel)

Areas of interest & activity ceased to be focused on the law years ago. However, I finally realized I could work on my own doing work I enjoyed & that paid well & gave me total control over time spent & compensation. → FREEDOM! (Case # 1361: female, full-time, not practising law)

Currently in a “quasi-legal” position. Benefit is to use legal skills & knowledge without being in a private practice environment. I left private practice because I found it to be high-stress, overly competitive & too much focus on profit. Older lawyers seem greedy, materialistic & shallow. (Case # 2652: female, practising law in an “other” setting)

Did not enjoy private practice enough to work the hours required. Love policy work – the “flip side” of law – less stress, fewer hours, more me. (Case # 2823: female, full-time, not practising law)

I have not “left” law completely but I am the “community development lawyer” at a Legal Aid clinic. My time is spent mainly doing workshops & policy work, while my traditional practice work (i.e. files/cases) is limited to what I am willing to do (high level of control). (Case # 2877: female, community legal clinic)

I have not left the practice of law but was seriously considering it before becoming counsel for a municipality. I was not prepared to sacrifice my family life for a career – luckily municipal practice allows me to balance both! (Case # 3003: female, government lawyer)

I wanted a more varied experience outside of traditional practice. I now use my knowledge of law as a tool to better monitor and protect human rights. But I can also use other tools such as mediation, negotiation, reporting and sanctions. (Case # 4389: female, full-time not engaged in law)

I left practice to do legal editorial work because I felt it was better-suited to my skills and interests. This also has allowed me to better balance my family life with work. I felt overwhelmed by the practice of law – unprepared and

not well suited to the adversarial nature of litigation practice. (Case # 4685: female, part-time, not practising law)

- Desire to work in full field of labour relations and in particular on the staff of a trade union.
- Not attracted to private practice or law practice as traditionally defined.
- Don't define myself as a lawyer. (Case # 1748: male, full-time, not practising law)

One lawyer mentioned the difference that working in a different regional context has had on his career.

I work in France – working in a foreign environment and different legal context has made practice of law exciting. Greater mobility for lawyers, increased quality of life, achievement and effectiveness as a lawyer. (Case # 2703: male, associate in a large law firm)

Mentorship

Among the lawyers that discussed mentorship, two particular aspects of this theme emerged. First, participants noted a greater demand for mentoring relationships because of the lack of training opportunities. The following quotes illustrate this dimension.

Lack of mentorship in professional training & lack of professionalism. (Case # 2426: male, partner in a small law firm)

Balancing work, personal & profession obligations. Providing proper mentoring & training to junior lawyers. (Case # 3335: male, associate in a medium-sized law firm)

In the last year, I have had a good supervisor/mentor. Previous to that I had to struggle to get mentorship. I think obtaining proper mentorship can be a problem for many young lawyers. (Case # 4981: female, community legal clinic)

Heavy workloads. Law school, bar ads and articling do not necessarily prepare you for practice. Therefore, lack of appropriate training and mentoring is a challenge. Over-worked and under-prepared. (Case # 3398: female, associate in a small law firm)

As a young lawyer, I wish more mentors were available. Finding balance between work/home life is difficult. As a woman I am also finding resistance from older lawyers, both male and female, who won't assist when I am in need and have actually tried to cause harm to my reputation. It seemed like I was a "threat" to them as a young "up and coming" lawyer. That was very difficult to handle, as I thought female lawyers in particular would be very willing to help another (young) female lawyer get

ahead in the profession. The attitude cost me [not to be] hire[d] back at a large Bay Street firm. A painful, yet eye opening lesson. (Case # 4663: female, associate in a small law firm)

The second dimension of this theme is the dissatisfaction of some respondents with their mentoring experiences.

I disliked the focus on money/billable hours. I also felt that I was too pressured to expand my practice beyond my capabilities without adequate mentorship. Personality conflict with mentoring partner. (Case # 1486: female, full-time, not practising law)

I found my articling experience to be thoroughly disheartening. Students at my firm were encouraged to bill as many hours as possible and were provided with very little guidance. Often, the only way to learn was to make a mistake and have a senior lawyer tear a strip off you. (Case # 2546: male, full-time, not practising law)

Stress

An important consequence of many of the difficulties facing lawyers—including client demands, increasing complexity of law, and high work demands—is high stress. Many respondents discussed their difficulty in managing stress, career burnout, and the fact that stress has played a role in their departure from law.

Stress: reward ratio way out of whack. (Case # 0015: male, partner in a small law firm)

Managing stress appropriately – I think the pace of the job – and the hours required make it very difficult to keep perspective or life outside of work. (Case # 0398: female, in-house counsel)

Something is very wrong with the practice of law today. I don't know what it is but there is just too much stress due to having to take on too many files to make only a little bit of money. (Case # 3115: male, sole practitioner)

Career burnout resulting from increasing pressures to bill and consequently pressures on family life. (Case # 4057: male, not working for pay)

Law becomes more fun when you get older. Young lawyers experience lots of stress. (Case # 1693: male, partner in a small law firm)

STRESS – including negl. claims, demands, clients, time pressures including overhead, keeping abreast of developments in the law. (Case # 0109: male, government lawyer)

To meet earnings expectations requires more time, diligence, CLE and skill than many are able to provide, leading to high stress levels for both the successful & unsuccessful. (Case # 0101: male, partner in a medium-sized law firm)

Most lawyers must assume higher than normal burdens of work and stress to be successful. There are now more lucrative & less stressful professions which require less education to achieve. (Case # 0880: male, associate in a medium-sized law firm)

I did not like the work – too stressful, too much anxiety. The firm where I worked was great, the clients were wonderful – but I could not separate work and home in my head – too many sleepless nights worrying about files and the well-being of clients. Litigation selects for tough people (i.e. sociopaths) and is definitely not for everybody. I learned a lot at my old firm and still stay in touch with the lawyers and staff there, but getting out was the best thing I ever did. (Case # 1078: male, full-time, not practising law)

More predictable workload. Less stressful work. More control over workload and timing. (Case # 2142: female, full-time, not engaged in law)

Stress of matrimonial practice, poor remuneration. (Case # 0735: male, full-time, not practising law)

Stress – lots of client demands for immediate response & lots of competition. (Case # 2106: male, partner in a large law firm)

Problems with Billing

Many respondents discussed the problems associated with billing and the ramifications of these pressures for both clients and lawyers. Several lawyers suggested alternative ways of measuring productivity that may overcome some of these problems.

I dislike the method of work (i.e. client billing by hour). (Case # 3897: female, full-time not engaged in law)

The pressure to bill, and at the same time the absolute intolerance of even minor mistakes. (Case # 4109: male, associate in a large law firm)

Law firms are a business and, unfortunately, the commodity we deal in is time. The greatest disservice done to the profession was to shift from selling a product to selling time. As things stand now, lawyers are only as good as their billings, that is billable time and total billings (i.e. your billable time and billable work that you brought to the firm). If you want to have a family and actually spend time with your kids, you will never be able to keep up with

those who don't have a family or those who do but spend no time with them. In the end, it all amounts to swallowing your ego and accepting that fact that those younger and less experienced will make partner and the really big bucks before you do. If your definition of "success" is enjoying your family and still earning a very respectable salary, it is easy enough to do. (Case # 0075: female, associate in a large law firm)

All lawyers shift to a success fee-based billing system. Hourly billing is stupid. (Case # 4277: male, associate in a large law firm)

Dealing with rising expectations of billable hours to support higher profits. There is growing greed in the profession. (Case # 0207: female, large law firm)

Time-based billing and the ramifications of that – both for clients and for lawyers and law firms. (Case # 0873: male, government lawyer)

I think the docketing system is bad. If you are working "enough" you have no quality of life, and if you are having any quality of life you are not working enough. When you complete a file, you should be able to have a sense of accomplishment and not just be looking for the next big thing. (Case # 2588: female, associate in a large law firm)

Billable hours are an outmoded means of tracking revenue. Firms should "block" bill or bill for results as opposed to time spent working. In business, lawyers are evaluated in-house on their effectiveness and results, not on the number of hours they work. (Case # 0351: male, associate in a small law firm)

There are pressures on lawyers due to billing targets and hourly expectations. I personally believe the large firm atmosphere which accounts for many lawyers in Toronto area is unhealthy. I also believe there are many lawyers who did not enjoy the practice of law. (Case # 0550: female, government lawyer)

Hours and Demands of Work

Numerous lawyers complained about the long hours and the overall volume of work. Dissatisfaction with the hours of work is expressed in the quotes below.

The hours! I really enjoyed it but I have a young daughter now and I have been unable to find part-time or even regular hours to practise in my areas of interest – criminal, labour, immigration. I am still keeping my eyes open though. I was in the top 10 in my final year and could be really good! (Case # 3785: female, part-time, not practising law)

Too many hours of work/burnout. (Case # 0090: male, partner in a small law firm)

The number of hours are too high. People can't have a real life – no time for friends, family, social activities. Lots of people are depressed. Docketing... also with advent of case management, litigation work is faster paced. (Case # 4600: female, associate in a small law firm)

Hours, hours, hours which, if you lack in sufficient numbers, you are made to feel inadequate. (Case # 2588: female, associate in a large law firm)

...Need to do work in short time frame with reduced time to learn while practising. (Case # 1295: female, government lawyer)

Intertwined with long hours is the high volume of work demanded of lawyers. Several lawyers explained that it is difficult to complete their work within an appropriate time frame because of unreasonable work demands.

Too much work, too little time. (Case # 0290: female, government lawyer)

Time management. Need to do more work for less pay, unlike the 'old days', hence increased stress; more competition. (Case # 2209: male, partner in a small law firm)

-The volume and pace of work have increased to the point where client expectations of turn-around time are very difficult to meet.

-Maintaining a decent quality of life and balance between work and non-work activities are the greatest challenges in an ever complex profession. (Case # 2223: female, government lawyer)

In private practice, unhealthy, unsustainable work demands/culture. (Case # 0386: male, community legal clinic)

Being able to handle the volume of work and complexity of work demanded of them. (Case # 0622: male, full-time not engaged in law)

Have not left, but have come close on a few occasions, mostly for lack of ability to control content of work or work load (usually excessive). (Case # 3266: male, sole practitioner)

Balance Between Career and Family

One of the most prominent themes of this survey is the challenge that lawyers face in balancing their career and family. Discussion focused upon issues such as balance between career and family responsibilities, balance between career and other social endeavors,

inflexibility of private practice, and child care.

Simply tired of the day to day grind and what I perceive as a career that is very difficult to balance with my private life. (Case # 0967: partner in small law firm)

Achieving a balance work/family life, changing the way law is practised to allow for a balance, but especially women find this difficult in all areas of employment.

-People seem to hate paying lawyers or even seeing them. (Case # 3427: female, adjudication board or tribunal)

I'm one of the lucky few women lawyers who has been able to pursue a fulfilling career in law while raising a family. I deliberately chose to stay away from private practice so that I could "have a life." Government work may be becoming "pink shelter" but when it comes to balancing career and family demands, there is nothing like it. I am quite certain that had I gone into private practice, I would have abandoned law by now because of its demands on family life. As it is, I am still practising law and contributing to the profession (through continuing legal education programs, etc.) all the while enjoying my career as a lawyer. But, as I said, count myself among the lucky few. (Case # 0583: female, government lawyer)

WORK-LIFE BALANCE!! In private practice, I had to struggle to maintain balance in my life (time for family, friends, personal pursuits) and there was never time for everything. A particular challenge for women is how to have children yet maintain a career → there isn't a lot of flexibility in the profession to allow unique work arrangements. (Case # 2730: female, full-time, not practising law)

Work/home life tension.

Crushing workload materially affects ability to properly parent and achieve any modicum of life balance. (Case # 1456: female, government lawyer)

The hours required adversely affected my ability to raise my young children & adversely affected my health. (Case # 1036: female, full-time, not engaged in law)

To practice well, efficiently without making lawyering the sole aspect of one's identity. (Case # 2925: female, associate in a large firm)

After working very hard for one firm for 6 years (including articles) I was fired while on my first maternity leave because the partner I worked for did not believe I would be able to balance my work and home life – 13 years later I am still balancing! (Case # 0952: female, full-time, not practising law)

Balance of work, home, social life, family; balance stress – moderation

Keeping up to date. (Case # 0374: male, partner in a small law firm)

I have been very lucky in getting an ideal work/home balance, close to my home in a family-oriented office – this should be more common. (Case # 0228: female, part-time in-house counsel)

Greed vs. balance of work. Lawyers do not want or don't realize they can make less money in exchange for better work/family balance. (Case # 0136: male, in-house counsel)

Consequences of Having Children

Numerous participants in the survey discussed at length the intersection of career and family, particularly the consequences of having children.

As a mother, the main challenge I have is balancing my career with my family life. In order to achieve the balance, women in my profession often find they have to abandon certain goals, such as partnership. In a firm of 126 lawyers, we have only 4 female equity partners. None of those four women made partner after she had children. Two of them don't have children and the other two only had children after making partner. Equality of the sexes is something we like to pay lip service to but it does not exist. (Case # 0075: female, associate in a large law firm)

Restructuring law firms to accommodate women (and men who take their family responsibilities seriously) with flexible arrangements. (Case # 0221: male, partner in a small law firm)

I was a partner. The leave itself was not bad. But my billings were judged on a full year when I had been there only 8 months. (Case # 0978: female, part-time, not practising law)

I do not believe it would be truly available to me if requested. I believe my job would be at risk. (Case # 1613: male, associate in a small law firm)

Maternity and Paternity Leave Policies

Lawyers raised a number of issues related to maternity and paternity leave policies, including dissatisfaction with the length of leave, lack of policy at some firms, pressure to not take full advantage of policies, and encounters with alternative leave arrangements.

Many women lawyers were dissatisfied with the maternity leave policies offered at their law firms because they felt that the leaves were insufficient in length or that they were not compensated adequately during maternity leave. A sample of these comments is provided below.

The WHO has indicated that babies should be nursed for at least one year. My place of employment tops up maternity leave for 4 months. It should be topped up for a full year. (Case # 0728: female, part-time, in-house counsel)

As a partner, the best I could negotiate was 3 months with full draw. I felt it should have been 4 months with an option for 2 months without draw. (Case # 2085: female, partner in a small law firm)

I am expecting Sept. 7 and am unsure as to how I will be compensated over and above EI premiums if I am required to do work while I am on leave until June 4/04. (Case # 2549: female, associate in a small law firm)

I left my last job in part as a result of that firms' policy of not "topping up" salaries during maternity leave, despite the fact I was still working part-time (for free). (Case # 4013: female, full-time, not practising law)

Some lawyers were dissatisfied with maternity leave policies because of the business implications to law firms. These individuals were exclusively men and few in number, although their language is forceful.

It's too long & causes too much disruption to a business organization and places more responsibility on others. (Case # 0506: male, partner in a small law firm)

It is a pain to have to keep inept people because they get pregnant before you can fire them. You should mark this #1 [very dissatisfied], because the maternity laws discriminate against men & childless people, and they should be repealed. They should not be made more generous. (Case # 0542: male, partner in a small law firm)

Employees on maternity leave should commit about returning to work at much earlier time than prescribed date. (Case # 1738: male, sole practitioner)

Catch 22 (it is great for employees – partners pay). Female lawyers leave for 6 mos. or now a year at a time. We inherit all the files & have to review & get up to speed. Clients can't be charged for this duplication. When they return, it takes a year to get files built back up to the point that the lawyer can be productive. Clients can't be charged again. Then, another maternity leave & the process repeats itself. We certainly do support our female lawyers when they choose to enlarge their families but it does impact on clients, on the partner workload & on the bottom line. Same goes for staff to a lesser degree. (Case # 2036: male, partner in a small law firm)

The policy is generous. It included (I think) paternal leave which is ridiculous. Children are parent's responsibility, not the firm. Lawyers should make up their minds if they want to be a lawyer or a mother. Lawyers need a

supportive spouse. Not firm responsibility to deal with this issue. (Case # 3648: male, partner in a medium-sized law firm)

Unfortunately, some lawyers reported that there was no policy in place or that benefits were inadequate.

Self-employed – Little opportunity for maternity leave. 2 c-sections, 1 week in hospital, back at work “part-time” with baby after 2 weeks. Full-time within a month. (Case # 0129: female, partner in a small law firm)

I am currently on maternity leave and working full-time from home because no benefits offered. (Case # 3617: female, associate in a small law firm)

Expectation that associates will return quickly, and no leave policy in place for partners. (Case # 4016: female, associate in a small law firm)

1 woman; first child – 4 days; second child – 2 weeks. (Case # 4210: female, partner in a small law firm)

Respondents were often dissatisfied with alternative leave arrangements, especially paternity and adoption leave, and concerned about how they would be treated if they took leave.

