

26th May, 2011

MINUTES OF CONVOCATION

Thursday, 26th May, 2011
9:00 a.m.

PRESENT:

The Treasurer (Laurie H. Pawlitz), Aaron (by telephone), Anand, Backhouse, Banack, Boyd, Braithwaite, Bredt, Callaghan, Champion, Chilcott, Conway, Dickson, Doyle, Elliott, Epstein, Eustace, Evans, Falconer, Feinstein, Furlong, Gold, Goldblatt, Gottlieb, Halajian (by telephone), Hare, Hartman, Horvat, Hunter (by telephone), Krishna, Leiper, Lerner, MacLean, McDowell, McGrath, Marmur, Matheson, Mercer, Minor, Murchie, Murphy, Porter, Potter, Pustina, Rabinovitch, Richardson, Richer, Robins, Ross, Sandler, Scarfone, Schabas, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye, Symes, Wadden, Wardlaw, Wardle and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

.....

ELECTION OF BENCHER

WHEREAS Laurie H. Pawlitz was elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by all electors.

WHEREAS upon being elected Treasurer on June 29, 2010, Laurie H. Pawlitz ceased to hold office as an elected bencher in accordance with subsection 25 (2) of the *Law Society Act*, thereby creating a vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by all electors.

MOVED BY: Thomas Conway

SECONDED BY: Lawrence Eustace

THAT under the authority contained in By-Law 3, Peter C. Wardle, having satisfied the requirements contained in subsections 43 (1) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 42 (2) of the By-Law, be elected by Convocation to fill the vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by all electors.

Carried

TREASURER'S REMARKS

The Treasurer welcomed all the new elected benchers and new appointed bencher Jan Richardson to their first Convocation.

The Treasurer congratulated all benchers who were re-elected.

The Treasurer welcomed Rod Snow, the President of the Canadian Bar Association to Convocation.

The Treasurer announced the establishment of a working group of the Professional Development and Competence Committee on the subject of articling and the establishment of a Treasurer's working group to review the bencher election process.

The Treasurer noted with sadness the passing of bencher Bonnie Tough on May 6, 2011 and expressed condolences to her spouse, Connie Reeve, and family. The Treasurer noted Ms. Tough's valuable contributions to the Law Society as a bencher.

At the Treasurer's request, Janet Minor read the citation for the awarding of an honorary doctorate of laws degree on Bonnie Tough on April 20, 2011.

DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of April 28, 2011 were confirmed.

MOTION – HEARING PANEL APPOINTMENTS

It was moved by Mr. Conway, seconded by Mr. Eustace –

THAT the following people be appointed to the Hearing Panel for a term of two years:

| | | |
|----------------------------|---------------------|---------------------|
| Alan Gold (Chair) | Howard Goldblatt | Maurice Portelance |
| Adriana Doyle (Vice-Chair) | Gary Lloyd Gottlieb | Julian Porter |
| Bob Aaron | Jack Ground | Judith Potter |
| Andrea Alexander | Michelle Haigh | Nicholas Pustina |
| Raj Anand | Jennifer Halajian | Jack Rabinovitch |
| Constance Backhouse | Susan Hare | Sydney Robins |
| Larry Banack | Carol Hartman | Janet Richardson |
| Margot Blight | Jacqueline Horvat | Susan Richer |
| Marion Boyd | Vern Krishna | Heather Ross |
| Jack Braithwaite | Barbara Laskin | Linda Rothstein |
| Christopher Bredt | Janet Leiper | Clayton Ruby |
| Robert Burd | Michael Lerner | Mark Sandler |
| John Callaghan | Gavin MacKenzie | James Scarfone |
| John Campion | M. Virginia MacLean | Paul Schabas |
| Dan Chilcott | Ronald Manes | Baljit Sikand |
| Thomas Conway | Dow Marmur | Alan Silverstein |
| Paul Copeland | Wendy Matheson | Catherine Strosberg |
| Cathy Corsetti | William McDowell | Harvey Strosberg |
| Mary Louise Dickson | Susan McGrath | Joseph Sullivan |
| W. Paul Dray | Jacques Ménard | Gerald Swaye |
| Susan Elliott | Malcolm Mercer | Beth Symes |
| Seymour Epstein | W. A. Derry Millar | Howard Ungerman |
| Lawrence Eustace | Janet E. Minor | Robert Wadden |
| Robert Evans | Kenneth Mitchell | Sarah Walker |
| Julian N. Falconer | Barbara Murchie | James Wardlaw |
| Abraham Feinstein | Daniel Murphy | Peter Wardle |
| Neil Finkelstein | Ross Murray | Bradley Wright |
| Patrick Furlong | Stephen Parker | Roger Yachetti |
| | Laurie Pawlitz | |

Carried

REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE

To the Benchers of the Law Society of Upper Canada Assembled in Convocation

The Director of Professional Development and Competence reports as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Thursday, May 26th, 2011.

ALL OF WHICH is respectfully submitted

DATED this 26th day of May, 2011

CANDIDATES FOR CALL TO THE BAR

May 26, 2011

Lou' Ay Al-Ghoul
 Natalie Anne Boucratie
 Holly Kathleen Burke
 Kathleen Susan Burke
 Laurence Marie Geneviève Carrière
 Hélène Dragatsi
 Farzana Hirani
 Peter James Karsten
 Jeffrey Howard Orenstein
 Guy Georges Pinsonnault
 Alice Lena Popovici
 Michael Champlin Spencer

It was moved by Mr. Conway, seconded by Mr. Campion, that the Report of the Director of Professional Development and Competence listing the names of the Call to the Bar candidates be adopted.

Carried

AUDIT COMMITTEE REPORT

Mr. Bredt presented the Report.

Report to Convocation
 May 26, 2011

Audit Committee

Committee Members
 Chris Bredt (Chair)
 Susan Elliott
 Seymour Epstein
 Vern Krishna
 Doug Lewis
 Jack Rabinovitch
 Heather Ross
 William Simpson

Purpose of Report: Decision and Information

Prepared by the Finance Department
Fred Grady, Manager, Finance - 416-947-3439

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4. Other Committee Work

COMMITTEE PROCESS

1. The Audit Committee (“the Committee”) met on May 11, 2011. Committee members in attendance were Chris Bredt (chair), Susan Elliott, Doug Lewis, Jack Rabinovitch, Heather Ross, and William Simpson.
2. Staff in attendance were Malcolm Heins, Fred Grady, Brenda Albuquerque-Boutilier and Andrew Cawse.
3. Also in attendance was Bob Evans, newly elected bencher and Brian White of Aon Hewitt.

FOR DECISION

NEW ACCOUNTING STANDARDS

Motion

4. That Convocation:

- a. adopt Accounting Standards for Not-For-Profit Organizations as set out in Part III of the Canadian Institute of Chartered Accountants Handbook, for the Law Society's financial reporting starting in the 2012 fiscal year, and
- b. if adopting Part III as described in a., approve recording capital assets at amortized cost and fixed income investments at fair market value.

Summary

5. The Committee recommends that the Law Society adopt Accounting Standards for Not-For-Profits rather than International Reporting Standards, with the objective of providing relevant information to the users of the Law Society's financial statements. If this recommendation is adopted, there will be little impact on the financial statements. There will be nominal costs in the transition unless the Law Society elects to value some or all of our capital assets at fair value.

Background

6. The mandate of the Canadian Accounting Standards Board (AcSB) to issue accounting standards for private sector organizations. In its Strategic Plan, issued in 2006, the AcSB noted that "one size does not necessarily fit all" and decided to pursue separate strategies for public enterprises, private enterprises and not-for-profit organizations.
7. In April and June 2010, the Audit Committee reviewed the direction of financial reporting for NFPOs. In June, the Committee reviewed the Society's response to the AcSB's Exposure Draft on new Accounting Standards for Not-For-Profit Organizations (NFPOs). In September 2010, the AcSB discussed comment letters received on the Exposure Draft and approved the accounting standards substantially as proposed in the Exposure Draft.

Canadian Generally Accepted Accounting Principles

8. The Canadian Institute of Chartered Accounts ("CICA") Handbook – Accounting contains the accounting standards. The Handbook is now made up of five parts¹, with each part containing standards applicable to certain entities:
 - a. Part I – International Financial Reporting Standards ("IFRS") (compulsory for publicly accountable enterprises)
 - b. Part II – Accounting Standards for Private Enterprises (alternatively private enterprises can use IFRS)
 - c. Part III – Accounting Standards for Not-for-Profit Organizations (alternatively NFPOs can use IFRS)
 - d. Part IV – Accounting Standards for Pension Plans
 - e. Part V – Pre-changeover accounting standards.