The policy is fine if you are a female. Taking a parental leave is held against you if you are a male. (Case # 0069: male, government lawyer)

Adoptive parents receive only 2/3 that which birth mothers receive. Otherwise I was very happy with benefits and pay. In the past, having no benefits at all for adoptive so it is better than it was. (Case # 2376: female, government lawyer)

I am in a same sex relationship and when our kids were born I negotiated time off because the law did not apply. I took 3 weeks of holiday and 3 weeks of paid leave. My partner and I were the test case in Ontario for lesbian adoption rights. (Case # 0724: female, full-time, not practising law)

Not long enough top up and adoption is given less top up than biological birth. (Case # 3549: female, associate in a large law firm)

Although there is a policy, a male asking for parental leave is a major faux-pas. (Case # 1814: male, associate in a small law firm)

There is no paid parental leave policy for men. (Case # 2803: male, associate in a small law firm)

There is no policy for parental leave – will face considerable opposition when I take it. (Case # 4037: male, associate in a medium-sized law firm)

...The issue of parental leave really angers me. Parental leave may be a benefit in larger firms but I can tell you that at best it's a luxury in small firms. When my daughter was born, I "dared" to take off the day that my wife gave birth (I was with her in the hospital) & the next day as well; this was met with consternation at the office! (Case # 2697: male, government lawyer)

Finally, both women and men responded that they had experienced pressure to not take advantage of the leave policies, and discussed the consequences if they did.

Women are considered slackers if they take it and ball-breakers if they don't, men considered pansies/slackers if they do. (Case # 0586: female, full-time, not practising law)

Negative connotations/implications for professionals who take leave. (Case # 2578: female, associate in a large law firm)

Unwritten penalty for taking maternity leave. (Case # 2937: female, sole practitioner)

While it appears there is a policy for paternity leave, I don't think anyone has ever dared to take it. (Case # 4370: male, associate in a large law firm)

We are not paid for the full term and taking the full term is not encouraged (penalized, informally, in the partnership track). (Case # 4844: female, associate in a large law firm)

Disillusionment and Dissatisfaction

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

Day to day was boring and uninspiring. (Case # 4226: female, full-time, not practising law)

I am very happy to have escaped law practice. I was unhappy most of the time while practising. I tried many different firm sizes and fields of law but the undercurrent of billing, stress, and adversity remained constant. There was no room for meaning or personal satisfaction. It is an uncaring profession for the most part. (Case # 4133: female, full-time, not engaged in law)

The law requires a person to compartmentalize themselves. It is not at all conducive to healing. The law sucks creativity from me. It depresses me. It is a false system & provides no real justice. I work with street kids in my job & feel helpless on a daily basis. The law as a system is stacked against them. I

don't feel passionately about law. It is arbitrary & isolating. If I had it to do all over again, I would certainly not choose law. It brings me down. It's so dry, boring & the rituals (factum – writing, notice of motion blah blah blah) are so dull & life-force-sapping. There is little or no creativity. The law is like dying – a mundane death after a useless life. (Case # 2973: female, community legal clinic)

I have mostly left the practice of law. The main reason is that, at the end, much law seemed so futile, artificial and unnecessary, and its spiritual contribution to the world was ZERO. (Case # 0119: male, part-time sole practitioner)

It had become inadvertent slavery with no job satisfaction. (Case # 0379: male, full-time, not practising law)

Complete dissatisfaction with virtually all aspects of practising law, including:

- ability to earn an income compatible with the time spent
- way too much emphasis on billings
- inability to control my day/week
- unrealistic client expectations
- intellectual dishonesty – e.g. argue one position in one case and then the opposite 10 minutes later. (Case # 2140: male, full-time, not practising law)

I have not left yet but I am seriously considering a change. I find myself embarrassed to introduce myself as a lawyer. It's not a good sign. (Case # 1343: male, in-house counsel)

Job satisfaction is extremely low but those in power oppose and resist change. (Case # 4403: female, associate in a medium-sized law firm)

I get the sense that many lawyers of my age went to law school for reasons unrelated to the practice of law – family pressure, smart but didn't know what else to do, etc. – and on that basis dissatisfied to greater or lesser extent with the day to day practice of law. For the most part, I would say that most practice areas undertaken by small firms/sole practitioners and large firms are both too adversarial and too mundane at the same time. My general and growing sense of dissatisfaction stem in part from the nature of my work (mostly routine and boring), the stress of working in a small firm (which most lawyers work in), and not really being compensated for the amount of work, and general sense that lawyers aren't overly valued in society. I would also add that part of the problem with being a lawyer is having to deal with other lawyers. The law society for its part has done little to improve the quality or reduce the quantity of practising lawyers. (Case # 1015: female, associate in a small law firm)

I will be leaving the practice of law in August 2003 in order to attend teachers' college. The main reasons for my leaving were dissatisfaction with the content of my job and disinterest in my practice area. I wanted to make more of a contribution to society through my work and decided to pursue a career in teaching. (Case # 1240: female, partner in a large law firm)

Lack of challenge, doing the same type of work so the repetitiveness creates job dissatisfaction and boredom. (Case # 1894: male, in-house counsel)

Law as a Business Versus a Profession

Lawyers also commented on the challenge of balancing the business and financial aspects of law practice with the perception of law as a meaningful profession.

Achieving meaningful impact on society while satisfying the financial imperative of practice today. (Case # 0047: male, partner in a large law firm)

Making a living without compromising integrity. (Case # 0056: female, partner in a small law firm)

- balancing the role as a professional and business person
- keeping on top of business issues (Case # 2431: male, partner in a medium-sized law firm)

The main challenges are keeping in perspective the fact that the practice of law is a business and most lawyers treat it as strictly a profession and neglect the classical business aspects. (Case # 0739: male, partner in a small law firm)

Balance between running a business vs. professional ideals. (Case # 2019: male, partner in a small law firm)

Thinking like business persons as well as lawyers. Thinking out of the box to provide comprehensive services to clients – not old style practice that is inflexible/new business approach. (Case # 3552: male, associate in a medium-sized law firm)

Achieving meaningful impact on society while satisfying the financial imperative of practice today. (Case # 0047: male, partner in a large law firm)

Lawyers expressed frustration over the business side of law, such as high overhead costs, and discussed some of the negative consequences of these pressures.

Pressure of the billable hour and the requirement to maintain ever-increasing profitability. (Case # 1089: female, full-time, not engaged in law)

It is no longer a profession. It is a business where the rewards often do not outweigh the risks. (Case # 1357: male, in-house counsel)

Escalating costs and pressure for more income increasingly destroy the ability and the incentive for a proper professional conduct of practice. (Case # 0578: male, part-time, adjudication board or tribunal)

Keeping up with all of the changes in practice and technology pressure to keep up the pace managing the business side of practice. (Case # 1927: male, partner in a small law firm)

Finding meaning/fulfillment in the practice of law or coming to some understanding about the practice of law that allows you to tolerate a job that affords little to no opportunity for creativity. Avoiding the commodification of legal work. This commodification leads to an emphasis on productivity, cost control within a billable hour structure which would ultimately squeeze the lowest common denominator from the associate. The legal industry has to come up with a more effective way of providing value to clients that transcends this structure. (Case # 3665: male, associate in a large law firm)

Because of high overheads – too much pressure to produce income. Also, I don't like advertising and marketing – still feel they are unprofessional. Too many lawyers going after too little work. (Case # 0910: male, associate in a large law firm)

Bringing back professionalism, and focusing on independence. Due to economic requirements, lawyers are no longer servants of the courts and justice as well as their clients. In today's environment we've become servants of our clients for fear of the economic ramifications. (Case # 1411: male, in-house counsel)

Maintaining professionalism and integrity in the face of increasing pressure to practise law as if it were a business. (Case # 0470: male, in-house counsel)

The Image of the Legal Profession

Many lawyers in this survey expressed concern with the reputation of the legal profession and the confidence of the public in lawyers. Some lawyers believed that this negative image was well deserved, while others did not.

Improving public image (mission impossible? Perhaps!). (Case # 0202: male, sole practitioner)

Lack of respect for the profession generally. I have seldom seen praise for the legal community, nor have I seen the Law Society particularly active in promoting the needs of small practitioners. (Case # 1072: male, sole practitioner)

Maintaining and increasing integrity of the profession. (Case # 0359: male, in-house counsel)

Law has lost respectability among clients and general public.
Increasing sophistication of laypeople makes justifying fees very difficult.
(Case # 3934: male, sole practitioner)

Image, public perception, not doing enough to contribute to society as a whole whether through public service, community involvement, informal counselling & mediation, etc... (Case # 1780: male, in-house counsel)

The much reduced status & prestige that lawyers currently have in the community is well deserved and much more in keeping with our true contribution and value to society in general. I have dealt with enough senior lawyers to know that increased regulation over the profession is a very good thing in that it helps to minimize self dealings and conflict of interest scenarios that are viewed as improper by the younger lawyers but completely acceptable to many of our senior members of the profession. The status, money, and prestige previously enjoyed by our profession was due to a complete lack of education, sophistication by the general public which permitted lawyers to act improperly. The profession's status and prestige has [declined] due to the understanding by the public that lawyers are not 'special' after all. (Case # 0967: partner in a small law firm)

Lawyers have a bad reputation. I have personally observed some lawyers contribute to this negative opinion. (Case # 2503: female, in-house counsel)

We need to improve the integrity of our profession. The LSUC should be more involved in prosecutions for misconduct. (Case # 1725: female, government lawyer)

Respect for the position – lawyers have lost some public respect – real estate litigation or trust funds seem to bear the brunt of malpractice actions against

lawyers and, unfortunately, the remainder of the profession is left with negative marks against it as a whole. (Case # 1764: female, community non-profit organization)

The profession allows unsuitable advertising which diminishes our standing and trustworthiness; especially here in juries! (Case # 0311: male, sole practitioner)

Educating the public about the value of our work. Too many people believe “lawyer jokes” express the truth about what we do. (Case # 0908: female, partner in a small law firm)

Public attitude – skepticism. Everyone’s own lawyer is ‘OK’ but the public is very skeptical of the profession. Also, it is getting harder to earn a living. (Case # 0903: male, sole practitioner)

Adversarial versus Non-Adversarial Strategies

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

Loathed it – stressful, competitive, entirely money motivated. Disliked the gamesmanship and attitudes, and cynicism that prevailed in litigation in particular. (Case # 2573: female, full-time, not practising law)

I would leave the practice of law for better hours and better work environment (less adversarial). (Case # 2712: female, government lawyer)

- high pressure/lack of support from colleagues
- lack of interest in networking/ “schmoozing”
- hostile atmosphere in firms/unhealthy competition (Case # 2747: female, full-time, not practising law)
- Generally feel that those I have dealt with (lawyers) in my career are overly competitive, lawyers don’t support each other in career development.
- Articling process is ridiculous – popularity contest, hard psychologically – which sets you up for your whole career – too much of a game. (Case # 3203: female, in-house counsel)
- Too many lawyers have bought in to the fact that law is or should be only adversarial.
- ADR [Alternative Dispute Resolution], negotiation, mediation, must be seen as not just an alternative but as a 1st choice in settling legal matters. (Case # 3280: female, part-time, sole practitioner)

Wanted non-adversarial job, to feel like I was making a difference to people and society, more sane work hours, to feel personal satisfaction and meaning in my work, less competitive workmates, less hierarchy and structure, more independence. (Case # 4133: female, full-time, not engaged in law)

Tired of fighting with other lawyers and judges.

Tired of the long hours.

Tired of the sleaziness of a lot of defence counsel. (Case # 0586: female, full-time, not engaged in the practice of law)

Attitude of community – negative thinking.

Aggressiveness of defence counsel (generally) tending towards bullying. (Case # 0995: female, government lawyer)

Relations Among Lawyers

Numerous lawyers in our survey expressed dissatisfaction with what they perceived to be the antagonistic, harsh, and unsupportive relationships among their colleagues.

Dealing with other lawyers, many of who seem to have little schooling in proper courtroom etiquette. (Case # 1132: male, government lawyer)

As a female sole practitioner and a parent (now a single parent), I have experienced a lack of support from the profession, hostile attitude towards me as a newcomer and competition, and derogatory comments and behaviour directed at me because I am a female practitioner. I have been appalled and puzzled over some of the behaviour of lawyers, as they are educated and well aware of what constitutes sexual harassment or discrimination and they are the ones that the public is expected to look to for help with these problems. The resulting effect on public opinion saddens me as I work very hard to show my clients that there are lawyers who act with dignity, are competent, caring and are not motivated by trying to get as much money as possible from them. After 10 years of work experience in other fields and in different locations, I feel strongly that both the geographic location and profession itself are factors that contribute to the intensity of this problem... (Case # 0606: female, sole practitioner)

Speaking personally, I would say the primary challenge is to obtain enjoyment from the day-to-day functioning as a litigator. The erosion of civility in the profession, coupled with the decline of respect for the profession, often means that the day will be filled with negativity. (Case # 4339: male, partner in a small law firm)

The profession, in my view, is in real trouble if civility is regarded as something that has to be taught, such as in CLE programs. Also, lawyers seem to mix up the public interest and their own self interest! The recent fixation on

the need to regulate paralegals is unseemly. Regulation should consist of two words: buyer beware. (Case # 3231: male, government lawyer)

I want to leave – too competitive, too money-oriented, lawyers are a very unpleasant group of people – *not a collegial profession*. (Case # 3765: female, associate in a small law firm)

1. Other lawyers. Most have severe personality problems. New lawyers either feel they must emulate the older dysfunctional lawyers to be accepted or they were already like that when they arrived and fit right in.
2. The billable hour – it's no way to live. (Case # 2732: male, associate in a small law firm)

Poor communication skills, lawyers, clients, and judiciary will not respect truth and honesty or even take the time to look for it. (Case # 4871: male, sole practitioner)

Culture moving from collegial to competitive as economic situation worsens and as law firms fail to revise their business model as required. (Case # 1067: male, partner in a large law firm)

- ...There is also a lot of backstabbing among in-house counsel in large corporations/organizations.
- Many lawyers I have seen in organizations are so driven to succeed and rise to the top, some stop at nothing to get there and are insensitive to others or simply do not care. (Case # 2503: female, in-house counsel)

Generational differences emerged between younger and older lawyers in the ways that they believed law ought to be organized.

Workloads and expectations of senior partners/lawyers. Just because they worked long hours as a junior does not mean that your life should become a face game where you live at work. (Case # 4628: female, in-house counsel)

The younger generations are less accepting of the almighty billable hour targets. Changes need to be made. It's just not as readily accepted now. We watched older generations focus on this and suffer. We don't want to repeat the same mistakes. (Case # 4876: female, associate in a large law firm)

A stale rigid mindset among established members of the profession, many of whom lose sight of their function and the roles they occupy in the legal process and society. Too many also neglect their responsibility for mentoring new lawyers. (Case # 4654: male, associate in a large law firm)

There are too many difficult senior lawyers & not enough good role models/mentors for junior lawyers (especially for women & people from

different backgrounds). Emphasis on billing is prevalent and stressful for those starting out. Thank you for the work that you are doing! (Case # 2877: female, community legal clinic)

Departures from the Practice of Law

Many of the themes already discussed in this section came from respondents who were explaining why they had left the practice of law. Discrimination, dissatisfaction, frustration with the business side of the profession, and the appeal of opportunities outside of law were among reasons for leaving.

I didn't like the management of the firm I worked in. I decided to try a change – working for a corporation – fully intending to return to practice but I enjoyed the work & stayed. (Case # 0927: female, in-house counsel)

- I felt that to practise law I had to give up everything else I enjoyed.
- lack of balance between work and everything else
- sexism
- not seeing the possibility of practising law & having children
- billings (Case # 1770: female, full-time, not practising law)

Too much emphasis on billable hours/\$. Not enough "people interaction." Lack of satisfaction that I was making a difference in society.
(Case # 2030: female, full-time, not practising law)

I wanted to be a part of a commercial enterprise with fairly steady hours to allow time for a decent family life. (Case # 0684: male, judge)

Loathed it – stressful, competitive, entirely money motivated. Disliked the gamesmanship and attitudes, and cynicism that prevailed in litigation in particular. (Case # 2573: female, full-time, not practising law)

I was looking for something more interesting, diverse and more fun that would suit me better. I was also hoping for less stress and to be able to go home and forget about deadlines and get a good nights sleep. (Case # 2629: female, full-time, not practising law)

Wanted non-adversarial job, to feel like I was making a difference to people and society, more sane work hours, to feel personal satisfaction and meaning in my work, less competitive workmates, less hierarchy and structure, more independence. (Case # 4133: female, full-time, not practising law)

Increasing Numbers of Lawyers

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

they had not been able to find an opportunity to practise law, whether as a new lawyer or when attempting to return to law practice.