¹ This division is necessary as the Handbook is referred to in legislation as constituting the principal source of Canadian Generally Accepted Accounting Principles. With the creation of different standards for different sectors, each of which constitutes Canadian GAAP, it is necessary to house all of these standards in the CICA Handbook – Accounting, thus the creation of "Parts". Our financial statements and auditors' reports will refer to Canadian accounting standards for not-for-profit organizations.

Timing

9. For fiscal years beginning on or after January 1, 2012, NFPOs will be required to follow either the Accounting Standards for Not-For-Profit Organizations or IFRS. In either case, a not-for-profit organization will be able to state that its financial statements have been prepared in accordance with Canadian Generally Accepted Accounting Principles.
10. Until the 2012 financial year, NFPOs follow the pre-changeover accounting standards – Part V – essentially the GAAP which has been in place over recent years. An NFPO can choose to early adopt accounting standards for not-for-profit organizations. The Law Society is not considering early adoption at the current time as there is no benefit to early adoption and the transition to the new standards will be facilitated by more information, examples and templates as the deadline for transition approaches.

Choice between Part III (NFPOs) and Part 1 (IFRS)

11. The concepts on which IFRS are based are similar to those historically used in Canada. However, there are a number of differences, the significance of which varies by industry and individual organization. In the Law Society's case, the main difference is that IFRS does not accommodate NFPOs. For example, there is no equivalent to the S4000 standards. As a consequence, the Law Society would be required to consolidate LAWPro into the Law Society's financial statements.
12. The minimum disclosures required by IFRS are also far more extensive than required by the Law Society. One of the primary motivations for Canada making IFRS obligatory for publicly accountable enterprises is a business environment that is increasingly global. For large Canadian businesses, financial reporting based on globally accepted standards leads to greater accessibility to worldwide capital markets and the need to report in accordance with more than one basis of accounting is reduced. This is not relevant for the Law Society. For example:
 - a. With respect to financial instruments, there are minimum disclosures addressing interest rate risk, market risk, credit risk, foreign exchange risk and liquidity risk which do not provide useful information for the Law Society's simple investment portfolio.
 - b. With respect to guarantees, the boilerplate-type disclosure required addressing agreements that the Law Society has entered into in the normal course of business that meet the formal definition of a guarantee under IFRS does not provide useful information to the user of the Law Society's financial statements.
13. As noted above, NFPOs have the choice of using GAAP for NFPOs contained in Part III or IFRS. The Committee recommends Part III for the following reasons:
 - a. The use of IFRS will result in longer, more complex financial statements as IFRS has more extensive minimum disclosures, better suited for complex, public companies. The additional required disclosures under IFRS would provide no real benefit for users of the Law Society's financial statements and would make them more difficult to understand.

- b. Some organizations which are currently not publicly accountable enterprises may have growth ambitions or prospects which could convert them into publicly accountable enterprises. It therefore makes sense for them to voluntarily adopt IFRS. As the Law Society is unlikely to change to a publicly accountable enterprise², there is no need to contemplate adopting IFRS in the future.
- c. In terms of the costs of adoption and ongoing compliance, IFRS requires the application of greater resources, with no benefit for the Law Society.
- d. The quantity and scope of information required for IFRS may require changes in our systems and processes without any discernible benefit for the Law Society.
- e. Comparative organizations to the Law Society are unlikely to adopt IFRS. If all organizations similar to the Law Society use Part III this will enhance consistency and comparability. Information from Deloitte & Touche and KMPG is that they do not know of any not-for-profit organizations adopting IFRS.
- f. Because of its scope and complexity, IFRS will be subject to greater changes over time, making it more difficult to keep current and remain compliant.

Comparing Part II (private enterprises), Part III (NFPOs) and Part V (pre-adoption period)

14. Part V is existing Canadian GAAP. Part II is derived from existing Canadian GAAP. Part III is derived from Part II. While many of the recognition and measurement standards remain the same, between Parts V, III and II, the changes involve simplification of recognition, measurement and presentation requirements in areas such as financial instruments and subsidiaries and reduction in financial statement disclosures, based on the needs of users.
15. In comparing private enterprise reporting (Part II) to NFPO reporting (Part III), there will be no differences in accounting between profit-oriented private enterprises and NFPOs when the circumstances and transactions are the same. Transactions and circumstances specific to NFPOs, such as reporting controlled and related entities, are in the Section 4000 series of Part III. This NFPO framework is substantially the same as the framework that has been in place since 1997.
16. In comparing NFPO reporting (Part III) to the current, pre-changeover accounting standards (Part V), many of the principles and concepts underlying Parts III and V are similar. NFPOs in general, and the Law Society in particular, will be able to substantially continue the existing accounting for matters covered in the S4000 series on their transition to accounting standards for NFPOs.
17. One of the few noticeable changes for the Law Society will be the disclosure of government remittances. The Law Society will need to disclose the amount payable in respect of government remittances such as payroll taxes, health taxes and sales taxes.

² A publicly accountable enterprise is an entity, other than a not-for-profit organization, or a government or other entity in the public sector, that:

- has issued debt or equity instruments that are traded in a public market; or
- holds assets in a fiduciary capacity for a broad group of outsiders as one of its primary businesses.

Decisions for the Law Society on Transition

18. If Convocation approves Part III of the CICA Handbook – Accounting Standards for Not-for-Profit Organizations for the Law Society, two decisions are required to be made on transition:
- With respect to capital assets, the Law Society can elect to measure items of capital assets at fair (market) value as at January 1, 2011 and use that as deemed cost rather than amortized cost; and
 - With respect to financial instruments, the Law Society can elect to measure its long-term fixed income securities at fair (market) value or at cost.

Capital Assets

19. In the 2010 financial statements, capital assets are presented at cost net of accumulated amortization as summarized on the following page.

| (\$000's) | Cost | Accumulated Amortization | Net |
|---|---------------|-----------------------------|---------------|
| Land and buildings | 25,396 | 19,419 | 5,977 |
| Building improvements | 21,461 | 11,290 | 10,171 |
| Furniture, equipment and computer hardware and software | 6,899 | 6,058 | 841 |
| Total capital | 53,756 | 36,767 | 16,989 |

20. The Law Society has the one-time option of revaluing some or all of these capital assets to market value upon adopting Part III. However, given the nature of the assets, the complexity of a market evaluation and questionable overall benefit in doing so, the Committee recommends that these assets continue to be valued at cost. In the Committee's view, this is in keeping with the objective of providing relevant information to the users of the Law Society's financial statements.

Portfolio Investments

21. The Law Society's portfolio investments at December 31, 2010 are summarized in \$'000s below. The investments are recorded at fair (market) value:

| | |
|------------------------------------|---------------|
| Debt securities | 60,936 |
| Canadian equities | 14,322 |
| Total portfolio investments | 75,258 |

22. Debt and equity securities are valued at fair value under Part V of the Handbook, used in preparing the 2010 financial statements. In compliance with Part III, the equity investments will continue to be measured at fair value. The default valuation for other financial instruments is cost
23. The Committee, in reviewing whether to value debt securities at fair value rather than cost, considered, among other things, the best way to value, and value most accurately, the types of debt securities in which the Law Society has invested, which are currently relatively short term securities with limited possibility of significant capital gains or losses and which are actively traded. Again, in keeping with the objective of providing relevant information to the users of our financial statements, it is recommended that Convocation adopts Part III fixed income securities valued at market.

FOR DECISION

BUSINESS CONDUCT POLICY

Motion

24. That Convocation approve the revised Business Conduct Policy for employees of the Law Society.
25. The Audit Committee initiated a change to the Business Conduct Policy, improving the whistleblowing provisions to include the Chair of the Audit Committee. The Law Society's senior management team took the opportunity to make other changes to the policy to bring it up to date with current practice. A draft of the revised policy and a comparison to the old policy is attached.

Draft of the Revised Business Conduct Policy – May 2011

Business Conduct Policy – 2007 – Comparison with May 2011 changes

FOR INFORMATION

LAW SOCIETY OF UPPER CANADA FINANCIAL STATEMENTS FOR THE THREE MONTHS ENDED MARCH 31, 2011

26. The Audit Committee recommends the financial statements for the Law Society for the first quarter of 2011 be received by Convocation for information.

Law Society of Upper Canada Financial Statements
For the three months ended March 31, 2011

Fund Descriptions

General Fund

- The General Fund is the Society's operating fund representing the bulk of its revenues and expenses relating to the licensing and regulation of lawyers and paralegals.