I have not practised law due to an inability to secure a position (any position) as a lawyer. (Case # 3417: female, full-time, not practising law)

There are too many lawyers. Too many lawyers have inadequate experience. They don't have an association the mandate of which is to promote the interests of all lawyers. (Case # 2455: male, sole practitioner)

Cannot find work as a lawyer – I'm trying to get back in, but am very discouraged after 9 months of searching. (Case # 3790: female, part-time, not practising law)

...Given the current state of the profession and in particular the role of the law schools who now want to overcharge to pump out lawyers, I would not encourage my children to become lawyers. (Case # 1592: male, government lawyer)

At the time I left it was to take a sick leave. I wanted to return to law, but to a position which would allow me to work 9-5 and to have control of my schedule (which litigation did not). I was very frustrated and disappointed that there were so few legal jobs out there for someone with an excellent academic background and references which met this criteria. I felt I could contribute so much to any job and wanted to use my legal skills, but saw almost no jobs I was interested in doing. This also related to my interest in helping people which I think few law jobs involve. (Case # 3914: female, on a leave, not practising law)

I have not entered the practice but would like to. (Case # 4260: female, full-time, not practising law)

I couldn't find work! (Case # 4443: female, full-time, not practising law)

Too many lawyers, not enough work, given economic circumstances. (Case # 4523: female, full-time, not practising law)

Developing oversupply due to high law school enrolments, lack of positions for junior lawyers, overemphasis on billable hours.
(Case # 3556: male, government lawyer)

A poor job market with a consequence being your career is guided by the opportunities offered and not your interests. (Case # 2653: male, part-time, not practising law)

Too many law schools pushing through too many lawyers (for budget reasons) have degraded the profession. (Case # 1670: male, partner in a small law firm)

Public attitude towards 1. profession 2. the law
Excessive competition due to excessive numbers in the profession.
(Case # 1674: male, government lawyer)

Discrimination (Diversity Issues)

Participants wrote extensively about varied experiences of discrimination related to gender, ethno-cultural and ethno-racial background, class, age, disability, and sexual orientation. Comments ranged from overt forms of discrimination to consideration of more systemic and structural barriers to advancement in the profession. Comments were widespread and often distressing.

Numerous lawyers, many not of racialized communities themselves, spoke of discrimination on the basis of ethnic/cultural/racial background:

Proper role/respect for women/minorities. (Case # 2313: male, sole practitioner)

Being a minority student I was stressed out to the maximum due to attitudes shown by co-students and some professors/teachers, I believe due to racism. During the licensing process (because I was a foreign qualified lawyer), the Law Society representative with whom I dealt [...] was hostile towards me. I found it extremely difficult to find an articling position in Ontario. (Case # 4695)

After articling – there are very few visible minorities on Bay Street. The Law Society should assist and encourage the seven sisters to become leaders in this area like Shearman, Skadden & DPW are in NY.
(Case # 4161: male, associate in a large law firm)

I believe that being a visible minority, or having a name that implies minority status had affected my ability to even acquire interviews in private sector firms. Many individuals/classmates with similar marks, education, [and] volunteer experience in law school acquired interviews with prestigious firms whereas I was being given interviews only at government and/or legal clinic type firms. (Case # 3747: male, community or non-profit organization)

I believe there are still significant ethnic/racial challenges to minorities entering law or law school and receiving partnerships.
(Case # 2514: female, associate in a small law firm)

The difficulties that visible minorities have in moving “up the ladder” in traditional firms continues. This is compounded by minorities hitting the

“glass ceiling” with client promotion. Therefore, more minorities are entering ethnic-based practices. (Case # 0090: male, partner in a small law firm)

You are studying the diversity of career paths among a group of people which is not all that diverse (ethnically, socially, etc.). What this study won’t capture is the fact that most diversity is weeded out well before graduation from law school, because of factors such as high tuition, cultural perceptions of law school, arbitrary barriers to admission to law school such as the LSAT and numerous other barriers.

(Case # 4987: male, associate in a small law firm)

If you love the practice of law and are white and smart – nothing (except maybe finding a good place to service your SUV). If you are not white then things might be rougher – but I have only an anecdotal sense of that. (Case # 1078: male, full-time, not practising law)

- 1) work/family balance for lawyers who do not have a stay-at-home spouse, whether with, or without a family; long hours for average pay;
- 2) integration of visible minorities into large law firms and in-house departments, judiciary to fully reflect demographics; networking opportunities for female visible minority lawyers;
- 3) pension or retirement savings for lawyers in private practice.

(Case # 2904: female, associate in a small law firm)

Client communication. Discrimination from other lawyers and clients (based on gender, race, religion, sexual orientations, and age). (Case # 3187: female, associate in a small law firm)

Discrimination against women figured prominently among the comments of lawyers in this survey:

There is still a great deal of discrimination against women, particularly women in criminal law. Small towns are especially bad when you deal with the same crown, police, judge on a mainly daily basis. Too easy to be labelled or targeted if good. Very little support from the profession. Judicial appointments committee applicant selection very flawed & precludes good candidates. (Case # 0096: female, judge)

I articled in a law firm and did not like the sexist, inflexible, hierarchical attitudes. If I were not a government lawyer I might not be practising law. (Case # 2780: female, on a leave, government lawyer)

Main challenges confronting women lawyers (in corp. law) are building practices in an environment where role models/mentors are scarce, contacts are limited, personal demands conflict with work demands and same

opportunities to succeed (as male colleagues) are not provided. (Case # 2346: female, associate in a large law firm)

The sexism and intolerably long hours with comparatively low remuneration drove me from the practice of law. It is still very much a male-dominated world and women still have a long way to go. (Case # 0586: female, full-time, not practising law)

Diversity in private practice, including women leaving in large numbers during their junior years. (for example, myself – I will likely leave law soon if alternative law jobs are not available). (Case # 2877: female, community legal clinic)

Corporate environment still rife with discrimination & harassment. Spirit of competition rather than resolution leads to nastiness & bad reputation for all – there is healthy competition that leads to job satisfaction but many lawyers tend to take this to the extreme. (Case # 0144: female, associate in a small law firm)

During private practice, my boss was of the opinion that women were better “equipped” to deal with family law. I was placed in this area of the law because I was a woman. I was never asked what I wanted & was not encouraged to seek out other opportunities.

Excluded from social gatherings (as a woman) – some social gatherings were just for men. (Case # 1770: female, full-time, not practising law)

Depends on your gender. Young female lawyers are still having a hard time being accepted into the “boys” social networks. Also, maternity leaves are frowned upon – most women take very short maternity leaves so as to placate the partners. (Case # 2652: female, in “other” legal setting)

Women are still terribly discriminated against in our industry. In the last 18 months, as a partner, I have had to fight very hard to ensure both our junior associates were paid the same (the rest of the firm wanted to pay a female associate less although she had more experience) and have had to battle out a family leave policy for myself and the junior lawyers. I am continuously surprised by the gender bias of my colleagues and their silent oppression. This is not an industry for wallflower women. We need to make our profession more accommodating to women. (Case # 2080: female, full-time, law firm partner)

Although sexual harassment was not explored in this survey, several lawyers remarked on sexual harassment as a continuing problem in the legal profession. For example, one lawyer wrote:

In my short years of practice I have personally experienced, and also witnessed other women experience, sexual harassment on the job. The most startling aspect is how prevalent this problem still is in the profession, how often it is ignored, and how difficult and discouraging it can be to confront it. Sexual harassment policies at firms that simply pay lip service to behavioural standards but go on tolerating the behaviour are not enough. (Case # 4135: female, associate in a small law firm)

Other lawyers discussed discrimination on the basis of age. As these two lawyers note,

I entered law school at 39; did not achieve scholastic success of other students; only offered 1 articling position in family law firm. Firms in London hire only through personal relationships with senior lawyers. Don't have "proper" socio-economic background or age such that I am never advised of openings or possibilities. Single, self-employed, constant struggle to survive economically, cannot repay loans sometimes believe suicide only solution to economics. (Case # 0521: female, sole practitioner)

I do believe there is discrimination occurring to older people, men and women, in finding employment opportunities inside and outside the practice of law. (Case # 3988: male, full-time, not practising law)

A few lawyers also remarked on issues of socio-economic class and privileged access to the profession of law. One lawyer described this issue as follows:

More attention needs to be paid to the effect of socio-economic class. This is becoming a larger source of problems than racial or sexual discrimination. High tuition fees keep out poorer students or affects ability to do public interest work. Heavy competition for few articling placements of any quality is unfair to those who lack the connections, and who were barred from volunteer work due to the need to earn money, whose marks were affected by poor diet, poor accommodation, lower ability to afford supplemental study material, and who have less time to study due to the need to earn money. It is extremely difficult to overcome disadvantages of being lower class. Too high a concentration of lawyers from higher classes may affect quality of profession, e.g. willingness or passion with which needs of poorer clients are met. (Case # 4529: male, associate in a small law firm)

Finally, one lawyer also expressed concern about a lack of accommodation for those with disabilities and health problems in the profession.

I left the full-time practice of law at a big firm because they were unable/unwilling to accommodate my special needs due to my health issues. I have an illness that is unpredictable and therefore requires me to have flexible hours. This was not possible in a Bay Street firm. (Case # 4908: female, sole practitioner)

Ethics

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

Major challenge to the legal profession: behaving in an ethical manner. (Case # 0096: female, judge)

I think it is important to remember the key role we play in our society in addition to the demands of business. Ethical conduct and practice must be stressed and preserved in order to improve others' perception of lawyers. Civility, professionalism and politeness have retreated over the last few years.

The disparity between small town lawyers and big downtown firms is constantly increasing which may lead to divergent interests and demands. (Case # 4150: male, full-time, not practising law)

Lawyers' code of ethics should be promoted to lawyers in private or small practice. Lying about conversations with other lawyers is prevalent... (Case # 2503: female, in-house counsel)

Maintaining ethical standards in the face of declining job satisfaction and remuneration. (Case # 1180: male, sole practitioner)

Ethics – or lack thereof of some newcomers. (Case # 1225: male, sole practitioner)

There is a need for the Law Society to continue to teach and promote ethics. We see lawyers who are motivated by the need to bill who prolong cases, who are reticent to settle out, who show disrespect to colleagues. I believe that it is a growing problem that needs immediate attention.
(Case # 1012: male, partner in a medium-sized law firm)

More stress should be placed in law school and in the workplace on ethics and moderation. There should be room for diversity in the make-up of the profession and in the level of production at law firms. (Case # 0375: male, partner in a large law firm)

Accessibility of Law

Discussion of accessibility centered on two themes: (1) the increasing inability of many Canadians to afford legal services because of high fees and cuts to Legal Aid, and (2) barriers to the next generation of lawyers imposed by rising tuition fees at law schools.

The following quotes illustrate the concern with declining access to legal representation.

To ensure that services are affordable to all. (Case # 0421: male, government lawyer)

Lack of attention to serious problems arising due to Legal Aid lack of support by lawyers in general. (Case # 2335: male, partner in a small law firm)

Promoting legal service to the needy – ensuring proper funding of Legal Aid plan. (Case # 0236: male, partner in a small law firm)

As a single lawyer representing average and low income litigants, it is impossible in the present context to provide an appearance of justice to the average client. (Case # 0358: male, sole practitioner)

The main challenge is to make qualitative & necessary legal services available to all in society, regardless of one's economic plight. Presently, only the wealthy segment of society can afford those services, which that segment often uses to protect its status quo. Unfortunately, lawyers will not meet that challenge because their very high materialistic needs can only be financed by clients with bucks. (Case # 0119: male, sole practitioner)

Being accessible to low & middle income people. Legal fees are prohibitive, Legal Aid has constricted its areas of law for which it issues certificates – this means the proliferation of unregulated ‘reps’ and ‘agents’. These unregulated reps/agents are, for the most part, unscrupulous, leaving their clients legally exposed & underrepresented. Further, their clients, in many cases, actually believe they are being legally represented. Lawyers must find a way to be available to clients such as these – lobbying for an expanded, better-paying Legal Aid system, duty counsel programs at commissions & boards, etc. (Case # 0769: female, government lawyer)

The system takes care of the poorest to some degree, and the wealthy very well. The middle class is virtually shut out. (Case # 1594: male, full-time, not practising law)

To try to change the public perception of lawyers and lawyering in general, which I feel is, on the whole, negative! Lawyers have done little to inspire a positive reputation for themselves. We need to make legal services more affordable. We will continue to suffer a bad collective reputation as long as we continue to over-charge for our services, and as long as we fail to address a legal system which does not work for the “ordinary” people. The system takes too long to achieve results for people. Most people who encounter the legal system emerge from it worse off than when they first got involved, even if they “win.” (Case # 1343: male, in-house counsel)

A growing theme in this survey, compared with earlier surveys of the Ontario legal profession, is a concern with access to law school. The following quotes illustrate this concern.

I think it is a pretty good profession with quite a bit of job choices in diverse fields. I think one issue now is that the cost of going to law school is so high it is reducing access and people will be less inclined to go into public service with so much debt. (Case # 3191: female, associate in a large law firm)

Fair recognition and remuneration of those serving the disadvantaged. Skyrocketing tuition will prevent many from entering law school or taking jobs serving the public. Legal Aid needs reorganization. (Case # 4981: female, community legal clinic)

Student loans and other debts related to my education are a significant barrier to achieving a reasonable quality of life. My wife and I are both from lower class backgrounds, with no family financial support for our education. Current trends to raise tuition by law schools will likely prove to be a significant barrier to poor students entering our profession. (Case # 2775: male, partner in a small law firm)

Suggest you do some work on how the profession will change with the outrageous tuition fees. (Case # 0392: male, partner in a small law firm)

Billable hours – the fact that only the rich can afford to go to law school these days. (Case # 4370: male, associate in a large law firm)

I think they're confronting law students – and they're called tuition fees! I don't think I could have become a lawyer at today's tuition. (Case # 3466: female, government lawyer)

To provide more economical access to the law for the public (cheaper), hence broadening access to the law, while not decreasing, if not increasing, compensation for lawyers. (Case # 2180: male, partner in a small law firm)

Insurance, Fees and Benefits

Several lawyers discussed how the costs of insurance and fees, and the lack of workplace benefits affected their professional decisions. Some described how these financial issues played a role in their decision to work in a particular sector or impacted on their decision to leave law.

No benefits, no steady pay. (Case # 4316: female, sole practitioner)

High professional fees – lack of respect for majority of persons in field. (Case # 4529: male, not working for pay)

Options D, E, and R are offered in theory, but lawyers rarely, if ever, take advantage of them. (Case # 3003: female, government lawyer)

I wanted to work for the federal government – for the benefits and other potential employment opportunities. (Case # 1978: female, part-time, not practising law)

While the policies ostensibly support part-time and job sharing, the reality is that to avail yourself of them is to meet resistance and derailing of financial and career advancement. (Case # 1456: female, government lawyer)

The profession has to start accommodating alternate ways of working. Job sharing, part-time etc. As well, there should be less focus on billable hour targets. (Case # 4461: female, associate in a large law firm)

Lawyers and some other professional group (like teachers) should have to contribute to a fund for a base pension. Some plans would be available to our association, staff, etc. with opening contributions and a levy there would soon be developed a pension which could be individually or collectively augmented. There should be some leadership by the Law Society (like teachers) these fund (pensions) are now huge. Parallel pension availability for doctors and others. These plans would assist all in law to be able to plan a retirement. Soon lawyers would be able to say “ppp-pension.” The P word! (Case # 0221: male, partner in a small law firm)

You should focus on obstacles to the establishment of small and solo practices – i.e. prohibitive LSUC membership and LPIC insurance rate. You should ask why can't young lawyers simply establish their own firms, rather than suffer the prevailing job market. (Case # 0847: male, associate in a small law firm)

Expense of fees, etc... associated with being a lawyer, as well as cost of CLE programs for recent call to the Bar lawyers. CLE programs are especially important for recent calls, yet the cost associated with attending such restrict access. (Case # 2756: female, associate in a small law firm)

It is very difficult for starting lawyers being in practice on their own. LSUC fees & insurance made up 1/7 of my gross income in year 1 of practice. Fees should be based on income in year 1, & insurance should be reduced. LSUC is not doing much to assist first year lawyers. Financial strains tremendous. (Case # 2942: male, associate in a small law firm)

The Law Society is a huge burden to small firms/sole practitioners. Insurance fees, etc. make us non-competitive with paralegals, etc.
(Case # 4218: male, sole practitioner)

Competition from Outside the Profession

Participants in this survey perceived increasing competition from outside of law, especially from non-legal professions such as accounting and banking. Numerous lawyers also felt that Canadian law firms will have an increasingly difficult time competing in an international context, especially with US firms.

Maintaining quality of work & work/life balance in face of competition from other firms, internationally, in-house counsel, etc. It is a business. Can't it be more? (Case # 0024: female, associate in a large law firm)

- reduced need for sole practitioners and small firms
- competition from "paralegals," banks, etc. (Case # 0093: male, sole practitioner)

Competition with others from non-traditional legal fields e.g. Internet delivery of divorce/estate-will services, real estate, etc. (Case # 0396: male, not working for pay)

Much of the work done by lawyers previously now being done by paralegals etc. There are too many lawyers being called to the bar thus making it difficult for young people to make a decent living. (Case # 0701: male, partner in a small law firm)

Globalization – will there be enough work for Canadian lawyers?
(Case # 0920: female, partner in a large law firm)

Consolidation; competition from other areas such as US – hard to compete; billings hourly rates high; lawyers are too expensive; in-house jobs – less expensive. (Case # 0389: female, small law firm)

Making a decent living that reflects the effort and education, notwithstanding huge competition and spiraling overhead costs.
(Case # 0097: female, partner in a small law firm)

Competition for market share (clients) both with other law firms and within your own law firm. (Case # 0154: male, partner in a large law firm)

Maintaining presence in areas being encroached upon by others (e.g. accountants, paralegals). (Case # 0202: male, sole practitioner)

Too many lawyers.
Increasing incivility & competitiveness.
Encroachment of non-legal "professional."
(Case # 1045: male, partner in a large law firm)

Remuneration

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

Salary. There were better opportunities to earn income at the same level of work. (Case # 0351: male, associate in a large law firm)

Inadequate compensation in comparison to stress & workload.
(Case # 0144: female, government lawyer)

I felt quite strongly that if I put the same emotional, intellectual, physical, and psychological energy into almost any other activity, within reason, that I would end up miles ahead financially and from a lifestyle point of view. And it turned out to be true. I had entered law with a high degree of idealism, as well as optimism about the income and lifestyle it would afford me. My views changed rapidly. (Case # 1594: male, full-time, not practising law)

Low earnings for stress and responsibilities, no support from Law Society or other organization.

-High stress, poor pay structure. (Case # 2123: male, sole practitioner)

Was not receiving enough compensation/benefits for the amount of liability/time involved. (Case # 2294: female, full-time, not practising law)

- maintaining quality of life and reasonable remuneration
- very little chance of retiring early when many other career choices would have afforded this (Case # 0866: male, sole practitioner)

There is no money – unless you are downtown T.O. working 6a.m. -11p.m. in corporate/insurance/banking you make no money. The overhead is staggering! (Case # 1422: female, associate in a small law firm)

Getting properly paid for the time and effort expended and the responsibility assumed. (Case # 0202: male, sole practitioner)

Making enough money during our careers to retire on. Competition, technology, expenses, etc. have decreased fees lawyers can charge (and clients are willing to pay) and have, therefore, decreased profits. Since we don't have pension plans we have to earn enough now to live on and to put away for retirement. (Case # 0155: male, partner in a small law firm)

I am about to leave. I am returning to government work, mainly because the type of work is more interesting and also because the compensation and

opportunities for advancement are better, relative to the number of hours I am prepared to work each week. (Case # 1362: female, associate in a large law firm)

As a criminal lawyer, the biggest challenge is to get adequate compensation for work done. (Case # 2133: male, sole practitioner)

Clientele

Many respondents reported that dealing with clients was one of the major challenges within law. Lawyers commented on clients who proved difficult, demanding, disrespectful, and failed to pay their bills.

Disliked responsibility for clients' welfare. (Case # 2922: male, full-time, not practising law)

Dissatisfaction with client pressures. (Case # 2291: male, full-time, not practising law)

I do not work excessive hours – I refuse to. My decision to not work 6-7 days per week has often resulted in client dissatisfaction. The clients all want to be a top priority and they do not understand that I have other clients to serve. (Case # 4531: male, associate in a small law firm)

Greater expectation by clients that you will have the answers/solutions as opposed to directions/advice. (Case # 4127: female, in-house counsel)

Pace of change and demands for lawyers to provide immediate answers to clients. (Case # 3549: female, on a leave, associate in a large law firm)

Client education

Staying relevant – convince client of value. (Case # 3212: male, in-house counsel)

To meet client demands and respond efficiently and effectively to clients' needs. With the increasing use and e-communication, and the speed of business transactions... time is the biggest enemy (the lack thereof). (Case # 4846: male, in-house counsel)

From my perspective as a family law lawyer – getting paid by my clients! My AIRs were getting quite unreasonable before I left on maternity leave. (Case # 2650: female, associate in a small law firm)

Lawyers are caught in a classic cost/price squeeze aggravated by a client base which becomes ever more demanding by the day. (Case # 1473: male, in-house counsel)

The pressure of responsibility to clients' demands which are constantly escalating. (Case # 0085: male, part-time, partner in a large law firm)

Increased expectations from clients, increased exposure to liability and longer hours not matched by commensurate compensation. (Case # 2523: male, sole practitioner)

Lack of willingness to represent morally objectionable clients in order to stay afloat. (Case # 4529: male, not working for pay)

To be open-minded and flexible enough to accommodate changing needs of clients. From small general practice point of view, to find ways to be economically viable and at the same time manage to truly look after our clients' needs in the face of endless demands on our time and money. (Case # 0606: female, part-time sole practitioner)

Lack of sense of personal satisfaction; many clients don't appreciate what you do for them; disputes regarding fees. (Case # 2566: male, associate in a medium-sized law firm)

- work/family balance
 - billing/hours pressure
 - competing demands & being able to provide high quality work in very short timelines
 - managing client expectations in a very fast-paced, electronic environment that values instantaneous results – quality is often compromised for speed.
- (Case # 2241: female, in-house counsel)

Pressures of business, remaining current.

Loss of markets to paralegals.

Clients who are unscrupulous and who use convenience of LAWPRO to advance their claims.

(Case # 1012: male, partner in a medium-sized law firm)

Balancing time.

Satisfying clients – their demands are increasing as willingness to pay decreases. (Case # 0982: female, sole practitioner)

Technology

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

Clients with the new technology are expecting responses much faster (Case # 0085: male, part-time, partner in a large law firm)

The increased tempo caused by technology, which leaves little time to think. Concern about personal financial security – see the number of candidates for Bench or who raised the issue. (Case # 1795: male, part-time, sole practitioner)

Technology – information regarding changes in the law, particularly tax law is happening very fast and clients expect answers right away. Fax and E-mail have caused this increased expectation. (Case # 4179: female, associate in a large law firm)

Keeping up with all of the changes in practice and technology pressure to keep up the pace managing the business side of practice. (Case # 1927: male, partner in a small law firm)

I believe the main challenges are work/life balance and the pressures put on lawyers by the advancement of technology. It is becoming impossible to keep up with client demands due to unrealistic expectations fostered by the development of E-mail, blackberries, etc. Lawyers are expected to be available 24/7 and this is causing stress and early burnout. (Case # 1240: female, partner in a large law firm)

Technology is obviously a positive development for the practice of law, however, it poses significant challenges. Lawyers are “wired” 24/7 via voicemail and E-mail (through the office and remote). Lawyers are now expected to provide instantaneous feedback and often do not have sufficient time to think through all aspects. This affects the quality of legal advice and has made the practice more difficult. (Case # 1527: male, partner in a large law firm)

Dealing with rising expectations of clients – particularly exacerbated by technology – fax/E-mail/voicemail. (Case # 0207: female, large law firm)

Continuing relevance in face of technological changes in routine aspects of the law. e.g., real estate, undefended divorces. How lawyers can best provide value-added services. (Case # 1775: male, partner in a small law firm)

Complexity of Law

Complexity of law was a theme closely tied to technology. Some respondents also expressed frustration over the increasing need for specialization and the difficulty general practitioners have maintaining their viability. The following quotes illustrate various dimensions of this issue.

Keeping up. Evolution of law has increased exponentially! (Case # 0014: male, sole practitioner)

Keeping up-to-date on recent developments in the law when there is barely enough time in the day to finish what needs to be done. (Case # 3784: female, part-time, government lawyer)

Changes in the law, keeping current, obtaining CLE in rural areas. (Case # 0107: female, sole practitioner)

Over-specialization, which reduces legal independence.

Pace of work is increasing, leading to less free time. (Case # 2703: male, associate in a small law firm)

For my market sector (small business), complexity of law is making good legal advice prohibitively expensive. It's therefore hard to bill for all time required to provide good advice. (Case # 0667: female, part-time, sole practitioner)

I practice litigation. Our main challenge is the proliferation of different rules for different areas of practice in different jurisdictions, making it difficult to keep on top of all of them. (Case # 1847: male, associate in a small law firm)

From the point of view of a legislative drafter, the main challenge is to keep relevant, to keep up with changes in the legal framework, evolution of language, interpretation, influences between cultures, jurisdictions, the global environment. (Case # 1699: female, government lawyer)

Constant changes. The general practitioner in a small community has a very difficult time keeping up & earning an income. (Case # 1314: male, sole practitioner)

A once noble and profitable profession has been marginalized by:

1. too many lawyers
2. higher community education
3. increasingly complex laws & procedures make the work harder, more time-consuming, while pressure is on to do it for less. (Case # 1136: male, associate in a small law firm)

I articled for a firm with a general practice – desperately difficult to be sufficiently competent in more than one area – very seat of the pants. Also difficult financially. (Case # 2573: female, full-time, not practising law)

Speed of information transmission, pace of legal developments.
(Case # 0733: female, associate in a large law firm)

Increasing diversity in law & specializing, harder to run a general practice.
(Case # 0926: female, sole practitioner)

Rapidly expanding knowledge/information base – the “specialist” pressure.
(Case # 1009: female, partner in a small law firm)

Keeping up with the ever-changing law & regulations; meeting increased client expectations. The greying of the profession outside of major urban centres. (Case # 1127: male, sole practitioner)

The Law Society of Upper Canada

Participants in the study expressed various views about the Law Society of Upper Canada. Some lawyers noted their frustration with the Law Society and others offered concrete solutions to perceived problems. A selection of quotes is offered below.

The bureaucratic and unrealistic excesses of the Law Society and the cost of running it. (Case # 1282: male, sole practitioner)

The Law Society and its lack of protection/interest in its own.
(Case # 1435: male, sole practitioner)

This study completely ignores and omits the role of the Law Society in providing assistance or mentoring opportunities to lawyers. In law school, we were denied practical experience because that is the purpose of our articles. During articles, many of us were stuck in firms that are not qualified to provide necessary guidance. When we seek assistance from the Law Society, we get pointless and patronizing advice to “attend and observe trials” or to “call senior counsel for advice.” If the Law Society wants to preserve its autonomy and self-regulate the profession, it must start providing mentorship programs and cheaper CLE seminars. Otherwise, it does not deserve the right to call itself the profession’s regulator. Collecting dues and punishing negligent members is only $\frac{1}{2}$ the equation. It’s time to see the supportive side of our regulators’ responsibilities. (Case # 4994: male, associate in a small law firm)

It would be wise of the Law Society to be working in conjunction with the law schools to limit enrolment and to work around any issue that they feel

makes a relationship with the two “institutions” unworkable in that regard.
(Case # 4109: male, associate in a large law firm)

The Law Society should exercise its jurisdiction narrowly – as a regulator of lawyers – licensing and standard-setting body. It should not engage in lobbying on behalf of lawyers, social outreach, social policy pronouncements, or legal education (pre- or post-admission).

(Case # 3231: male, government lawyer)

The Law Society should explore alternatives to billable hours (i.e. block fees etc.). (Case # 4485: male, associate in small law firm)

The LSUC ought to endorse universal templates for certain legal documents (e.g. contract boiler plate) that will reduce time and money spent on repetitive discussions regarding ridiculous interpretations of phrase relating to the simplest of business ideas. Lawyer and client time and money would be better spent on substantive matters. My experience is from a corporate perspective but I’m certain it could be equally applied across various areas of the law.
(Case # 3821: male, in-house counsel)

The Law Society is extremely unsupportive of those wishing to have alternate careers/ part-time work – why should I pay ½ dues when I don’t even practise law! I can imagine the financial struggle that many must face if they are not working or are working outside the profession but don’t want to be under administrative suspension – LSUC is NO BETTER THAN BAY ST.!! Put your money where your mouth is and stop gouging those who want to take a break or explore less lucrative but more rewarding careers. (Case # 2911: female, full-time, not practising law)

Law Society should set rules for corporation hiring in-house counsels:

- privileged & confidential info
- lawyer vs. manager functions
- professional education/training
- appraisal criteria & compensation. (Case # 2589: male, in-house counsel)

The Law Society likes to make rules & believe on the whole that they are being followed. There is no method for someone to disclose problems without opening themselves to scrutiny. i.e. Lawyers are not to disclose their codes to third party re: reg. system – it happens all the time & without consequence.
(Case # 1818: female, sole practitioner)

...lack of confidence in the Law Society. I’m not sure it has my interests at heart or that it is capable of meeting the needs of the profession & the community. (Case # 3681: female, associate in a small law firm)

The overly bureaucratic, needlessly expensive overhead represented by the bloated Law Society – the most ineffectual organization I have ever had to deal with. Stop worrying about minority discrimination and other PC concerns of the 1990s and recognize that the best thing the Law Society could do for lawyers and the public is to

- (i) cut all programs except Discipline and Admissions, including the laughable Bar Admissions Course (in which I have taught, by the way);
- (ii) Leave CLE up to for-profit providers who will respond to market demands for CLE in the most responsive way conceivable;
- (iii) Get out of the insurance business and simply require that lawyers carry stipulated levels of insurance from private underwriters – if prior claims or other risk-indicators make them uninsurable then they don't practise law – practising law is a privilege, not a right and just because you went to law school doesn't mean you have a job for life. (Case # 4202: male, partner in a large law firm)

The Law Society is becoming over-intrusive. They are over-regulating and over-dealing with issues beyond their needed mandate. They should be a more passive regulator. (Case # 4253: male, in-house counsel)

The main challenge confronting general practitioners is economic, and has been such throughout my 25-year career. Our governing body continues to be obsessed with race and sex issues (witness this survey as well as the current “interview instructions”) and ignores the economic welfare of its membership. (Case # 2448: male, partner in a small law firm)

I think the Law Society should try to play a greater role in trying to improve the work environment for lawyers, if possible. The work environment in large Toronto firms is too focused on billable hours as opposed to quality of work. This is the main reason many women leave the large firms. (Case # 0550: female, government lawyer)

The Law Society should be more supportive and broad-visioned about non-traditional venues of practice or career options where law background is a great, albeit indirect, asset and tool. (Case # 1603: female, part-time, not practising law)

I hope LSUC could be more active and aggressive in educating the general public (ethnic, minority cultures in particular) [about] the advantage of hiring lawyers as opposed to hiring non-licensed paralegals. (Case # 1649: male, sole practitioner)

... Regarding the accommodation of women's needs by the profession, the following experience I have had may be illuminating. I wound down my sole practice in order to devote some time to my responsibilities as a mother after my second child was born. After becoming a single parent relying on child support and child tax benefit for my income, the Law Society's response to my dilemma regarding payment of the LSUC membership dues was to suggest that I resign and they kindly forwarded me a resignation package... (Case # 0606: female, part-time, sole practitioner)

Study and general policies of the Law Society is geared toward Bay St. & large law firms. There is no support for sole practitioners or small town lawyers. Policies of Law Society, particularly when it comes to insurance, are set against small offices with law billings. We should ask the province to govern us. Self-government is for the benefit of the few at the expense of the little guy. I feel I am fighting the government, my clients, and the Law Society – no one speaks for me. (Case# 2123: male, sole practitioner)

Before students enter law school, they should be shown the possibilities for employment, and they should have a plan of what they are going to do when they graduate. The Law Society should have a program to provide a lawyer to work on a daily basis for times that a lawyer is away. The vets hire locums & doctors always have "fill-ins." But I have never heard of lawyers like this. I was not in the office after my mother died and now I am getting sued because something went wrong on a file. I would have hired a lawyer if there was an approved program for such a thing. I have to wonder what the Law Society does for lawyers. (Case # 2381: female, sole practitioner)

Comments and Criticisms of the Survey

The survey itself also received both criticisms and favorable comments. This feedback is useful in improving the design of future surveys of the profession. A selection of comments and criticisms is provided below.