Restricted Funds

- The Compensation Fund is restricted by statute. The Fund exists in order to mitigate losses sustained by clients as a result of the dishonesty of a lawyer or paralegal. The fund is financed primarily through annual levies on lawyers and paralegals, investment income and recoveries for grants previously paid. The annual Compensation Fund levy for the 2011 year was set at \$222 for lawyers and \$171 for paralegals. The respective figures for the 2010 year were \$257 and \$183.

At March 31, 2011 the lawyer Compensation Fund balance was \$25.9 million and the paralegal fund balance was \$180,000. The appropriate size of the Compensation Fund balance is currently being assessed.

- The Errors and Omissions Insurance (E&O) Fund accounts for the mandatory professional liability insurance program of the Society which is administered by LAWPRO. Insurance premium expense, as well as related levies and income from their investment are tracked within this fund. In March 2011, \$2 million in cumulative investment income was transferred to the Law Society General Fund and is reported on the Statement of Changes in Fund Balances. The Society is insured for lawyers' professional liability and recovers annual premium costs from lawyers through a combination of annual base levies and additional levies that are charged based on a lawyer's claims history, status, and real estate and litigation levies.

The current composition of the E&O Fund balance is:

| | |
|---|---------------------|
| Investment in LawPRO | \$35,642,000 |
| Cumulative excess investment income | 2,842,000 |
| Backstop for Endorsement Retention | 15,000,000 |
| E&O Fund Contribution (accrued for 1st quarter) | 1,875,000 |
| Available for future operating expenses, transaction levy shortfall and premium contributions etc. | <u>6,652,000</u> |
| TOTAL | <u>\$62,011,000</u> |

- The Capital Allocation Fund is the source of funding for the Society's acquisition of major capital assets and the repair and upgrade of Osgoode Hall. The fund is replenished by a dedicated annual levy, on all lawyers and paralegals of \$75 in 2011, increased from \$65 in 2010. The impact of this increase has been to raise the capital fund balance by \$515,000 since December 31, 2010.

- The Invested in Capital Assets Fund represents the net book value of the Society's physical assets. Additions to the fund are made by the capitalization of assets acquired through the Capital Allocation Fund. Additions are recorded annually by means of an inter-fund transfer on the Statement of Changes in Fund Balances. Amortization is reported as an expense of the fund.
- The County Libraries Fund reports the transactions between LibraryCo Inc. and the Law Society. The Law Society levies an amount on lawyers as approved by Convocation in the annual budget; \$196 in 2011 and \$203 in 2010. This levy is reported as income of the fund and payments to LibraryCo Inc. are reported as an expense of the fund.
- The Working Capital Reserve is maintained by policy of Convocation to ensure cash is available to meet the operating needs of the Society. By policy, the fund is maintained at a balance of up two months' operating expenses.
- Other Restricted Funds:
 - o Under the Parental Leave Assistance Plan, which commenced in March 2009, the Law Society provides sole and small firm practitioners a fixed sum of \$750 per week for up to twelve weeks to cover, among other things, expenses associated with maintaining practice expenses during a maternity, parental or adoption leave. For 2011, as of March 31, \$45,000 has been expensed for four approved parental leaves, and six applications are being processed. In 2010, the same quarter saw expenses of \$108,750 with 12 parental leaves approved and seven applications in progress. Funding of \$540,000 is budgeted for 2011.
 - o The Repayable Allowance Fund is used to provide financial assistance to those enrolled in the Society's Lawyer Licensing Process. The fund is replenished annually through the budget process by a \$100,000 annual contribution from the lawyer general fund.
 - o The Society's Endowment Fund is the J. Shirley Denison Fund, administered under the terms of Mr. Denison's will by Convocation for the relief of poverty, for lawyers and licensing process lawyer candidates and their spouses.
 - o The Special Projects Fund is used to carry forward funding to a future fiscal period for a program or activity yet to be completed, for which funding is not provided in the future year's budget. For 2011, the fund is primarily comprised of funding for the Civil Needs Project and the Heritage Committee's Diversifying the Bar: Lawyers Make History Project. Also included is the balance of a contribution from Canada Life for the ongoing maintenance of the Society's lawns, gardens and trees.

Financial Statement Highlights

The Financial Statements are prepared under Generally Accepted Accounting Principles for Canadian not-for-profit organizations using the restricted fund method of accounting. Revenues are recognized when earned and expenses are recognized when incurred.

The Financial Statements for the three months ended March 31, 2011 comprise the following statements with comparative numbers for March 31, 2010:

- Balance Sheet
- Statement of Revenues and Expenses. Detailed results of operations for lawyers and paralegals are combined on the Statement of Revenue and Expenses. Summarized results for both lawyers and paralegals are reported on the Statement of Changes in Fund Balances. Supplementary schedules comparing actual results to budget are also provided for lawyers and paralegals.
- Statement of Changes in Fund Balances

Supplemental schedules include Schedules of Revenues and Expenses for the Lawyer and Paralegal General Funds, the Compensation Fund and the Errors and Omissions Insurance Fund.

Balance Sheet

- Current assets at the end of March 2011 have increased to \$188.7 million from \$176.1 million. Cash and short-term investment balances have decreased due to a budgeted deficit in the prior year. Accounts receivable balances have increased due to higher member levies and premiums in the current year. At March 31, 2011, current assets comprise \$16.0 million in cash, \$28.4 million in short-term investments, \$64.7 million in accounts receivable (annual fees, insurance premiums and levies owing) and \$79.7 million in prepaid expenses. Most of the prepaid expense balance relates to annual E&O insurance premiums paid or payable for the year, which are expensed over the full year.
- The Investment in LAWPRO totaling \$35.6 million is made up of two parts. The investment represents the share capital of \$4,997,000 purchased in 1991 when LAWPRO was established plus contributed capital of \$30,645,000 accumulated between 1995 and 1997 from a special capitalization levy by the Law Society.
- Portfolio investments are shown at fair value of \$71.6 million, virtually unchanged from \$71.8 million in 2010. Investments are held in the following funds:

| Fund (\$ 000's) | March 31, 2011 | March 31, 2010 |
|------------------------------|-------------------|-------------------|
| Errors & Omissions Insurance | \$28,272 | \$31,903 |
| Compensation Fund | 30,034 | 27,587 |
| General Fund | 13,247 | 12,313 |
| Total | \$71,553 | \$71,803 |

- Accounts Payable has increased to \$4.6 million from \$4.1 million. This is mainly attributable to an increase in government remittances payable resulting from the July 1, 2010 implementation of 13% HST on sales.
- Deferred Revenue has increased to \$112.8 million from \$101.7 million. This is largely the result of increased annual fees, in both the E&O Fund and the General Fund. Full recognition of these revenues will occur over the remaining nine months of the year.
- The amount due to LAWPRO has increased to \$52.0 million from \$50.7 million. The payable will decline by year-end as insurance premiums and levies collected are paid to LAWPRO. Any balance owing to LAWPRO at year end is paid by March 31 of the following year.
- The provision for unpaid grants / claims comprises the provision for unpaid grants – Compensation Fund and the provision for unpaid claims – E&O Fund with balances at the end of March 2011 of \$9.9 million and \$690,000 respectively. Provisions have decreased from the prior year balances of \$12.2 million and \$963,000. The provision for unpaid grants in the Compensation Fund represents the estimate for unpaid claims and inquiries against the Compensation Fund, supplemented by the costs for processing these claims. The provision for unpaid claims in the E&O Fund represents claims liabilities for 1995 and prior. Effective 1995, 100% of the risk above the individual member deductible was insured through LAWPRO so the E&O Fund is in run-off mode.
- The Law Society Act permits a member who has dormant trust funds, to apply for permission to pay the money to the Society. Money paid to the Society is held in trust in perpetuity for the purpose of satisfying the claims of the persons who are entitled to the capital amount. At the end of March, unclaimed money held in trust amounts to \$2.2 million, compared to \$2.0 million in the prior year.
- Fund Balances have increased to \$130.3 million from \$129.1 million with 2011 activity analyzed on the Statement of Changes in Fund Balances.

Statement of Revenues and Expenses

- The General Fund incurred a surplus of \$1.6 million at the end of the first quarter of 2011, compared with a deficit of \$732,000 in 2010. This is due to an increase in revenues of \$2.6 million partly offset by an increase in net expenses of \$261,000. The 2011 budget incorporated the use of \$2.5 million in funding from the Unrestricted Fund and \$920,000 from the Paralegal Fund balances to provide for a budgeted operating deficit. Actual use of funds is contingent on a deficit occurring.
- The Society's restricted funds report a surplus of \$392,000 for the period. The surplus is primarily in the Compensation Fund in the amount of \$163,000. The surplus in the Compensation Fund is partly due to a lower than budgeted provision for unpaid grants. Further contributing to the surplus are higher than budgeted realized and unrealized gains on long-term investments.

- General Fund annual fee revenue is recognized on a monthly basis. Annual fees recognized in the first quarter have increased to \$11.2 million in 2011 from \$9.8 million in 2010. This is a consequence of the fee increase of \$81 per lawyer and \$26 per paralegal, in 2011, compounded by an increase in the number of lawyers and paralegals billed.
- Restricted fund annual fees comprising county library, Compensation Fund and capital allocation levies decreased by a total of \$32 per lawyer in 2011. However, expenses for the Compensation Fund have increased over the same period last year. Year-over-year changes reflect a higher provision for unpaid claims and the increased spot audit staffing complement budgeted in 2010, which was attained throughout the year. Maintaining adequate funding for the Compensation Fund while decreasing member fees was facilitated by the budgeted use of \$1.5 million in accumulated fund balances.
- Premiums and levies have increased to \$24.2 million from \$21.8 million. This increase is primarily a result of the increase in base premiums charged to lawyers in 2011. The base premium in 2011 is \$3,350 compared to \$2,950 in 2010.
- Professional development and competence revenues have increased to \$4.3 million from \$3.1 million in 2010. This is mainly due to increased continuing education course registration revenue, which, if current trends continue, is projected to reach a total of \$7 million by year-end, against a budget of \$4.7 million and compared to total 2010 revenues of \$3.4 million. A secondary factor in the increased revenues is the higher number of lawyer and paralegal licensing candidates.
- Total investment income has remained stable at \$1.4 million. The interest and dividend income component has decreased from \$854,000 to \$541,000 due to an increasing portion of bond holdings being exposed to relatively lower interest rates as term renewals occur. Total realized and unrealized gains have increased from \$568,000 to \$853,000 reflecting capital market conditions.

Investment income for the Compensation Fund for the three months was \$532,000 compared to the budget for the year of \$1 million. Investment income for the General Fund for the three months was \$282,000 compared to the budget for the year of \$700,000. E&O Fund investment income totaled \$580,000, a decrease from \$653,000 earned during the same period last year.
- Other income in the restricted funds has decreased to \$78,000 from \$8.0 million as the first quarter of 2010 saw the settlement of E&Y/Tillinghast litigation.
- Regulatory expenses of \$5.1 million are marginally higher than the same period in 2010 by \$278,000.

- Professional development and competence expenses are \$338,000 higher than for the same period in 2010 (\$4.6 million versus \$4.3 million). Increases were budgeted in Continuing Professional Development, where additional resources, including six staff hired in the first quarter, are required to support the newly implemented CPD requirement. In addition, year-to-date Spot Audit salary expenses are higher than the prior year due to 2010 budgeted staffing increases.
- Other expenses include benchner related payments, payments to the Federation of Law Societies, insurance, catering costs and other miscellaneous expenses and total \$1.4 million for the first three months of 2011, compared to \$1.9 million in 2010. Costs were higher in 2010 due to timing of payments to the Ontario Lawyers' Assistance Program and a special litigation levy imposed by the Federation of Law Societies.
- Client Service Centre expenses have increased by \$111,000, to \$1.3 million from \$1.2 million. Increases were budgeted in Membership Services, Call Centre and Administrative Compliance to support increased workload, including that arising from administration of the Continuing Professional Development requirement.
- Expenses in the Errors and Omissions Insurance Fund have increased to \$25.1 million from \$23.1 million. This is largely due to the increase in insurance premiums.
- Compensation Fund expenses have increased to \$2.5 million from \$1.6 million. The main contributor to this increase has been the provision for unpaid grants with a balance of \$488,000. The provision is adjusted monthly based on the number of new inquiries and open claims and cases closed. Costs for spot audit have increased over 2010, as budgeted.
- County Libraries Fund expenses have remained stable at \$1.7 million.
- Expenses for the Parental Leave Assistance Plan were \$45,000 in the first three months of 2010 for four parental leaves, compared with \$109,000 in the same period during the prior year for twelve parental leaves. The budget for the whole of 2011 is \$540,000 equating to sixty parental leaves.

Statement of Changes in Fund Balances

- This statement reports the continuity of the Society's various funds from the beginning of the year to the end of the current period. Details related to the revenues, expenses and interfund transfers summarized on this statement are reported in detail in the accompanying Statement of Revenues and Expenses as well as supporting schedules relating to the Lawyer and Paralegal General Funds, the Compensation Fund and the Errors and Omissions Insurance Fund.

Compensation Fund – Schedule of Revenues and Expenses & Change in Fund Balances

- Total annual fee revenue has decreased by \$246,000 primarily as a result of a decrease in the lawyer and paralegal levies to \$222 from \$257 and to \$171 from \$183 respectively.

- Expenses have increased by \$861,000 primarily as a result of the increased provision for unpaid grants. Also contributing to the increase are spot audit costs and administrative expenses as approved in the 2011 budget.

Errors and Omissions Insurance Fund – Schedule of Revenues and Expenses & Change in Fund Balance

- Insurance premiums and levies have increased \$2.4 million primarily due to the increased base premium for Ontario lawyers. Premium revenue comprises base premiums and claims history surcharges prorated for the year and transaction levies.
- Other income is nil, compared with \$8 million in the prior year, resulting from a one-time inflow of cash from the settlement of outstanding E&Y/Tillinghast litigation.
- Administrative expenses have decreased by \$429,000 as the prior year experienced the final litigation expenses incurred in relation to the above-noted settlement.
- The trend in insurance expenses is in line with premium revenues as the E&O Fund acts as a conduit to LAWPRO for this funding. The insurance expense represents the prorated annual policy premium set up in LAWPRO's insurance report to Convocation last September.

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FOR INFORMATION

LAW SOCIETY OF UPPER CANADA PENSION PLAN
FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2010

27. The Committee recommends Convocation receive the financial statements of the Fund of the Pension Plan for the Employees of the Law Society of Upper Canada for the year ended December 31, 2010 for information.
28. The Committee's role in relation to the Law Society's pension fund is set out in By-law 3:
"Administrator of pension plan
118.1. (1) The Audit Committee shall be the administrator of and shall administer the registered pension plan for the employees of the Society.

Powers

(2) The performance of any duty, or the exercise of any power, by the Audit Committee under any Act relevant to its role described in subsection (1) is not subject to the approval of Convocation.”

29. The audited financial statements for the Pension Plan for the Employees of the Law Society of Upper Canada (the “Plan”) for the year ending December 31, 2010 are attached. The Law Society’s Pension Committee has approved the financial statements.
30. The financial statements have been audited by Deloitte & Touche LLP, Chartered Accountants. Their Year End Communication is also attached addressing matters such as the audit scope, risks and findings.
31. The financial statements have been prepared for purposes of filing with the Ontario Ministry of Finance under the Pension Benefits Act and the Federal Income Tax Act. Pension funds with assets in excess of \$3 million are required to submit audited financial statements each year. The information reported in the financial statements is in accordance with Canadian generally accepted accounting principles and follows the requirements specified in the Pension Benefits Act.
32. Standard Life Assurance Company is the plan custodian, investment manager and record keeper. The Plan is a defined contribution pension plan where each member, other than designated employees³, and the employer make contributions to the member’s individual account. Each member chooses the pooled investment funds and/or guaranteed investment certificates (GICs) from the available investment options under the Plan for the investment of contributions made in respect of the member. The available investment options are chosen by the Law Society from among a range of pooled investment funds and GICs offered by Standard Life. Vesting of employer contributions in respect of a member occurs after two years of membership. Members bear the risk of adverse investment performance.
33. Net assets of the Plan have increased from \$28.5 million at the end of 2009 to \$33.8 million at the end of 2010 because of favourable investment markets during the year and pension contributions. Explanations and a variance analysis of lines in the financial statements are set out below:
 - i. Employee and employer contributions were \$1.8 million and \$2 million respectively, both up by approximately 8% compared to 2009 with the number of active members and salary amounts increasing year-over-year. Employee contributions reflect amounts deducted by bi-weekly payroll deduction and remitted to Standard Life by the Law Society on behalf of its employees along with contributions made directly by employees to the Plan. Employer

³ Designated employees, who hold executive positions and are designated by the Chief Executive Officer of the Law Society of Upper Canada, have contributions made to the Plan by the Sponsor, equivalent to 12% of annual earnings up to the maximum deduction allowed by the Canada Revenue Agency.

contributions represent the Law Society's required contributions under the Plan Agreement less any forfeitures (unvested amounts), which are used to reduce required employer contributions.