Questions were designed almost entirely for persons currently practising law. I suspect a fair percentage of law graduates are not practising. At least some questions could have aimed at obtaining data on such individuals – how they moved, why, etc. As it is only #115 out of 117 questions addresses such data. (Case # 0721: male, government lawyer)

The study seems mostly irrelevant to my situation as a self-employed situational legal consultant. (Case # 0729: male, “other” legal setting)

You should focus on obstacles to the establishment of small and solo practices – i.e. prohibitive LSUC membership and LPIC insurance rate. You should ask why can’t young lawyers simply establish their own firms, rather than suffer the prevailing job market. (Case # 0847: male, associate in a small law firm)

All questionnaires that I have completed in relation to my membership in the Law Society do not include international work options/selections. Please include in any future studies. (Case # 1486: female, “other” legal setting)

This questionnaire appears to be biased in favour of finding discrimination and bias in the profession. (Case # 1672: male, government lawyer)

Your minority questions are poorly crafted, I assume due to political correctness. Minority does not equal under-represented. Everyone is a member of an ethno-cultural and ethno-racial group. (Case # 1848: male, government lawyer)

You should delve more into associates’ reasons for leaving firms. The highest level of dissatisfaction will probably be in small firms where the partners hire their own, treat associates poorly (in my experience) and departure is extremely ugly. (Case # 2014: male, sole practitioner)

- I’m glad you asked about family background because I think there is a belief that lawyers have similar histories.
 - It’s a great idea and I look forward to seeing your results.
- (Case # 2051: female, in-house counsel)

It is wonderful to have the opportunity to participate, it helps me feel as if my voice is heard, even on some small measure. (Case 2406: male, in-house counsel)

This survey should be repeated 5 and/or 10 years from now to see progress of changes made by recent calls or new associates who had participated in this survey. (Case 2528: male, associate in a small law firm)

Perhaps you should address the issue of new calls in relation to unemployment. (Case # 2624: female)

Future Research

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

- Workplace supports: maternity leaves, flexibility and predictability of hours
- Discrimination and equity in the legal profession
- Accessibility of law schools with rising tuition
- Departures from the legal profession
- Levels of stress on lawyers and health implications
- Legal Aid and access to justice
- High cost of insurance, fees, economic stresses, and lack of benefits
- Decline of professionalism, collegiality, reputation, and ethics
- Keeping up with technology and changes in law
- Financial pressures on sole practitioners and small law firms.

Conclusions

In recent years the legal profession in Ontario has become increasingly diversified as growing numbers of people from racialized communities have entered law. *Diversity and Change: The Contemporary Legal Profession in Ontario* establishes a baseline for tracking diversity and equity in the Ontario legal profession. The report is based on a large-scale survey conducted in the spring of 2003. The survey was mailed to a stratified simple random sample of Ontario lawyers, and completed by a total of 1,754 lawyers for a response rate of 36%.

This research study focuses on the entry and advancement of diverse groups within the legal profession. The research seeks to determine where inroads have been made and to identify what barriers remain and how they operate. The project collects extensive baseline data on the nature and extent of bias and discrimination in the profession. The main findings of the 2003 survey are summarized in this section.

Demographic and Background Characteristics

The mean average age of participants in the survey is 47 years of age. Approximately 65% of the respondents are men and 35% are women. The majority of respondents (80%) are married or cohabiting with someone, 11% have never married or cohabited, and 9% are widowed, divorced, or separated. Men, on average, have larger families than women (1.81 children, compared with 1.11 children among women). Women dedicate twice as much time to family responsibilities per week (30 hours) as their male colleagues (15 hours).

The Ontario legal profession is composed primarily of individuals of Caucasian and European backgrounds (85%). Less than 1.5% of the lawyers indicated they fell into each of the following categories: African-Canadian/Black Canadian (0.9%), Indian Subcontinent Canadian (1.3%), East-Asian Canadian (1.4%), Southeast-Asian Canadian (0.1%), Aboriginal (0.8%), and biracial or multiracial Canadian (1.0%). Seven percent of lawyers described their ethnic/cultural/racial community as other than the categories listed, and 3% considered themselves bicultural or multicultural Canadian.

The majority of lawyers felt that they were not part of an under-represented community (75.6%). When lawyers did describe themselves as belonging to an under-represented community, most often it was by virtue of ethnicity or cultural background (10.2%), religion or creed (8.8%), and race (5.0%). English is the most common first language spoken amongst Ontario lawyers (82%), followed by French and “other” (both 9%).

A sizeable proportion of lawyers work in the Metro and City of Toronto areas (48%), while the remaining 52% are dispersed throughout Ontario. The next most common regions are South-Western Ontario (7.3%), Central-East Ontario (7.0%), and the Hamilton-Niagara area (6.6%). The area with the fewest lawyers is Northern Ontario (3.9%).

Lawyers are most likely to have financed their legal education through summer employment (82%), financial support from family (58%), and government student loans (52%). Often, individuals use multiple sources of funding. A sizeable proportion of respondents reported that they had worked part-time throughout the academic semesters to help finance their legal education (33%).

Contemporary Professional Positions

Women lawyers are more likely to be working in government than their male counterparts (24% compared with 10%). Women are also more likely to work as in-house counsel (13%, compared with 8% of men). In addition, women are slightly more likely to describe their professional position as “other” than the categories listed (4% compared with 1%). A larger percentage of men compared with women work as sole practitioners (23% of men compared with 14% of women), and in small firms of 2 to 9 lawyers (23% compared with 15%).

Although statistical differences were not detected between the work settings of lawyers from racialized and non-racialized communities, the overall pattern is one in which racialized community members remain under-represented across work settings relative to their representation in the Canadian population.

Fields of Law

Women are more likely than men to practise family or divorce law (13%, compared with 7% of men), and in fields classified as “other” (16% compared with 11%). In contrast, men are much more likely than women to practise real estate law (16% compared with 5%). Men are slightly more likely to practise civil litigation (18% compared with 15%). Men and women are equally likely to practise in the areas of administrative law (3%), municipal law (2%), corporate and commercial law (16% of men and 15% of women), and criminal law (10% of men and 11% of women).

Non-racialized and racialized lawyers have approximately the same likelihood of practising civil litigation (17%) and corporate and commercial law (16%). However, racialized lawyers are slightly more likely than non-racialized lawyers to practise criminal law (14% compared with 10%), immigration law (5% compared with 2%), and poverty law (3% compared with 1%). Non-racialized lawyers are more likely than racialized lawyers to practise real estate law (13% compared with 7%), and slightly more likely to practise insurance law (4% compared with 2.6%), and family law and divorce (10% compared with 8%).

Earnings

Women remain less likely to have earnings at the higher end of the income range. Approximately 8% of men reported earnings of over \$500,000, compared with 3% of women. Likewise, 4% of men reported earnings of \$400,000 to \$499,999, while less than 1% of women reported earnings in this range. In addition, 21% of men, compared with only

13% of women, reported earning between \$150,000 and \$299,999. In contrast, women are more highly represented in each of the categories under \$90,000. This may be attributed in part to the higher percentages of women among newer entrants to the profession and among part-time workers.

Lawyers of racialized communities are more likely to report earnings in the lower income brackets under \$90,000. Racialized community lawyers are more highly represented in the very lowest income levels of under \$35,000, as well as in each of the \$5,000 intervals between \$40,000 and \$90,000. In sharp contrast, non-racialized lawyers are more highly represented in income levels ranging from \$150,000 to \$500,000. Lawyers from racialized communities remain conspicuously absent from the higher income levels.

Our analyses reveal that lawyers of racialized communities are less well represented among the more prestigious (and remunerative) fields of law, and among more senior positions, including partnerships in law firms. Fewer years of experience, less prestigious specializations, and lower representation among senior professional positions are contributing factors in the disparity in earnings between racialized and non-racialized lawyers. Whether these factors fully explain the racial/ethnic disparity in earnings is another matter. The pressing question is why people of racialized communities remain under-represented in particular fields of law and excluded from positions of authority within the legal profession.

Hours

The average number of hours worked by both men and women in private practice is approximately 9 hours on weekdays and on weekends, men work 3.8 hours while women work 3.7. Non-private practitioners, both men and women, also worked approximately 9 hours each weekday. On weekends, men in non-private practice worked an average of 3 hours, while women worked 2 hours.

When comparing racialized and non-racialized lawyers in private practice for hours worked, members of racialized communities work longer hours. These lawyers work, on average, 9.44 hours on weekdays and 4.74 hours on weekends. In contrast, lawyers of non-racialized communities work 8.92 hours during the week and 3.92 hours on the weekends. In non-private practice, however, the differences are not statistically significant. Members of racialized and non-racialized communities both work approximately 9 hours on weekdays and 3 hours on the weekend.

There are no statistically significant differences in the hours billed by men and women lawyers in private practice nor in the hours they devote to Legal Aid. Men billed an average of 1,409 hours a year with a standard deviation of 593 hours, and women billed an average of 1,464 hours with a standard deviation of approximately 662 hours. In contrast, there are statistically significant gender differences in the hours devoted to pro bono legal work. Men dedicated an average of 110 hours to pro bono legal compared with 61 hours by women.

Differences in hours billed by lawyers from non-racialized versus racialized communities are statistically insignificant. The average number of hours dedicated to pro bono work is also approximately the same for people of non-racialized and racialized communities. However, lawyers of racialized communities devoted more hours, on average, to Legal Aid than non-racialized lawyers (233 hours compared with 109 hours).

Size of Law Firm

The largest percentage of lawyers work in small law firms of less than ten lawyers (41%), followed by large law firms of 50 or more lawyers (37%), followed by firms of 10 to 19 lawyers (14%). Only 9% of lawyers work in firms of 20 to 49 lawyers.

Clientele

The majority of both men and women indicated that they have considerable contact with clients (90% and 82%, respectively). Women are slightly more likely than men to indicate that they have little or no contact with clients (4% compared with 1%). In contrast, there are no statistically significant differences in the amount of contact with clients between lawyers of racialized and non-racialized communities.

Male lawyers rated their abilities to obtain business for their firm higher than did their female colleagues. Lawyers of racialized communities also rated their abilities to obtain business for their firms more highly than did their colleagues of non-racialized communities. There were no statistically significant differences between men and women, racialized and non-racialized lawyers, and the percentage of work devoted to corporate clients. However, lawyers of racialized communities had, on average, a greater percentage of work representing other types of clients (62% compared with 55%).

Partnership

Men continue to dominate among partnership positions. Sixty-three percent of men working in law firms, compared to only 35% of women, are partners. Gender differences persist when year of call is taken into account, and are most striking among lawyers called to the Ontario Bar between 1989 and 1995. In this seven-year cohort, 75% of men compared with only 53% of women are partners.

Only 40% of lawyers of racialized communities hold partnership status within law firms. In contrast, 58% of non-racialized lawyers are partners. The disparity is most apparent among older cohorts called to the bar prior to 1989. Among lawyers with at least 15 years of practice experience, 81% of non-racialized community members are partners compared with only 65% of racialized community members.

Workplace Supports

Benefits differed dramatically in private and non-private practice. Only 14% of lawyers working in law firms said that pensions were offered, compared with 84% in non-private practice. Benefit packages are more generous in non-private practice, including medical insurance (92% in non-private practice compared with 75% in law firms); dental plans (92% compared with 71%), sick leave (92% compared with 66%), and long-term disability income (89% compared with 62%).

Lawyers working in non-private practice are more likely to have flexibility in work arrangements. Fifty-seven percent of lawyers in non-private practice compared with 47% in law firms reported that part-time work was available. Job sharing, although not widely offered, was more common in non-private practice than in law firms (34% compared with 16%), as is telework (56% compared with 42%). Interestingly, similar percentages of lawyers in law firms (64%) and in non-private practice (65%) reported flexible hours for full-time work.

Family-related benefits are also more widely available in non-private practice than in private law firms, including unpaid maternity leave (51% compared with 40%); unpaid paternity leave (45% compared with 23%); topped-up maternity leave (49% compared with 31%); topped-up paternity leave (37% compared with 11%); child care benefits (7% compared with 3%); and daycare facilities (9% compared with 0.8%).

Discrimination

Women are more likely to state that they have been denied files because clients objected to their gender (18% of women compared with 4% of men). Women are also more likely to claim that someone in their firm denied them files on the basis of their gender (9% of women compared with 1% of men). In addition, women are more likely to report that they had been assigned cases because of their gender (33% of women compared with 5% of men).

Lawyers of racialized communities are more likely to state that they were denied opportunities (frequently or a few times) to take responsibility for cases because of client objection (10%, compared with 4% of non-racialized lawyers). They are also more likely to respond that this had happened on at least one occasion.

Women lawyers reported experiences of exclusion with greater frequency than their male colleagues. These experiences included being assigned tasks beneath professional skill level, not being invited to work with senior partners, receiving comments about their physical appearance, and lack of support from office staff.

In contrast, few differences between lawyers of racialized and non-racialized communities were reported across experiences of discrimination. Lawyers of racialized communities reported more often exclusion from particular files/cases because clients objected and they also were more often subject to inappropriate comments by judges and other lawyers. One possible explanation for less extensive reports of discrimination is the fact that the category of racialized community within this study is made up of lawyers from a number of very different communities: Aboriginals or indigenous people, Southeast Asian Canadian, and

African-Canadians/Black Canadians. Because of the small numbers of under-represented communities in the profession, the researchers were compelled to aggregate racialized communities that may not experience similar levels of heightened vulnerability or exclusion. As members of diverse communities, these individuals may have very different experiences. A second explanation may be that the inclusion of lawyers who self-identified as “other” (than the categories of ethnic/cultural/racial communities listed) with racialized rather than non-racialized lawyers may conflate the results. Those individuals selecting “other” frequently specified “Canadian” as the most appropriate self-description. There is no way to know if these individuals are of British or European, Asian, African, or other ancestry. Further research is needed to examine the contrasting experiences of people from different racialized communities. Given that numbers are still so low in the profession, focus groups and interviews are appropriate research strategies, in combination with a full census of the legal profession.

Job Satisfaction

Lawyers of non-racialized communities expressed higher levels of job satisfaction overall, and were more likely to agree that benefits are good; job security is good; they are rewarded reasonably given the market for legal services; and the work allows them to balance career and family. In contrast, lawyers of racialized communities are more likely to describe their workload as too heavy. Yet, lawyers of racialized communities are also more likely to state that by practising law, they are making a difference in people’s lives.

Main Challenges Confronting the Legal Profession

Despite discouraging findings with regard to the under-representation and differential treatment of racialized communities and women within the legal profession, the survey results indicate some areas of progress. There appears to be heightened awareness of equity and diversity in the profession as a result of the Law Society of Upper Canada’s model policies, Discrimination and Harassment Counsel, and public outreach/professional training initiatives.

Women’s advancement in the profession remains seriously hindered by child-rearing responsibilities compared with their male colleagues. Little progress has been made, particularly in the private sector, toward accommodating parental responsibilities for both men and women. Workplace supports and flexibility remain inadequate. The career consequences of children and family responsibilities are borne primarily by women. The impact can be seen in the gender disparities in earnings, promotions, partnerships, career opportunities, and attrition of women from the profession.

The picture is less clear among people of racialized communities. Lawyers of racialized communities are disadvantaged in earnings, promotions, and partnerships. These lawyers also encounter discrimination by clientele, and express lower levels of job satisfaction. Across different contexts where lawyers work, people of racialized communities are under-represented relative to their numbers in the Canadian population. Yet, important inroads have

been made across various fields of law, and across different practice settings, including law firms of all sizes.