- ii. Investment income, comprising interest income and pooled fund income was \$2.8 million in 2010 compared to \$3.6 million in 2009, reflecting market conditions.
- iii. Benefit payments of \$21,000 (2009 - \$73,000) comprise amounts transferred out of the plan to members on retirement. Annual transfer totals will depend on the number of retirees and their investment in the plan.
- iv. Termination refunds of \$1.2 million (2009 - \$475,000) refer to the amounts paid out of the fund primarily in respect of members who terminated employment and elected a portability transfer.

New Accounting Standards

34. Developments in Canadian accounting standards are addressed elsewhere in the current Report to Convocation. Accounting standards for pensions plans were previously an integral part of the CICA Handbook (Section 4100). In April 2010, the AcSB published new accounting standards for pension plans, which have been separated into Part IV of the CICA Handbook. The AcSB determined that former Section 4100 of the Handbook was generally meeting the needs of users of pension plan financial statements. Accordingly, the AcSB decided to modify former Section 4100 only to the extent necessary to make the standards in Part IV of the restructured Handbook stand alone. The limited changes means the financial statements of the Law Society's pension plan will not change significantly, particularly as it is a relatively simple defined contribution plan limited to investments and pension obligations and the application of accounting standards to any components outside of these two categories is not required.
35. First-time adoption of Part IV of the Handbook is mandatory for annual financial statements relating to fiscal years beginning on or after January 1, 2011.

FOR INFORMATION

INVESTMENT COMPLIANCE REPORTS

36. Compliance Statements for the General Fund, Compensation Fund, and Errors & Omissions Insurance Fund portfolios as at March 31, 2011 are attached for information.

FOR INFORMATION

OTHER COMMITTEE WORK

Litigation Report

38. The Committee reviewed a copy of the latest Litigation Report.

Governance Expenses

39. The Committee reviewed the Bencher and Paralegal Standing Committee Expense Summary, Bencher Attendance and Remuneration Summary and Treasurer Expense Summary.

Monitoring & Enforcement Receivables

40. The Committee requested management to commission a study of the present systems and policies in place for the enforcement, monitoring and collection of costs awarded by Discipline Panels and amounts due to the Compensation Fund, in order that Convocation can be assured that the most cost efficient and effective methods of recovering members' funds expended in the discipline and compensation processes are in place.

Assessment of Investment Manager

41. The Committee received a report from Aon Hewitt, investment consultants, concerning the performance of our investment managers, Foyston Gordon and Payne ("FGP") in 2010.

Attached to the original Report in Convocation, copies of:

- (1) Copy of the Draft of the Revised Business Conduct Policy – May 2011. (pages 13 – 19)
- (2) Copy of the Business Conduct Policy – 2007 – Comparison with May 2011 changes. (pages 21 – 32)
- (3) Copy of the Law Society of Upper Canada Financial Statements for the Three Months Ended March 31, 2011. (pages 41 – 45 (pages 47 – 49 in camera))
- (4) Copy of the Law Society of Upper Canada Pension Plan Financial Statements for the Year Ended December 31, 2010. (pages 53 – 64)
- (5) Copy of the Compliance Statements for the General Fund, Compensation Fund, and Errors & Omissions Insurance Fund portfolios as at March 31, 2011. (pages 66 – 70)

Re: New Accounting Standards

It was moved by Mr. Bredt, seconded by Mr. Silverstein, that Convocation adopt Accounting Standards for Not-For-Profit Organizations as set out in Part III of the Canadian Institute of Chartered Accountants Handbook, for the Law Society's financial reporting starting in the 2012 fiscal year.

Carried

It was moved by Mr. Bredt, seconded by Mr. Silverstein, that Convocation approve recording capital assets at amortized cost and fixed income investments at fair market value.

Carried

Re: Business Conduct Policy

It was moved by Mr. Bredt, seconded by Mr. Silverstein, that the revised Business Conduct Policy for employees of the Law Society be approved.

Carried

Mr. Bredt presented the Law Society of Upper Canada First Quarter Financial Statements for the three months ended March 31, 2011, and the Law Society of Upper Canada Pension Plan Financial Statements for the year ended December 31, 2010.

For Information

- Investment Compliance Reports
- Other Work

Re: Canadian Bar Association

The Treasurer introduced Rod Snow, President of the Canadian Bar Association.

Mr. Snow addressed Convocation.

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EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITE SUR L'EQUITE ET LES
AFFAIRES AUTOCHTONES REPORT

Mr. Schabas presented the Report.

Report to Convocation
May 26, 2011

Equity and Aboriginal Issues Committee/
Comité sur l'équité et les affaires autochtones

Committee Members
 Janet Minor, Chair
 Raj Anand, Vice-Chair
 Constance Backhouse
 Paul Copeland
 Avvy Go
 Susan Hare
 Thomas Heintzman
 Dow Marmur
 Judith Potter
 Heather Ross
 Paul Schabas
 Baljit Sikand
 Beth Symes

Purpose of Report: Decision and Information

Prepared by the Equity Initiatives Department
 (Josée Bouchard – 416-947-3984)

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For Information..... TAB B

Return to Practice Working Group Report – Deferred from April Convocation

2010 Change of Status Research

Equity Public Education Series Calendar (2011)

COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (Equity Committee) met on May 11, 2011. Committee members Janet Minor, Chair, Constance Backhouse, Paul Copeland, Thomas Heintzman, Dow Marmur, Judith Potter, Heather Ross and Paul Schabas participated. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario (AJEFO), attended. Staff members Josée Bouchard and Mark Andrew Wells attended. Anne Kilpatrick, partner at the Strategic Counsel, made a presentation.

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FOR INFORMATION

RETURN TO PRACTICE WORKING GROUP REPORT
Deferred from April Convocation

30. In the spring of 2009, the Return to Practice Working Group (Working Group) was created as part of the Retention of Women in Private Practice Project. The Working Group is co-chaired by bencher Beth Symes and lawyer Connie Reeve. Working Group members also include bencher Janet Minor, Chair of the Equity Committee, and bencher Judith Potter, a member of the Equity Committee.
31. The mandate and objectives of the Working Group are to identify strategies and develop resources to facilitate the return of women lawyers into practice. The identified strategies are meant to be applicable to women lawyers who wish to re-enter the practice of law in non-private and private practice work environments.
32. The report of the Working Group is presented at Appendix 3 for information. The Report was considered by the Equity Committee and the Priority Planning Committee. It was decided that the first two recommendations (recommendations 1 and 2a) do not require approval, as matters of policy are not involved and no additional budget or resources are required for 2011. The Report also includes two other recommendations (recommendation 2b and 3) that have more significant financial and resource implications. Those recommendations are not for consideration at this time. The Equity Committee and the Priority Planning Committee decided that those recommendations would be considered along with other proposals as part of the overall strategic planning discussion at the benchers' priority planning session in the fall 2011.

2010 CHANGE OF STATUS RESEARCH

33. In 2009, the Law Society of Upper Canada retained The Strategic Counsel to undertake a study with lawyers who change their professional status in the profession. The 2009 *Change of Status Quantitative Study – Report of Research Findings* is available online at (http://www.lsuc.on.ca/media/convmay10_change_status_report.pdf).
34. The 2010 Change of Status Research report is now completed and presented at Appendix 4.
35. The report provides findings from a survey conducted via an online methodology among a sample of Law Society lawyers who changed status in 2009 and in 2010. The report and overview of key findings will be posted online on the Law Society website at www.lsuc.on.ca.

PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES
2011

36. The calendar of Public Education Equality and Rule of Law Series is presented at Appendix 5.

Appendix 3

Return to Practice Working Group Report

Working Group Members
Beth Symes – Co-chair
Connie Reeve – Co-chair
Janet Minor
Judith Potter

Prepared by the Equity Initiatives Department
(Mark Andrew Wells – 416-947-3425)

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EXECUTIVE SUMMARY

Request to the Committee

The Committee is asked to,

- a. consider the following recommendations of the Working Group;
- b. approve the recommendations;
- c. if appropriate, present the following recommendations to Convocation for its consideration:
 - i. That the Law Society make available online informational resources for lawyers and paralegals focused on the departure from and return to the practice of law.
 - ii. That the Law Society explore ways to provide or augment educational initiatives currently available for women who are transitioning back into practice,
 - A. by partnering with external associations to promote and assist in the delivery of their programs; and
 - B. providing financial assistance to women lawyers, in the form of a repayable loan, who want to attend an external program.

- iii. That the Law Society contract the use of one or more professional career counsellors and provide access of up to six hours of career counselling and/or coaching services to women lawyers who work as sole practitioners or in firms of five lawyers or less who are taking a leave from the practice of law for maternity, parental and/or compassionate reasons.

The mandate and objectives of the Return to Practice Working Group were to identify strategies and develop resources to facilitate the return of women lawyers into practice after an extended absence. In this regard, the work of the Working Group is consistent with the *Retention of Women in Private Practice Report*. In developing its recommendations, the Working Group considered the findings of focus groups with women who had left the practice of law, distilled the suggestions of the participants and identified initiatives that could be implemented by the Law Society.

The Working Group is of the opinion that the best use of resources is to provide initiatives to assist women in making informed decisions before they leave the practice of law and resources to assist them in making the transition back to the practice of law. As such, it favours a multi-faceted, proactive/preventative approach to assist women before they leave the practice of law as opposed to a reactive/restorative approach which might only address the challenges that women face when returning to practice. However, the Working Group was also conscious of the assistance that women who have been away from the practice of law for an extended period may require.

The Working Group provides recommendations that fall into the following distinct categories:

Online Informational Resources – The Working Group noted that returning to practice after an extended period is often analogous to initial entry into the profession. As such, it concluded that providing readily accessible information about the Law Society's requirements for resuming one's practice and other useful information would help women make informed professional decisions before leaving the practice of law and when returning to the practice of law.

Educational Initiatives – The Working Group determined that partnering with existing educational programs available for women who are transitioning back into practice would provide valuable opportunities for women who are returning to the practice of law. This option can provide an educational initiative that is specifically tailored to meet the needs of women who have left the practice of law for an extended period of time. The Working Group also recommends providing financial assistance in the form of a loan to make these programs accessible to women.

Career Counselling Resources – The Working Group concluded that access to individual career counselling before leaving, during a leave and post return to practice could provide the necessary knowledge and insight to facilitate decisions about leaving and re-entering the profession. The Working Group learned that career counselling is one feature of the mentoring paradigm that can be invaluable in helping a lawyer appreciate the realities of leaving practice and returning to practice after an extended absence.

It should be noted that the identified recommendations have been conceptualized on a spectrum, with information resources representing the minimum requirement that women must have to facilitate leaving and re-entering the profession. Moreover, the Working Group proposes that after a period of five years of implementation of the educational financial assistance and the career counselling programs, the Law Society assess these programs to determine their take-up rate and effectiveness.

REPORT OF THE RETURN TO PRACTICE WORKING GROUP

INTRODUCTION

1. In 2008, 155 women left the practice of law. Many of these women took extended leaves, based on the assumption that returning to practice can be done easily and effortlessly.⁸ These numbers are typical for women lawyers exiting practice. However, the research conducted by the Return to Practice Working Group (Working Group) demonstrates the challenges that many of these women will face when attempting to re-establish their professional legal careers.
2. Simply said, women who have left the practice of law for an extended period of time face significant challenges when returning or attempting to return to work. These challenges include a lack of information about the options when leaving practice and the requirements to return, loss of self-confidence, a sense of isolation, loss of legal networks, having to return to a different practice area, learning a new area of law, adjusting to new technology and needing advice and mentoring about career planning. Moreover, there are additional external challenges that these women must confront. A firm may not be receptive to women seeking to return to practice for reasons related to age, perceived lack of flexibility or commitment and a preference for recently call and therefore more malleable lawyers.
3. Notwithstanding, some women are able to overcome the challenges and return to practice after an extended absence. Returning to practice can be a necessity following the death of a spouse or the breakdown of a relationship. This report outlines the challenges faced by women who leave the practice of law for an extended period of time and makes a number of recommendations.

⁸ Statistics were compiled by the Membership Services Department of the Law Society. The statistics provide a breakdown of lawyers leaving and returning to the practice of law from 1990 to 2008 by age group and year of call.

BACKGROUND

4. The *Retention of Women in Private Practice Report* noted that women lawyers leave private practice in larger numbers than their male counterparts and face gender based challenges when they return to private practice, particularly when the absence has been for a significant period.⁹
5. Studies have also shown that there are gender differences in the types of activities undertaken during job interruptions. Women are more likely than men to interrupt their legal position and more likely to report child care as the primary activity during the interruption. Men are more likely to travel or to undertake educational and professional development activities that are seen to be related to their legal career development and advancement.¹⁰
6. In May 2008, Convocation adopted the *Retention Report* that addressed in part the issue of women's return to private practice. For example, the Justicia Project includes the implementation of programs to assist women lawyers when they return to their firm after a parental leave. However, the recommendations did not focus on the issue of women reintegrating into the legal workforce in a different practice area or place of employment than the one left following an extended period of absence.
7. In the spring of 2009, the Return to Practice Working Group (Working Group) was created as part of the Retention of Women in Private Practice Project. The Working Group is co-chaired by bencher Beth Symes and lawyer Connie Reeve. Working Group members also include the Chair of the Equity and Aboriginal Issues Committee (Equity Committee), bencher Janet Minor and bencher Judith Potter, a member of the Equity Committee.
8. The mandate and objectives of the Working Group are to identify strategies and develop resources to facilitate the return of women lawyers into practice. The identified strategies are meant to be applicable to women lawyers who wish to re-enter the practice of law in non-private and private practice work environments.
9. This report provides an overview of the work of the Working Group, including the following:
 - a. Law Society of Upper Canada Data;
 - b. Methodology;
 - c. Focus Group findings;
 - d. Observations of the Working Group – Other Issues and Consideration; and
 - e. Recommendations.

⁹ Law Society of Upper Canada, *Final Report – Retention of Women in Private Practice Working Group* (Toronto: Law Society of Upper Canada, May 2008) [*Retention Report*].

¹⁰ *Ibid.*

LAW SOCIETY OF UPPER CANADA DATA

10. Information gathered from the Law Society's database on lawyers who have left and returned to the practice of law in Ontario for the period from 1990 to 2008 indicates that the total percentage of lawyers, both male and female who left the practice of law ranged from 0.3% to 2.5%.
11. A breakdown of the number of years away from the practice of law before returning highlights that 46% of women are away from the practice of law for between 2 and 8 years, whereas 37% of men are away for that period. In addition, 53% of men who leave the practice of law are away for a period of less than two years, compared to 38% of women who are away for two years or less.
12. With respect to the lawyers who did not return to practice, 41% of women lawyers who surrendered their license did not return, where only 24% of male lawyers in similar positions did not return. Moreover, where 29% of men who did not return to the practice of law retired, only 5% of women lawyers retired. In other words, women lawyers who surrender their license are also less likely to return to the profession of law and/or practice than their male counterparts, in addition to being less likely to retire.
13. This data suggests that while the proportion of men and women leaving and returning to practice in the various post-call cohorts are similar, women tend to be away for longer periods. The exodus of men lawyers is largely driven by retirement. While women lawyers are less likely to return to practice, they are also not retiring in the same rates as their male counterparts.
14. It should be noted that the statistics gathered from the Law Society database do not capture lawyers who attempted to return to the practice of law, but were unsuccessful. It is suggested that given that women lawyers are away from the practice of law for longer periods, less likely to have returned to practice after surrendering their license and less likely to have retired than men, the challenges of returning to practice may have a more profound impact on women lawyers than their male counterparts. This report outlines those challenges and recommends initiatives to assist women in navigating those challenges.

METHODOLOGY

15. The Working Group based its work on the premise that women and men leave the practice of law for different reasons and the issues related to returning to practice differ along gender lines.¹¹ This premise helped to identify a discreet group of women within the legal profession who also face common challenges in seeking to reintegrate into the profession after an extended absence.

¹¹ In *Turning Points and Transitions: Women's Careers in the Legal Profession* (2004), Fiona Kay analyzed the results of a third longitudinal study of 1500 male and female lawyers who were called to the bar in Ontario between 1975 and 1990. The results indicate that for women, a desire to balance career and family/personal life was the most common reason for leaving the practice of law. Results further indicated that men and women fall along fairly traditional gender lines with women spending almost three times as many hours per week on child care than men, despite working the same number of hours.