Participants in the study identified the following as important challenges confronting today's legal profession:

- The difficulty of balancing career and family / personal life
- Inadequate maternity leave plans and workplace supports for lawyers with families
- Legal Aid and access to justice for the poor
- Discrimination on the bases of gender, ethnicity/culture, disability, age, and sexual orientation
- Sexual harassment in the legal profession
- Mentorship of junior lawyers
- High cost of insurance, fees, and economic stresses
- Decline of professionalism, reputation, collegiality, and ethics
- Keeping up with technology and changes in law
- Equality for women in the legal profession
- Health issues including stress, stress-related illnesses, alcohol and drug abuse
- Financial pressures on sole practitioners and small firm lawyers
- Bias and discrimination against people of racialized communities
- Alternative careers and part-time work arrangements
- Dissatisfaction with the “culture of billings”
- Accommodation of the needs of lawyers with disabilities
- Innovations in practice settings toward greater flexibility.

Appendix A

Contents:

Mailing 1: Covering letter to questionnaire

Mailing II: Postcard reminder

Mailing III: Follow-up cover letter



The Law Society of Upper Canada

1 April 2003

Barreau
du Haut-Canada
Upper Canada

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

tel 416-947-3300

Dear Colleague:

We are seeking your cooperation in a study of the diversity of career paths among law graduates. You have been selected through a random sampling of approximately 5,000 lawyers working in the province of Ontario. The sample contains lawyers employed across a range of work environments in order to assess the full range of career paths taken in the legal profession.

The objective of this study is to help the Law Society to learn more about the experiences of law graduates as they progress through their careers. This study focuses on work transitions, including promotions, changes of jobs, and the diversity of careers among members of the profession. As the first study of its kind in Canada, it will help to increase our understanding of the experiences and concerns of lawyers in their professional careers. Moreover, this study is intended to contribute to future policies initiated by the Law Society of Upper Canada.

The results of our study will only be reliable if the response rate is high. You will be making an invaluable contribution if you take 20 to 30 minutes to complete the questionnaire and return it in the self-addressed stamped envelope enclosed. **We would appreciate your mailing the questionnaire by 1 May 2003, if possible.**

We assure you of complete anonymity and confidentiality. The questionnaire has an identification number; but that number is for mailing purposes and statistical analyses. Access to the list of respondents' names requires approval of the Secretary of the Law Society. Such permission will only be granted for follow-up mailings in connection with this study. Permission will never be given for any other Law Society purpose.

This project is titled "Professional Careers in Transition" and is funded by the Social Sciences and Humanities Research Council of Canada, the Law Foundation of Ontario, and the Law Society of Upper Canada. Dr. Kay of Queen's University is the principal investigator who will analyze data from the completed questionnaires. She will not have access to the names of participants. After the data have been transcribed into a numeric form on computer, the questionnaires will be destroyed. The data will not include your name, address or any identifying information.

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

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

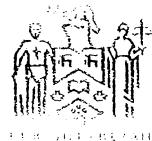
The results of this survey will be used for social science research. They will be compiled in a report, and after approval by Convocation, will be published. The report should be available in early 2004. You may receive a copy of the results of the survey by enclosing your business card with the questionnaire.

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

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

Yours very truly,

Vern Krishna
Treasurer
Law Society of Upper Canada



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

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

tel 416-947-3300

8 April 2003

Last week, we sent you a questionnaire examining contemporary law practice in Ontario. This study seeks to uncover information about diversity in the careers of law graduates. Your participation in this research will contribute to our understanding of the career challenges and opportunities experienced by law graduates.

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

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

Sincerely,

Vern Krishna
Treasurer
Law Society of Upper Canada



THE LAW SOCIETY OF
UPPER CANADA

1 May 2003

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

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

tel 416-947-3300

Dear Colleague:

The Law Society is conducting a survey on the diversity of work transitions and work satisfaction among lawyers in the province of Ontario. A questionnaire was sent to you 1 April 2003 but, as at the time of writing, we have not yet received a completed questionnaire from you.

The objective of the study is to help the Law Society learn more about the experiences of law graduates as they progress through their careers. This study focuses on work transitions, including promotions, movement between sectors, and departures from the practice of law, and the diversity of career lines among members of the profession. It is the only study of its kind in Canada and it will greatly extend our understanding of the experiences and concerns of lawyers in their professional careers.

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

It may be that your questionnaire did not reach you, or was misplaced. We are therefore enclosing a second copy. **We would appreciate your mailing the questionnaire by 27 May 2003, if possible.** If you have already returned the questionnaire, please disregard this request and accept our sincere thanks.

We assure you of complete anonymity and confidentiality. The questionnaire has an identification number; but that number is for mailing purposes and statistical analyses. Access to the list of respondents' names requires approval of the Secretary of the Law Society. Such permission will only be granted for follow-up mailings in connection with this study. Permission will never be given for any other Law Society purpose. The independent researchers who analyze the completed questionnaires will not be able to identify the respondents: they will have no access to the names.

The results of this survey will be used for social science research. They will be compiled in a report, and after approval by Convocation, will be published. The report should be available in 2004. You may receive a copy of the results of the survey by enclosing your business card with the questionnaire.

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

Yours very truly,

Vern Krishna
Treasurer
Law Society of Upper Canada

Appendix B

Questionnaire: 2002 Survey of the Legal Profession



The Law Society of
Upper Canada

Barreau
du Haut-Canada

Survey of Contemporary Law Practice in Ontario

Spring 2003

This study focuses on the diversity of careers among law graduates in Ontario. This survey will greatly extend current knowledge about the range of practice settings and transitions between jobs as well as the concerns more broadly of members of the legal profession. The survey has received the support of the Law Society of Upper Canada.

In responding to the questionnaire, you will appreciate that questions related to background and family characteristics are sensitive. The questions are, however, intended to provide information to the researchers concerning the context in which career opportunities and decisions are shaped, and for that reason they are an important part of the questionnaire.

This questionnaire should take about 20-30 minutes to complete. Please read the instructions for each question carefully and indicate your response by circling the appropriate category. Not all questions will apply to your history and work situation. If this is the case please follow the instructions that will direct you to the next appropriate question or section. Reliable statistical analysis depends upon collection of all necessary data. Therefore, we would be grateful if you would answer *all* questions that apply to you. If you wish to comment on any questions or qualify your answers, please feel free to use the space in the margins and the space on the last page. Your comments will be a valuable source of further information for our study.

This is an important survey and is the only one of its kind in Canada. It will better inform the independent researcher, Dr. Fiona Kay at Queen's University, and the Law Society about the various work environments in the practice of law, and concerns of contemporary Ontario lawyers. Your identity will be kept anonymous. Identification codes are used for mailing and statistical purposes only. The mailing will involve a follow-up letter in the next month to encourage a higher rate of response. Completion of this questionnaire will be interpreted as consent to participate in the study.

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

SECTION A: JOB SATISFACTION

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

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

- 2. Do you ever feel that although you might like to leave your job, the benefits of your position and your personal responsibilities prevent this?**
 1. ALL THE TIME
 2. MOST OF THE TIME
 3. SOME OF THE TIME
 4. NOT VERY OFTEN
 5. NEVER

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

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

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

- 6. If you have looked for a different job or if you are considering looking for a new job, what would be your preference?**
 1. ANOTHER POSITION IN THE PRACTICE OF LAW (INCLUDES SELF-EMPLOYMENT)
 2. A JOB OUTSIDE THE LEGAL PROFESSION (PLEASE SPECIFY): _____

SECTION B: EDUCATION AND PROFESSIONAL TRAINING

Please circle one answer for each question. Not all questions may apply to your work and education history. If this is the case, please follow the instructions that will direct you to the next appropriate question.

7. **What was the highest level of education you attained prior to law school entry?**
 1. SECONDARY SCHOOL
 2. C.E.G.E.P.
 3. COLLEGE
 4. UNIVERSITY EDUCATION (DEGREE INCOMPLETE)
 5. BACHELOR DEGREE (BACHELOR OR BACHELOR HONOURS)
 6. MASTERS DEGREE
 7. DOCTORATE
 8. OTHER (PLEASE SPECIFY): _____

8. **Did you work at a full-time position (other than seasonal/summer employment) prior to attending law school?**
 1. YES
 2. NO (PLEASE SKIP TO QUESTION 10)

9. **What was the nature of your work or career prior to entering law school?**

10. **Did you attend private school at any time during your education? (Circle all that apply)**
 1. YES, DURING ELEMENTARY SCHOOL
 2. YES, DURING SECONDARY SCHOOL
 3. YES, DURING COLLEGE OR C.E.G.E.P.
 4. NO

11. **From which law school did you graduate?**
 1. OSGOODE HALL (YORK UNIVERSITY)
 2. UNIVERSITY OF OTTAWA/UNIVERSITÉ D'OTTAWA
 3. QUEEN'S UNIVERSITY
 4. UNIVERSITY OF TORONTO
 5. UNIVERSITY OF WESTERN ONTARIO
 6. UNIVERSITY OF WINDSOR
 7. OTHER (PLEASE SPECIFY): _____

12. **How would you describe your overall academic performance in law school? (Circle one)**
 1. HIGH A (A+) [90-100%]
 2. A [80-89%]
 3. HIGH B (B+) [75-79%]
 4. B [70-74%]
 5. HIGH C (C+) [65-69%]
 6. C [60-64%]
 7. D [50-59%]

13. How did you finance your legal education? (Circle all that apply)

- 1. EARNINGS THROUGH SUMMER EMPLOYMENT
- 2. EARNINGS THROUGH PART-TIME EMPLOYMENT DURING SCHOOL YEAR
- 3. FINANCIAL SUPPORT FROM FAMILY
- 4. GOVERNMENT STUDENT LOANS
- 5. BANK LOANS
- 6. BURSARIES
- 7. SCHOLARSHIPS
- 8. OTHER (PLEASE SPECIFY): _____

14. In what year were you called to the bar (Ontario or elsewhere)? _____

15. Did you article?

- 1. YES
- 2. NO (PLEASE GO TO QUESTION 18)

16. In which kind of setting did you complete your articles?

- 1. GOVERNMENT
- 2. IN-HOUSE COUNSEL
- 3. COMMUNITY LEGAL CLINIC
- 4. COURT OR TRIBUNAL
- 5. WITH A SOLE PRACTITIONER
- 6. LAW FIRM OF 2-9 LAWYERS
- 7. LAW FIRM OF 10-19 LAWYERS
- 8. LAW FIRM OF 20-49 LAWYERS
- 9. LAW FIRM OF 50-74 LAWYERS
- 10. LAW FIRM OF 75+ LAWYERS
- 11. COMMUNITY OR NON-PROFIT ORGANIZATION
- 12. OTHER (PLEASE SPECIFY): _____

17. When did you begin to work as a lawyer following articles?

MONTH: _____ YEAR: _____

SECTION C: OPPORTUNITIES AND CONDITIONS OF WORK

18. Are you now working....

- 1. FULL-TIME
- 2. PART-TIME
- 3. ON A LEAVE
- 4. NOT WORKING FOR PAY (PLEASE GO TO QUESTION 68)

19. Are you currently working as a lawyer?

- 1. YES
- 2. NO

20. In which kind of setting do you currently work?

1. GOVERNMENT
2. IN-HOUSE COUNSEL
3. COMMUNITY LEGAL CLINIC
4. AS A JUDGE
5. ADJUDICATION, BOARD OR TRIBUNAL
6. SOLE PRACTITIONER
7. LAW FIRM OF 2-9 LAWYERS
8. LAW FIRM OF 10-19 LAWYERS
9. LAW FIRM OF 20-49 LAWYERS
10. LAW FIRM OF 50-74 LAWYERS
11. LAW FIRM OF 75+ LAWYERS
12. COMMUNITY OR NON-PROFIT ORGANIZATION
13. OTHER (PLEASE SPECIFY): _____

21. In what areas do you mainly work? (Please circle top 3 areas, ranking 1 = most often, 2 = next most often, 3 = third most often)

- _____ 1. CRIMINAL LAW
- _____ 2. REAL ESTATE
- _____ 3. CORPORATE & COMMERCIAL
- _____ 4. ESTATES, WILLS & TRUSTS
- _____ 5. DEBTORS' & CREDITORS' RIGHTS
- _____ 6. CIVIL LITIGATION
- _____ 7. FAMILY LAW & DIVORCE
- _____ 8. TAXATION
- _____ 9. EMPLOYMENT & LABOUR RELATIONS
- _____ 10. ADMINISTRATIVE LAW
- _____ 11. CONSTITUTIONAL LAW
- _____ 12. MUNICIPAL LAW
- _____ 13. LANDLORD & TENANT
- _____ 14. IMMIGRATION
- _____ 15. PATENTS, TRADEMARKS & COPYRIGHT
- _____ 16. POVERTY LAW
- _____ 17. ADJUDICATION AND/OR MEDIATION
- _____ 18. INSURANCE LAW
- _____ 19. HUMAN RIGHTS & CHARTER
- _____ 20. AIR & MARINE LAW
- _____ 21. LEGAL POLICY WORK
- _____ 22. ABORIGINAL RIGHTS
- _____ 23. LINGUISTIC RIGHTS
- _____ 24. OTHER (PLEASE SPECIFY): _____

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

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

23. To what extent do you agree that the following describes your present job? (Please circle one answer for each line)

	Strongly Disagree			Strongly Agree
1. The income is good.	1	2	3	4
2. I have the freedom to decide what I do in my work.	1	2	3	4
3. I control the scheduling of my own work.	1	2	3	4
4. The benefits are good.	1	2	3	4
5. The job allows me to use my legal skills.	1	2	3	4
6. The opportunities for promotion are excellent.	1	2	3	4
7. Job security is good.	1	2	3	4
8. The work is intellectually challenging.	1	2	3	4
9. My workload is too heavy.	1	2	3	4
10. I do not have enough time to do my work to the best of my abilities.	1	2	3	4
11. The work gives me a feeling of accomplishment.	1	2	3	4

	Strongly Disagree		Strongly Agree		
	1	2	3	4	5
12. This is the kind of position I expected to hold at this stage in my career.					
13. I have made good progress toward meeting my overall career goals.	1	2	3	4	5
14. I look forward to coming to work.	1	2	3	4	5
15. My colleagues can be relied upon when things get tough in my work.	1	2	3	4	5
16. My co-workers help me to get my job done.	1	2	3	4	5
17. The skills and knowledge I have learned on the job in this office/firm would transfer easily to most other offices/firms.	1	2	3	4	5
18. Promotions in this organization are based primarily on one's ability.	1	2	3	4	5
19. I am rewarded for the amount of effort that I put in.	1	2	3	4	5
20. I am rewarded fairly considering the responsibilities I have.	1	2	3	4	5
21. I am rewarded reasonably given the market for legal services.	1	2	3	4	5
22. I am rewarded fairly in view of my experience.	1	2	3	4	5
23. There are plenty of good jobs outside this organization that I could have.	1	2	3	4	5
24. I find real enjoyment in my work.	1	2	3	4	5
25. My work is important to society.	1	2	3	4	5
26. By practicing law, I am making a difference to people's lives.	1	2	3	4	5
27. I feel a real loyalty to this organization/firm/company.	1	2	3	4	5
28. I am proud to tell others that I am part of this organization.	1	2	3	4	5

	Strongly Disagree			Strongly Agree
29. I have stayed in this position because of financial necessity.	1	2	3	4
30. The work allows me to balance career and family.	1	2	3	4
31. My work interferes with activities outside of work.	1	2	3	4
32. I can usually work in the official language of my choice (French or English).	1	2	3	4
				5

The following questions are intended to help us to understand how people secure work positions.

24. How did you find your current position?

1. THROUGH FORMAL METHODS OF REFERRAL (E.G., THROUGH LISTINGS OF OPENINGS OR ADVERTISEMENTS THAT WERE GENERALLY DISTRIBUTED).
2. THROUGH INFORMAL METHODS (E.G., POSITION WAS NOT ADVERTISED, I LEARNED OF IT THROUGH CONNECTIONS).
3. THROUGH PERSONAL NETWORK (E.G., A FAMILY MEMBER OR CLOSE FRIEND TOLD ME ABOUT THE POSITION).
4. THROUGH PERSONAL METHODS OF REFERRAL (E.G., LEARNED OF THE JOB DIRECTLY THROUGH PERSONAL CONTACTS ON THE JOB OR ELSEWHERE, OR THROUGH A SERIES OF PERSONAL CONTACTS).
5. THROUGH DIRECT APPLICATION (E.G., BY GOING DIRECTLY TO THE EMPLOYER).
6. THE EMPLOYER APPROACHED AND OFFERED ME THE JOB.
7. NOT APPLICABLE, I AM SELF-EMPLOYED.