16. The Working Group defined an “extended absence” or “extended leave” from the practice of law as 5 years or more. It collected anecdotal evidence and compiled information to discern the experiences of these women through a series of focus groups and individual interviews with lawyers throughout the province. The Working Group also met with senior women at large law firms in Ottawa, other senior women in the profession and outplacement and career counsellors from the Toronto area. In addition, the Working Group spoke with outplacement and career counsellors in Ottawa and London and spoke with representatives from Women in Transition¹² and ReConnect¹³ programs.
17. The Working Group selected focus groups as the methodology to conduct its research because they allowed for an open discussion of challenges that women may encounter when returning to practice. Participants were able to relate their experiences with other participants and make observations and comparisons in a group context.
18. The names of lawyers who left or were thought to have left the practice of law for an extended period of time, were provided to the Working Group through colleagues, contacts, various associations, individual benchers, judges, County and District Law Presidents Association (CDLPA) presidents, members of the Equity Advisory Group (EAG) and Women’s Equality Advisory Group (WEAG) and lawyers from all the cities where focus groups were held.
19. Participating lawyers were invited to attend a focus group session. The locations of the focus groups were selected to ensure fair representation of all regions of the province and, as much as possible, diverse communities.
20. The Working Group held 8 focus groups in all; three in Ottawa, two in Toronto and one focus group in London, Sudbury and Thunder Bay. The Working Group elicited information through the Focus Groups on initiatives that the Law Society might consider implementing to assist women who would like to return to practice. In all, 55 people participated in the focus groups (See Appendix A for information about the focus groups).

¹² The Women in Transition Executive Education Program co-sponsored by the University of Toronto and the Law Society is designed to help women who are returning to practice understand the changes in the legal market place and provide practice tools and tips for career and job searches. The two-day program is geared towards practicing lawyers considering a transition to non-traditional legal work, women who have left the practice of law and wish to return to legal practice or a non-traditional law-related job and women interested in part-time work starting their own practice of exploring shared work arrangements. The most recent session was held in October 2010.

¹³ Founded by Canadian Imperial Bank of Commerce, ReConnect is designed to assist professional women who have been out of the workforce for extended periods (two to six years) prepare to return to their professional careers. The program is offered once a year in the form of two modules that span seven days (five days in London, two days in Toronto). The cost of the program to participants is \$3500 (including meals and accommodation). CIBC and Ivey underwrite the additional cost of \$9000 per participant. This program is not exclusive to lawyers.

21. The Working Group developed the focus group questions and topics for discussion with the assistance of the Equity Initiatives Department (Equity Department). They were designed to reflect the objectives and mandate of the Working Group. Where possible, the questions were distributed to the participants prior to the meeting (See Appendix B for a list of the questions). At least one member of the Working Group and a Law Society staff member from the Equity Department attended the Focus Groups.
22. In circumstances where a lawyer's experience was within the mandate of the Working Group, but was unavailable to participate in a focus group, the Working Group or a Law Society staff member conducted individual interviews. There were approximately 15 individual interviews conducted.
23. In July 2010 the Working Group met with outplacement and career counsellors in the Toronto area to discuss their experiences and observations with lawyers who have left the practice of law for an extended period and then sought to return and the benefits of their programs. The Working Group identified these career counsellors because of their extensive experience working with lawyers who required outplacement and counselling services in all facets of the legal profession. The services offered by the career counsellors include career coaching, transition counselling and consulting services to law firms and individual lawyers.
24. The Working Group also had discussions with outplacement and career counsellors in Ottawa and London. These counsellors aided the Working Group in determining the time and cost that would be required to assist women return to practice after an extended absence.

FOCUS GROUP FINDINGS

25. The Focus Groups led to general observations that many women who leave the practice of law for an extended period of time, do so for child care reasons and/or are able to do so because they have a spouse whose income is sufficient to support the needs of the family. Other reasons for leaving practice include care-giving responsibilities for a special needs child, an ill parent or spouse.
26. The Working Group observed that for some women the primary reason for returning to practice was the death of a spouse or the breakdown or dissolution of a relationship. Another reason for returning to practice was the lessening of family responsibilities when their children had reached school age and desired intellectual stimulation and engagement outside of the home. In deciding to re-enter the legal profession most women indicated that they sought professional opportunities that would complement their family life as opposed to readjusting their life to accommodate the professional opportunity.

27. The following challenges were identified:
- a. there is a lack of information about the options of leaving practice and the requirements to return;
 - b. women on extended leaves lose their self-confidence;
 - c. extended leaves lead to a sense of isolation and loss of legal networks;
 - d. women are often forced or want to return to a different practice area or environment, including starting one's own practice;
 - e. women often need to update their knowledge of substantive law and/or learn a new area of law;
 - f. the institutional culture of law firms and the client-focused model of private practice can lead to challenges when reintegrating;
 - g. mastering and adjusting to new technology, including computer based legal research is often a challenge; and
 - h. need for advice and mentoring to develop a career plan is often necessary.

Lack of Information about Options when Leaving and Requirements when Returning

28. Some focus group participants noted that the initial challenge of the re-entry to practice of law was the lack of information or misinformation about the Law Society's requirements for returning to practice. The myths about re-entry ranged from having to re-attend law school and rewriting examinations in the licensing process to re-articling and taking legal refresher courses. The Working Group also observed that some participants had incorrect information about the requirements of returning to practice from the Law Society and from practising and retired lawyers.
29. Further, participants noted that the attempts to juggle their legal practice with child care responsibilities was overwhelming and resulted in decisions that may not have been in their best interest. With regards to professional decision making, many focus group participants noted that it was while they were navigating the challenges of returning to practice that they became aware that they could have made different choices if they had been informed of the alternatives to a complete departure from the practice of law. Many did not explore other options in law outside of the full service firm scenario including in-house counsel, tribunals and teaching positions.

Isolation, Loss of Self Confidence and Legal Networks

30. The focus group participants overwhelmingly agreed that loss of self-confidence was a serious obstacle to returning to practice after an extended absence. It was observed that there was a direct correlation with the loss of self confidence that was experienced and the amount of time a participant was away from the practice of law. Moreover, the barriers experienced were magnified by the length of time one has spent away from practice.

31. A sense of isolation was also a barrier to returning to practice. Most participants felt that their experiences were unique, unaware of the reality that there were other women who were navigating the same challenges. The sense of isolation felt by the participants was exacerbated by the fact that most had lost all contact with the legal networks that they had established when they were practising law.

Changes in Practice Area and Environment

32. Many of the focus group participants expressed concerns that upon re-entering the practice of law, their substantive knowledge in an area of law was out of date. Moreover, many participants who had returned to practice, returned to a different practice environment or different practice area of law than what they had left. These new practice environments included in-house counsel positions, sole practice, and tribunal positions.
33. Another observation was that those participants who had not yet returned to practice were pursuing options that included working on contract or teaching law related subjects. Other participants sought out new and expanding areas of law such as e-discovery and estate litigation.

New Technology

34. Advances in and access to new technology while competing with more technically-savvy lawyers was also identified as a barrier for those seeking to return to practice. For many participants, returning to practice has meant embracing a technological revolution. Some participants had never engaged in computer based research, document management and creation and the new forms of communication with courts, tribunals, opposing counsel and clients such as electronic mail.

Insufficient Institutional Support

35. Many participants noted that the reality of law as a business and the client-focused model of private practice along with insufficient institutional support for leaves makes it a challenge for women to leave the private practice of law for an extended period of time. While most participants left private practice, others tried strategies that would allow them to remain in private practice. For example, moving to non-equity partner status or working part-time.
36. Some participants discussed the policies in the federal, provincial and municipal governments where it is possible for a women lawyer to extend a parental leave beyond a year and to return to her own position or a comparable one, after an extended leave. The Working Group observed that in Ottawa, such policies attracted woman lawyers to the Federal Government when they made a decision to have children.

Advice and Mentoring

37. Many focus group participants expressed frustration with respect to determining the initial steps of getting back to practice. Many needed assistance in determining the best path to re-entering the practice of law and finding employment and were unaware of career coaching and courses that could be of assistance to them in re-entering practice. Participants suggested that having a coach or mentor would have been helpful in making these transitions.

OBSERVATIONS OF THE WORKING GROUP: OTHER ISSUES AND CONSIDERATIONS

Gender Based Issues

38. While the Working Group focused on the challenges that women face when attempting to return to practice, the Working Group made inquiries about the challenges that men experience when attempting to return to the practice of law after an extended absence.
39. The Working Group observed that men have different experiences while they are away from the practice of law, but nevertheless face challenges when they return to practice. It was often difficult for men lawyers to return to their former firm as the clients that they had were being served by other partners and associates of the firm.
40. However, the Working Group observed that men were able to acquire positions at other firms and were given a finite period, usually two years, to build a book of business and establish a practice. While not all men were successful, the perception of men as “rainmakers” afforded them lateral hire opportunities that were not afforded or available to similarly positioned women. As such, women were not given the same two-year opportunity to affirm their value to a firm and were therefore not able to re-establish their legal careers in the same way as their male counterparts.