25. Was there anyone you knew who helped you in any way to get this job?

1. YES
2. NO (PLEASE SKIP TO QUESTION 33)

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

1. IMMEDIATE FAMILY
2. OTHER RELATIVE
3. FRIEND
4. NEIGHBOUR
5. SOMEONE KNOWN THROUGH PREVIOUS JOB
6. SOMEONE KNOWN THROUGH MY CURRENT JOB
7. SOMEONE I MET THROUGH INTERVIEWS FOR OTHER JOBS
8. OTHER (PLEASE SPECIFY): _____

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

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

28. Was this person male or female?

- 1. MALE
- 2. FEMALE

29. How did this person know about the position?

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

30. Was this person a graduate of the same law school you attended?

- 1. YES
- 2. NO
- 3. DON'T KNOW

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

- 1. HIGHER
- 2. SAME
- 3. LOWER
- 4. DON'T KNOW
- 5. NOT APPLICABLE

32. How did this person help you?

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

If you are a lawyer engaged in the **private practice of law**, please answer questions 33 through 39. If not (e.g., you work as in-house counsel, government or other setting) please go to question 40.

33. How many lawyers are employed by your firm or place of business? (at your physical location)

_____ (PLEASE SPECIFY)

34. How many of the lawyers are associates?

_____ (PLEASE SPECIFY)

35. How many of the lawyers are partners?

_____ (PLEASE SPECIFY)

36. How many of the lawyers at your firm would describe as follows?
(Please specify approximate numbers)

- A. Women _____
- B. Men _____
- C. Members of ethno-cultural groups _____
- D. Members of ethno-racial groups _____
- E. Aboriginal or indigenous _____
- F. Francophone _____

37. How many of the senior positions would you say are occupied by the following groups?
(Please specify approximate numbers)

- A. Women _____
- B. Men _____
- C. Members of ethno-cultural groups _____
- D. Members of ethno-racial groups _____
- E. Aboriginal or indigenous _____
- F. Francophone _____

38. Are you a partner, sole practitioner or associate?

- 1. PARTNER
- 2. SOLE PRACTITIONER
- 3. ASSOCIATE (PLEASE SKIP TO QUESTION 40)

39. When did you first become a partner or sole practitioner?

MONTH: _____ YEAR: _____

If you are not working in private practice (e.g., as in-house counsel in a company, legal counsel for government, community legal clinic, commissions, boards or agencies) please answer the following questions 40 through 42. If you are a private practitioner, please go to question 43.

40. How many lawyers are employed by your place of work? (at your physical location)

_____ (PLEASE SPECIFY)

41. How many of the lawyers at your place of work would you describe as follows?
(Please specify approximate numbers)

- A. Women _____
- B. Men _____
- C. Members of ethno-cultural groups _____
- D. Members of ethno-racial groups _____
- E. Aboriginal or indigenous _____
- F. Francophone _____

42. How many of the senior positions would say are occupied by the following groups?
(Please specify approximate numbers)

- A. Women _____
- B. Men _____
- C. Members of ethno-cultural groups _____
- D. Members of ethno-racial groups _____
- E. Aboriginal or indigenous _____
- F. Francophone _____

The next set of questions is designed to help us to better understand the nature of responsibilities and organization of work. These questions apply to **all** participants in the survey.

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

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

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

- 1. YES
- 2. NO (PLEASE GO TO QUESTION 47)

45. Can you reward this person(s) through pay or promotions? (also includes performance pay, annual bonuses, and reclassification upwards of position)

- 1. YES
- 2. No

46. Does anyone you supervise (e.g., a secretary, associate, lawyer) in turn supervise anyone as part of his/her job?

- 1. YES
- 2. No

47. Do you receive supervision from anyone (e.g., another associate, partner, government employee, board member) on your job?

- 1. YES
- 2. NO (PLEASE GO TO QUESTION 50)

48. Can this person reward you with pay or promotions?

- 1. YES
- 2. No

49. Does this person, in turn, receive supervision from someone else or others? (e.g., senior partner/s)

- 1. YES
- 2. No

- 50. Are you required to design important aspects of your own work and to put your ideas into practice? (Circle one answer below)**
1. I AM REQUIRED TO DESIGN ALL OR MOST IMPORTANT ASPECTS OF MY WORK AND TO PUT THESE IDEAS INTO PRACTICE (E.G., MANAGING CASES THROUGH TO COMPLETION).
 2. I AM REQUIRED TO DESIGN SOME IMPORTANT ASPECTS OF MY WORK AND TO PUT THESE IDEAS INTO PRACTICE.
 3. I AM REQUIRED TO DESIGN A FEW IMPORTANT ASPECTS OF MY WORK AND TO PUT THESE IDEAS INTO PRACTICE.
 4. I AM NOT REQUIRED TO DESIGN ASPECTS OF MY WORK.

- 51. In the last five years, how often have you been involved in:**

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

- 52. In the last year, approximately what percentage of your working time was spent on the following:**

____ % ADMINISTRATIVE WORK
 ____ % PROMOTION AND CLIENT DEVELOPMENT
 ____ % KEEPING UP-TO-DATE
 ____ % UNCOMPENSATED LAW-RELATED WORK (EDUCATION & PROFESSIONAL DEVELOPMENT
 COURSES, FREE LEGAL ADVICE, CBA, LAW SOCIETY COMMITTEES)
 ____ % TEACHING
 ____ % PRACTISING LAW
 ____ % LEGAL RESEARCH
 ____ % LAW REFORM
 ____ % COMMUNITY DEVELOPMENT
 ____ % PUBLIC LEGAL EDUCATION
 ____ % OTHER (PLEASE SPECIFY): _____

100 % TOTAL

53. Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because the *client* objected on the basis of your sex, ethnic, racial or cultural background, disability, language, or sexual orientation?

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

54. Have you been assigned or referred cases/files because of your sex?

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

55. Are you aware of any situation in which you have been denied the opportunity to take major responsibility for a case/file because a *person in your firm/office* objected on the basis of your sex, ethnic, racial or cultural background, disability, language, or sexual orientation?

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

**56. How often have you experienced the following events during your career as a lawyer?
(Please circle one answer for each question)**

	Never	Rarely	Occasionally	Routinely	Frequently
A. Assigned tasks you think are beneath your skill/experience.	1	2	3	4	5
B. Not being invited to work with particular senior lawyers in your firm or office.	1	2	3	4	5
C. Excluded from social gatherings.	1	2	3	4	5
D. Denied work when you expressed an interest.	1	2	3	4	5
E. Received comments about your physical appearance.	1	2	3	4	5
F. Derogatory comments about your family status.	1	2	3	4	5

	Never	Rarely	Occasionally	Routinely	Frequently
G. Disrespectful remarks by judges or other lawyers.	1	2	3	4	5
H. Rude or inappropriate remarks by clients.	1	2	3	4	5
I. Lack of support by office/firm staff.	1	2	3	4	5

If you are engaged in the **private practice of law**, please answer the following questions. If not, please go to question 65.

57. To what extent does your work involve interaction with clients?

- 1. CONSIDERABLE CONTACT WITH CLIENTS
- 2. SOME CONTACT WITH CLIENTS
- 3. LITTLE CONTACT WITH CLIENTS
- 4. NO CONTACT WITH CLIENTS

58. During the past 12 months, what proportion of your time was spent representing corporate clients and what proportion was spent representing other clients? (Please answer both 1 and 2 below)

- 1. WORK REPRESENTING CORPORATE CLIENTS _____ %
- 2. WORK REPRESENTING OTHER CLIENTS _____ %

59. Thinking about the clients with whom you have represented over the last year, what proportion would you describe as clients you brought in versus clients of the firm? (Please answer both 1 and 2 below)

- 1. CLIENTS YOU BRING IN _____ %
- 2. CLIENTS OF THE FIRM _____ %

60. How would you rate your ability to obtain business for your firm?

- 1. VERY GOOD
- 2. ABOVE AVERAGE
- 3. AVERAGE
- 4. BELOW AVERAGE
- 5. POOR
- 6. NOT APPLICABLE

61. Do you have responsibility for relations with one or more of the major clients of the firm?

- 1. YES
- 2. NO

62. Approximately how many hours did you bill (a rough estimate) in your last fiscal year?

NUMBER OF HOURS: _____

63. Approximately how many hours did you dedicate to offering pro bono legal services in your last fiscal year?

NUMBER OF HOURS: _____

64. Approximately how many hours did you dedicate to offering legal aid services in your last fiscal year?

NUMBER OF HOURS: _____

The following questions apply to all participants in the study.

65. On average, how many hours do you work each weekday?

_____ HOURS PER WEEKDAY

66. On average, how many hours do you work each weekend?

_____ HOURS PER WEEKEND

67. How would you rate, in your opinion, the prestige of each of the following fields of law? (Please rate them on a scale of 1 to 10, with 10 as most prestigious)

	Low Prestige					High Prestige				
1. CRIMINAL LAW	1	2	3	4	5	6	7	8	9	10
2. REAL ESTATE	1	2	3	4	5	6	7	8	9	10
3. CORPORATE & COMMERCIAL	1	2	3	4	5	6	7	8	9	10
4. ESTATES, WILLS & TRUSTS	1	2	3	4	5	6	7	8	9	10
5. DEBTORS' & CREDITORS' RIGHTS	1	2	3	4	5	6	7	8	9	10
6. CIVIL LITIGATION	1	2	3	4	5	6	7	8	9	10
7. FAMILY LAW & DIVORCE	1	2	3	4	5	6	7	8	9	10
8. TAXATION	1	2	3	4	5	6	7	8	9	10
9. EMPLOYMENT & LABOUR RELATIONS	1	2	3	4	5	6	7	8	9	10
10. ADMINISTRATIVE LAW	1	2	3	4	5	6	7	8	9	10
11. CONSTITUTIONAL LAW	1	2	3	4	5	6	7	8	9	10
12. MUNICIPAL LAW	1	2	3	4	5	6	7	8	9	10
13. LANDLORD & TENANT	1	2	3	4	5	6	7	8	9	10
14. IMMIGRATION	1	2	3	4	5	6	7	8	9	10
15. PATENTS, TRADEMARKS & COPYRIGHT	1	2	3	4	5	6	7	8	9	10
16. POVERTY LAW	1	2	3	4	5	6	7	8	9	10
17. ADJUDICATION AND/OR MEDIATION	1	2	3	4	5	6	7	8	9	10
18. INSURANCE LAW	1	2	3	4	5	6	7	8	9	10
19. HUMAN RIGHTS & CHARTER	1	2	3	4	5	6	7	8	9	10
20. AIR & MARINE LAW	1	2	3	4	5	6	7	8	9	10
21. LEGAL POLICY WORK	1	2	3	4	5	6	7	8	9	10
22. ABORIGINAL RIGHTS	1	2	3	4	5	6	7	8	9	10
23. LINGUISTIC RIGHTS	1	2	3	4	5	6	7	8	9	10

SECTION D: MENTORSHIP AND GUIDANCE

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

- 68. At any point in your legal career was there anyone who acted as your informal or formal advisor/mentor (someone who looks out for you or gives you advice)?**
1. YES, THERE WAS ONE PERSON WHO ACTED AS MY ADVISOR/MENTOR
 2. YES, THERE WAS MORE THAN ONE PERSON WHO ACTED AS MY ADVISOR/MENTOR
 3. NO

Please answer the following questions in terms of the advisor/mentor who was **most important**. If you did not have an advisor/mentor, please go to question 74.

- 69. How would you describe the nature of your relationship with this person?**

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

- 70. Was this person male or female?**

1. MALE
2. FEMALE

- 71. What was the position of this person in his/her place of employment compared with you?**

1. HIGHER
2. SAME
3. LOWER

- 72. Did this mentoring relationship prove helpful to you in acquiring files, clients or referrals?**

1. VERY OFTEN
2. OFTEN
3. SOMETIMES
4. NOT VERY OFTEN
5. NEVER

73. The following are non-exclusive, often overlapping functions that can be served by mentors.
Please rank the quality of mentorship you believe you received on these dimensions.

	Very Poor	Poor	Indifferent	Good	Very Good
1. Teacher/instruction	1	2	3	4	5
2. Role model	1	2	3	4	5
3. Client management	1	2	3	4	5
4. Organization	1	2	3	4	5
5. Office politics	1	2	3	4	5
6. Case/dossier management	1	2	3	4	5
7. Confidante	1	2	3	4	5
8. Advisor (sound advice)	1	2	3	4	5
9. Problem-solving	1	2	3	4	5
10. Sounding board	1	2	3	4	5
11. Advocate	1	2	3	4	5
12. Protection	1	2	3	4	5

SECTION E: GOALS AND EXPECTATIONS

Below are some questions we would like you to answer about your current place of work, including benefits and flexibility of hours. (Please circle one answer for each question)

74. How satisfied are you with the maternity (or parental) leave policy at your office?

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

75. If you are dissatisfied with the maternity (or parental) leave policy, why is this?

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

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL (PLEASE SKIP TO QUESTION 78).

77. Have you been successful in your efforts?

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

78. On average, how long do women in your firm tend to take for a maternity leave? _____MONTHS.

79. In your career as a lawyer, have you ever worked on a part-time basis?

1. YES
2. NO

Questions 80 to 84 apply to those working in law firms. If you do not work in a law firm, please go to Question 85.

80. Does your firm have part-time partnerships?

1. YES
2. NO

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

1. YES
2. No

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

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

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

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL (SKIP TO QUESTION 85)

84. Have you been successful in these efforts?

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

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

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

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

1. A GREAT DEAL
2. TO SOME EXTENT
3. VERY LITTLE
4. NOT AT ALL (SKIP TO QUESTION 88)

87. Have you been successful in these efforts?

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

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

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

SECTION F: HOUSEHOLD AND FAMILY HISTORY

Now we would like to ask some questions about your home life. Although the questions are about you, it is important to keep in mind that they will be used in statistical analyses only. Your *anonymity is protected*. These questions are helpful to our understanding of the background and family circumstances of law graduates and how opportunities and decisions are shaped.

89. Sex:

1. MALE
2. FEMALE

90. Date of birth: MONTH: ____ YEAR: 19_____

91. What was the highest level of education that your parents attained? (Please check one response for each parent or guardian)

	Mother	Father
1. LESS THAN HIGH SCHOOL	<input type="checkbox"/>	<input type="checkbox"/>
2. SOME HIGH SCHOOL	<input type="checkbox"/>	<input type="checkbox"/>
3. HIGH SCHOOL DIPLOMA	<input type="checkbox"/>	<input type="checkbox"/>
4. C.E.G.E.P. OR SOME UNIVERSITY	<input type="checkbox"/>	<input type="checkbox"/>
5. BACHELOR'S DEGREE	<input type="checkbox"/>	<input type="checkbox"/>
6. LAW DEGREE (LL.B.)	<input type="checkbox"/>	<input type="checkbox"/>
7. OTHER PROFESSIONAL DEGREE(S)	<input type="checkbox"/>	<input type="checkbox"/>
8. OTHER GRADUATE DEGREES	<input type="checkbox"/>	<input type="checkbox"/>

92. Which of the following categories best describes the kind of work your parents usually did while you were growing up? (Please check one box for each parent or guardian)

	Mother	Father
1. OWNER OF A BUSINESS/FIRM WITH 10 OR MORE EMPLOYEES	<input type="checkbox"/> 1	<input type="checkbox"/> 2
2. OWNER OF A BUSINESS/FIRM WITH LESS THAN 10 EMPLOYEES	<input type="checkbox"/> 1	<input type="checkbox"/> 2
3. SELF-EMPLOYED, BUT NOT EMPLOYING OTHERS	<input type="checkbox"/> 1	<input type="checkbox"/> 2
4. DID NOT OWN BUSINESS, BUT MANAGED WORK OF OTHERS	<input type="checkbox"/> 1	<input type="checkbox"/> 2
5. PROFESSIONAL	<input type="checkbox"/> 1	<input type="checkbox"/> 2
6. EMPLOYEE	<input type="checkbox"/> 1	<input type="checkbox"/> 2
7. UNEMPLOYED	<input type="checkbox"/> 1	<input type="checkbox"/> 2
8. RETIRED	<input type="checkbox"/> 1	<input type="checkbox"/> 2
9. HOMEMAKER	<input type="checkbox"/> 1	<input type="checkbox"/> 2
10. VOLUNTEER	<input type="checkbox"/> 1	<input type="checkbox"/> 2
11. STUDENT	<input type="checkbox"/> 1	<input type="checkbox"/> 2
12. OTHER (PLEASE SPECIFY): _____	<input type="checkbox"/> 1	<input type="checkbox"/> 2

93. What is your first language spoken ?

1. FRENCH
2. ENGLISH
3. ANOTHER LANGUAGE (PLEASE SPECIFY) : _____

94. How would you identify yourself?

1. CAUCASIAN, EUROPEAN CANADIAN
2. AFRO-CANADIAN, BLACK CANADIAN
3. INDIAN SUBCONTINENT CANADIAN (INDO-CANADIAN)
4. EAST-ASIAN CANADIAN (JAPANESE, KOREAN)
5. SOUTH-EAST ASIAN CANADIAN (VIETNAMESE, CAMBODIAN, THAILAND, PHILIPPINES)
6. ABORIGINAL (FIRST NATIONS, MÉTIS, & INUIT)
7. BIRACIAL OR MULTIRACIAL CANADIAN
8. BICULTURAL OR MULTICULTURAL CANADIAN
9. OTHER (PLEASE SPECIFY) : _____

95. Do you consider yourself to be a member of an under represented community? (Circle as many as apply)

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

96. Are you presently a member of, or feel a sense of belonging to, any communities or volunteer organizations? (Please circle all that apply)

1. SOCIAL CLUBS
2. ETHNIC / RELIGIOUS COMMUNITY
3. POLITICAL PARTY
4. COMMUNITY ORGANIZATIONS
5. PROFESSIONAL ASSOCIATIONS
6. SPORTS CLUBS
7. CHOIRS OR MUSICAL ENSEMBLES
8. ARTISTIC ASSOCIATIONS
9. OTHER (PLEASE SPECIFY) : _____
10. NONE (PLEASE SKIP TO QUESTION 99)

97. Do you volunteer time to any of these associations?

1. YES
2. NO

98. Do you hold a leadership position (director, member of the board, etc.) in any of these associations?

1. YES
2. NO

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

1. MARRIED OR CO-HABITING WITH SOMEONE
2. WIDOWED, DIVORCED, SEPARATED
3. NEVER MARRIED OR CO-HABITED (PLEASE SKIP TO QUESTION 101)

100. If you have ever been married (including co-habitation), please indicate the dates of start of marriage and if separation took place, these dates as well.

	Date started:		Date ended (if applicable):	
	Month	Year	Month	Year
1ST MARRIAGE	—	—	—	—
2ND MARRIAGE	—	—	—	—
3RD MARRIAGE	—	—	—	—
4TH MARRIAGE	—	—	—	—

101. How many children do you have?

NUMBER OF CHILDREN: _____

If you do not have any children, please skip to question 107.

102. How many children are currently living with you? (More than 4 days per week)

NUMBER OF CHILDREN: _____

103. Have you ever taken a parental leave? (e.g., maternity or paternity leave, leave of absence to care for your spouse, children or parents, etc.)

1. YES
2. NO

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

Children	Date of Birth:		Dates of Parental Leaves:			
	Month	Year	Mo / Yr	-to-	Mo / Yr	
1 st	—	—	—	/	—	—
2 nd	—	—	—	/	—	—
3 rd	—	—	—	/	—	—
4 th	—	—	—	/	—	—
5 th	—	—	—	/	—	—
6 th	—	—	—	/	—	—

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

105. How many hours per week do you spend on family responsibilities?
_____ HOURS PER WEEK

- 106. When the children are at home for medical reasons or require transportation to activities who leaves work most often? (Circle one answer only)**
1. YOU
 2. THE PERSON YOU LIVE WITH
 3. CHILD'S OTHER PARENT (IF NOT LIVING WITH YOU)
 4. THE PERSON YOU LIVE WITH AND YOURSELF LEAVE WORK EQUALLY
 5. ONE OF US ALREADY WORKS IN THE HOME
 6. THERE IS SOMEONE ELSE WHO HELPS OUT (RELATIVE OR PAID EMPLOYEE)

- 107. Since starting to practice law, have you at any point taken a leave other than for a parental leave (example: extended vacation, sick leave, leave for education program)?**
1. YES
 2. NO

- 108. If yes, what was the duration of the longest leave?**

NUMBER OF MONTHS: _____ (IF EASIER, SPECIFY YEARS: _____)

The following questions have to do with your feelings of well-being and health. It is important to remember that the following questions will not be analyzed individually, but rather will be combined to form a standardized scale of health and well-being. Your anonymity is protected. The analysis will not permit anyone to be identified based on responses to these questions.

- 109. How many days during the past week (0-7 days) have you:**

of days

- _____ 1. Felt you just couldn't get going
- _____ 2. Felt sad
- _____ 3. Had trouble getting to sleep or staying awake
- _____ 4. Felt that everything was an effort
- _____ 5. Felt lonely
- _____ 6. Felt you couldn't shake the blues
- _____ 7. Had trouble keeping your mind on what you were doing
- _____ 8. Felt happy
- _____ 9. Felt hopeful about the future
- _____ 10. Felt you were worrying a lot about little things
- _____ 11. Felt tense or anxious
- _____ 12. Felt restless
- _____ 13. Felt annoyed with things or people
- _____ 14. Felt angry
- _____ 15. Felt like yelling at someone
- _____ 16. Had aches and pains
- _____ 17. Had headaches
- _____ 18. Felt weak all over
- _____ 19. Felt you were enjoying life

The following questions explore your sense of control over the events in your life as well as your more general perceptions about the state of contemporary law practice. This section is intended to yield insights about lawyers' views on the profession and their practice.

**110. How strongly would you agree or disagree with the following statements?
(Circle one response for each item)**

		Strongly Disagree		Strongly Agree
1.	I AM RESPONSIBLE FOR MY OWN SUCCESSES.	1	2	3
2.	I CAN DO JUST ABOUT ANYTHING I REALLY SET MY MIND TO.	1	2	3
3.	MY MISFORTUNES ARE THE RESULT OF MISTAKES I HAVE MADE.	1	2	3
4.	I AM RESPONSIBLE FOR MY FAILURES.	1	2	3
5.	THE REALLY GOOD THINGS THAT HAPPEN TO ME ARE MOSTLY LUCK.	1	2	3
6.	THERE'S NO SENSE PLANNING A LOT - IF SOMETHING GOOD IS GOING TO HAPPEN, IT WILL.	1	2	3
7.	MOST OF MY PROBLEMS ARE DUE TO BAD BREAKS.	1	2	3
8.	I HAVE LITTLE CONTROL OVER THE BAD THINGS THAT HAPPEN TO ME.	1	2	3
9.	EXPERIENCED SENIOR LAWYERS MUST BE COMPENSATED FOR THEIR YEARS OF SERVICE.	1	2	3
10.	IT TAKES YEARS TO BUILD A LEGAL REPUTATION AND ESTABLISHED LAWYERS MUST BE COMPENSATED ACCORDINGLY.	1	2	3
11.	IN THE END, THOSE WHO WORK THE HARDEST AND ACCOMPLISH THE MOST SHOULD EARN THE MOST.	1	2	3
12.	RESULTS RATHER THAN REPUTATION MUST ALWAYS DETERMINE REMUNERATION FOR LEGAL SERVICES.	1	2	3
13.	WE CAN NO LONGER AFFORD TO REWARD SENIORITY AMONG LAWYERS, WE MUST ALL EARN OUR WAY EVERY DAY.	1	2	3
14.	THE PRACTICE OF LAW IS PRIMARILY CONCERNED WITH GENERATING PROFITS.	1	2	3

	Strongly Disagree		Strongly Agree		
15. PRODUCTIVITY MUST, ABOVE ALL ELSE, BE THE MOST IMPORTANT FACTOR IN DETERMINING THE REWARDS IN LEGAL PRACTICE.	1	2	3	4	5
16. TOO MUCH EMPHASIS IS PLACED ON REWARDING HOURS AND BILLINGS IN THE PRACTICE OF LAW.	1	2	3	4	5
17. THERE IS A COMPETITIVE ATMOSPHERE AMONG MEMBERS OF THE LEGAL PROFESSION.	1	2	3	4	5
18. THERE ARE CLEAR LIMITS TO HOW MUCH WE CAN DO FOR OTHERS.	1	2	3	4	5
19. SUCCESS IN SCHOOL & ON THE JOB IS MOST IMPORTANT IN LIFE.	1	2	3	4	5
20. WHEN I WRITE AN EXAM OR TAKE PART IN A COMPETITION IT IS IMPORTANT FOR ME TO FIND OUT HOW WELL I DID IN COMPARISON TO OTHERS.	1	2	3	4	5
21. MY AMBITION IS ALWAYS TO BE BETTER THAN AVERAGE.	1	2	3	4	5
22. THE MOST IMPORTANT THINGS THAT HAPPEN TO ME INVOLVE MY JOB.	1	2	3	4	5
23. THE MOST IMPORTANT THING IN LIFE IS ACHIEVEMENT.	1	2	3	4	5
24. I LIKE TO COMPLETE PROJECTS ON MY OWN.	1	2	3	4	5
25. IT IS IMPORTANT TO ME TO BE AMONG THE BEST IN ALL AREAS OF MY LIFE.	1	2	3	4	5
26. IT IS MORE IMPORTANT TO GET AHEAD IN LIFE THAN TO PLAY BY THE RULES.	1	2	3	4	5
27. PEOPLE WHO ARE THE MOST SUCCESSFUL IN LIFE OFTEN ARE THE MOST DISHONEST.	1	2	3	4	5
28. MOST PEOPLE CAN BE TRUSTED.	1	2	3	4	5
29. GENERALLY SPEAKING, YOU CAN'T BE TOO CAREFUL IN DEALING WITH PEOPLE.	1	2	3	4	5
30. MOST OF MY COLLEAGUES ARE RESPONSIBLE.	1	2	3	4	5
31. EXPERIENCE HAS TAUGHT ME TO BE DOUBTFUL OF OTHERS UNTIL I KNOW THEY CAN BE TRUSTED.	1	2	3	4	5

		Strongly Disagree		Strongly Agree		
		1	2	3	4	5
32.	ON AVERAGE, OUR JUSTICE SYSTEM IS FAIR.					
33.	I AM MEETING THE NEEDS OF THE PUBLIC THROUGH MY LAW PRACTICE.					
34.	I AM MEETING THE NEEDS OF THE CLIENTS I SERVE.					
111.	In what region do you work?					
1.	METRO AND CITY OF TORONTO (INCLUDES ALSO SCARBOROUGH, CITY OF YORK, EAST YORK, ETOBICOKE, NORTH YORK)					
2.	CENTRAL-WEST ONTARIO (E.G., HALTON, PEEL, WELLINGTON)					
3.	HAMILTON-NIAGARA (INCLUDES ALSO WATERLOO, BRANT COUNTY)					
4.	SOUTH-WESTERN ONTARIO (E.G., ESSEX COUNTY, MIDDLESEX, KENT COUNTY)					
5.	CENTRAL-EAST ONTARIO (E.G., DURHAM REGION, PETERBOROUGH, SIMCOE, YORK REGION)					
6.	EASTERN ONTARIO (E.G., FRONTENAC, OTTAWA-CARLETON, RENFREW)					
7.	NORTHERN ONTARIO (E.G., SUDBURY, THUNDER BAY, ALGOMA)					
8.	OTHER (PLEASE SPECIFY):					
112.	In which of the following groups did your earnings for 2002 fall? (after business deductions and before taxes)					
1.	UNDER \$ 10,000	14.	\$ 70,000 TO \$ 74,999			
2.	\$ 10,000 TO \$ 14,999	15.	\$ 75,000 TO \$ 79,999			
3.	\$ 15,000 TO \$ 19,999	16.	\$ 80,000 TO \$ 84,999			
4.	\$ 20,000 TO \$ 24,999	17.	\$ 85,000 TO \$ 89,999			
5.	\$ 25,000 TO \$ 29,999	18.	\$ 90,000 TO \$ 94,999			
6.	\$ 30,000 TO \$ 34,999	19.	\$ 95,000 TO \$ 99,999			
7.	\$ 35,000 TO \$ 39,999	20.	\$ 100,000 TO \$ 149,999			
8.	\$ 40,000 TO \$ 44,999	21.	\$ 150,000 TO \$ 199,999			
9.	\$ 45,000 TO \$ 49,999	22.	\$ 200,000 TO \$ 299,999			
10.	\$ 50,000 TO \$ 54,999	23.	\$ 300,000 TO \$ 399,999			
11.	\$ 55,000 TO \$ 59,999	24.	\$ 400,000 TO \$ 499,999			
12.	\$ 60,000 TO \$ 64,999	25.	\$ 500,000 +			
13.	\$ 65,000 TO \$ 69,999					

113. What was your total household income for 2002? (after business deductions and before taxes)

\$_____

114. Imagining yourself 10 years from now, how do you think you would rate your work or career in terms of its importance to you?

1. VERY IMPORTANT
2. IMPORTANT
3. OF SOME IMPORTANCE
4. NOT AT ALL IMPORTANT

The next page is an important element of the survey. We are interested to learn about your work history and career transitions. This section will reveal the broad diversity of career paths pursued by contemporary lawyers.

SECTION G: PROFESSIONAL WORK HISTORY

This next section requests details of your professional work history, beginning with your first paid employment after articling and working forward in time. We appreciate your efforts to complete these questions. These data are important to better our understanding of education and job transitions. We encourage you to make use of the list of categories on the next page. If it is easier, please feel free to use your own words to complete this work history table.

	First Position after articles	2 nd Position	3 rd Position	4 th Position	5 th Position	6 th Position	7 th Position
Start date (mm/yy)							
End date (mm/yy)							
City/Province							
Type of position (full- or part-time)							
Title (starting position (See LIST A)*							
Title (ending position (See LIST A)*							
Approximate number of lawyers in firm/office							
Main field of law practiced (see LIST B)*							
Annual starting salary (after deductions and before taxes)							
How initial position was obtained (see LIST C)*							
Note: Choose the most important factor							
Reason(s) for leaving job (See LIST D)*							
Note: List, in order of importance, as many as apply							

(*Note: See lists on next page)

NOTE: These lists are for use with the Professional Work History on the previous page.

A. Professional position

1. Not engaged in the practice of law
2. Government
3. In-house counsel
4. Community legal clinic
5. Judge
6. Adjudication board or tribunal
7. Sole practitioner
8. Associate
9. Partner
10. Community or non-profit organization
11. Own a non-law business
12. Other (please specify)

B. Field of law practiced most often

1. Criminal law
2. Real estate
3. Corporate & commercial
4. Estates, wills & trusts
5. Debtors & creditors' rights
6. Civil litigation
7. Family law & divorce
8. Taxation
9. Employment & labour relations
10. Administrative law
11. Constitutional law
12. Municipal law
13. Landlord & tenant
14. Immigration
15. Patents, trademarks & copyright
16. Poverty law
17. Adjudication &/or mediation
18. Insurance Law
19. Human rights and Charter
20. Air & marine law
21. Legal policy work
22. Aboriginal rights
23. Linguistic Rights

C. How initial position was obtained (List most important factor only).

1. Law school classmate
2. Articled at firm
3. Employment bulletins
4. Client contacts
5. Family contacts
6. Contacts from friends
7. Direct application (personal initiative/search)
8. Newspaper advertisement
9. I was asked to take the job
10. Alumni contacts
11. Not applicable, I am self-employed

D. Reasons for leaving (List in order of importance, top 3 reasons).

1. Dissatisfaction with job content
2. Incompatibility with management/supervisor
3. Incompatibility with peers/personnel relations
4. Disagreement with firm/company policies
5. Desire to change sector of practice (e.g., private to non-private practice)
6. Attempt to accommodate dual careers
7. Moved from area because of spouse's job
8. Preferred different geographical location
9. To better accommodate family demands
10. Better work environment
11. More compatible hours
12. Downsizing of firm/company
13. Firm/company closure (dissolution of partnership)
14. Promotion
15. Salary
16. Illness or injury
17. Maternity/paternity leave
18. Return to education
19. Financial difficulties
20. Other (please specify)

115. If you have left the practice of law, what were your main reasons for leaving?

116. What do you think are the main challenges confronting lawyers today?

117. Also, any comments you wish to make that you think would contribute to our study will be greatly appreciated, either below or in a separate letter.

**Thank you for your effort in completing this questionnaire.
Your contribution to our survey is very greatly appreciated.**

Your identity will be kept anonymous.
Identification codes are used only for mailing and statistical purposes.

Please use the postage-paid return envelope provided to mail us your questionnaire.

If you would like a summary of results,
please print your name and address on the back of the return envelope or enclose your business card.
We will see that you receive the summary report.