Women from Racialized Communities

41. The Working Group found it challenging to locate women from equality-seeking communities, in particular women from racialized communities, who met the criteria. However, the Working Group was able to gather experiences from racialized women who attended some of the focus groups or were individually interviewed.
42. The Working Group believes that while more investigation is required to draw any definitive conclusions on racialized women that are returning to practice after an extended absence, it suggests that at the very least these women may be more vulnerable when they return to practice after an extended absence.

Geographic Location

43. The Working Group observed that the challenges of returning to practice after an extended absence from the profession are particularly difficult in larger cities such as Toronto, Ottawa and London. In smaller centres such as Sudbury and Thunder Bay, most focus group participants had no difficulty in returning to work and were approached

or recruited by firms, legal clinics or lawyers with offers of employment. This occurred even when focus group participants had not contemplated returning to practice or at the time had no intention of returning to practice.

44. While the Working Group observed that focus group participants in these areas may not have necessarily been offered employment in the areas of law that they had practised, it was apparent that the shortage of and demand for lawyers in smaller centres resulted in firms being prepared to accept lawyers with a hiatuses in their professional experience. This included women who have been away from the practice of law for an extended period of time.

Returning to Practice after a Maternity Leave

45. The Working Group noted that many of the focus group participants experienced challenges related to their pregnancy, but in particular after returning to work following a maternity leave. Some participants suggested that they faced accommodation issues for their individuals needs when returning to work, while others described the diminishment of professional opportunities that were available before their maternity leave. These experiences are consistent with the reports of the Discrimination and Harassment Counsel.¹⁴
46. While these women fell outside the mandate of the Working Group as their absence from the practice of law was less than five years and while these issues are being addressed through the policies developed by the Retention of Women in Private Practice Project, the Working Group decided to mention the experiences of these women in its report.

Payment of Law Society Fees

47. Some participants also noted that a part-time fee category would have been helpful upon their return as they were unable to afford the 100% fee paying category when they were only working part-time or a few hours per month. Other participants indicated that they may have attempted to return to practice sooner had a part-time fee paying category been available.

¹⁴ Discrimination and Harassment Counsel, *Report on the Activities of the Discrimination and Harassment Counsel for the Law Society of Upper Canada: For the Period from January 1, 2010 to June 20, 2010* (Toronto: Law Society of Upper Canada, 2010). The Discrimination and Harassment Counsel Reports provide a summary of the discrimination and harassment complaints received. These include complaints against lawyers and law students from members of the Bar, complaints against lawyers by the public, complaints against lawyers by paralegals and complaints against paralegals. The reports also provide a list of services offered to complainants and summary of all general inquiries.

RECOMMENDATIONS

48. In addition to identifying issues that they encountered, the focus group participants used their personal experiences to suggest many possible solutions to assist women overcoming the challenges associated with returning to practice. In developing its recommendations, the Working Group considered the findings of the focus groups, distilled the suggestions of the participants and identified initiatives that could be implemented by the Law Society (See Appendix C for a list of current Law Society Initiatives that can assist women in returning to practice).
49. The Working Group is of the opinion that the best use of resources is to assist women to stay in the profession, or to provide resources to assist women in making informed decisions before they leave the practice of law. As such, it favours a multi-faceted, proactive/preventative approach to assist women before they leave the practice of law as opposed to a reactive/restorative approach in addressing the challenges that women face when returning to practice. However, the Working Group was also conscious of the assistance that women who have been away from the practice of law for an extended period may require.
50. The Working Group provides recommendations that fall into three distinct categories. The categories are described as follows:
 - a. Online Informational Resources – The Working Group noted that returning to practice after an extended period is often analogous to initial entry into the profession. As such, being aware of the Law Society’s requirements for resuming one’s practice and other useful information would help women make informed professional decisions before leaving the practice of law and when returning to the practice of law.
 - b. Educational Initiatives –The Working Group is of the view that partnering with existing educational programs available for women who are transitioning back into practice would provide valuable opportunities for women who are returning to the practice of law. This option can provide an educational initiative that is specifically tailored to meet the needs of women who have left the practice of law for an extended period of time. The Working Group also proposes providing repayable loans to make these programs accessible to women.
 - c. Career Counselling Resources – The Working Group discerned that access to career counselling could provide the necessary knowledge and insight to facilitate leaving and re-entering the profession. Career counselling is one feature of the mentoring paradigm and can be invaluable in helping a lawyer appreciate the realities of leaving practice and returning to practice after an extended absence.
51. It should be noted that the identified recommendations have been conceptualized on a spectrum, with information resources representing the minimum requirement that women must have to facilitate leaving and re-entering the profession.
52. Although the recommendations are geared towards women, the Working Group noted that men also take extended periods away from the practice of law and may encounter similar challenges as women when they attempt to return to practice.

RECOMMENDATION 1 – ONLINE INFORMATION RESOURCES

That the Law Society make available online informational resources for lawyers and paralegals focused on the departure from and return to the practice of law.

53. Some focus group participants indicated that they had conflicting information or were misinformed about the requirements necessary for returning to practice and reactivating their member status with the Law Society.
54. As a result, the Law Society's Membership Services developed a "fact sheet" to address some of the concerns identified by the Working Group. The fact sheet was immediately prepared and was subsequently distributed at focus groups sessions. Since the development of the fact sheet and through subsequent focus group meetings, the Working Group identified additional information resources that could be developed and made available online.
55. For example, helpful resources could include a centralized list of programs, substantive law courses, refresher courses and career counsellors available for lawyers who are leaving or returning to the practice of law. This section of the website could also include relevant guides that are available through Professional Development and Competence on topics such as setting up one's practice. There could also be links to courses, such as Master of Law programs or courses offered by the Ontario Bar Association or Advocates' Society.
56. The Law Society already has an extensive website, which includes a Women's Online Resource Centre, professional development resources and resources in the area of equity and diversity. The return to practice resources would build on existing online resources by offering information dedicated specifically to the issues associated with leaving the practice of law for an extended period of time and returning to the practice of law after an extended absence. It is suggested that the resources relating to returning to practice be centralized in a user-friendly format on the Law Society website and made readily accessible.

Resource Implications

57. It is anticipated that the development of the online resources would require some additional human resources for preparation. However, it is also anticipated that resource implications for updating and maintaining the site would not be as high once the online resources have been created.

| Recommendation | Staffing | Program Expense | Other | Projected Annual Budget |
|---------------------------------|---|--|---|-------------------------|
| Development of online resources | 0.1 full-time equivalent position (\$5,000) | Updating/maintaining will require less resources once the online resources have been created | Information Systems (IS) human resources may be required to assist in the creation of the website | \$5,000 |

RECOMMENDATION 2 - EDUCATIONAL INITIATIVES

That the Law Society explore ways to provide or augment educational initiatives currently available for women who are transitioning back into practice, by

- a. partnering with external associations to promote and assist in the delivery of their programs; and
- b. providing financial assistance to women lawyers, in the form of a repayable loan, who want to attend an external program.

58. Many focus group participants suggested that one of the biggest challenges of returning to practice was determining how to proceed. The Working Group observed that some women require more than the Law Society's online informational resources, such as access to specialized programming. These courses, created for women who have left the practice of law for an extended period and are returning to practice offer invaluable assistance.

59. With respect to exploring educational initiatives, the following options were considered: partnering with existing external programs and associations to assist in the delivery of their programs; designing and delivering a Law Society program and providing financial assistance to women who want to attend an external program.

Partnering with Existing Programs

60. The Working Group determined that working in partnership with external stakeholders to deliver programs to women is the most feasible and practical option. There are a number of existing programs and initiatives in Ontario specifically designed for women who are returning to the workforce. These include the Women in Transition Program, Ivey ReConnect Program and the Rotman Back to Work Program. There are also programs outside of Ontario, such as the Minerva Foundation Program in British Columbia. (See Appendix D for a description of programs).

61. The Working Group noted that the Women in Transition program offered by the University of Toronto, the ReConnect program offered by the University of Western Ontario and the Rotman Back to Work Program, offered by the University of Toronto are excellent resources with proven track records of success. In the case of the ReConnect Program, all of the lawyers who enrolled in the program have returned to practice.

62. In considering partnering with existing organizations, the Law Society would not assume a lead in organizing the programming and would have varying degrees of influence, if any, on the program's content, delivery and cost. However, the Law Society would always be in a position to withdraw its support from the external program, if it was deemed appropriate.

Designing and Delivering its Own Program

63. The Working Group also considered the development of a Law Society program. The advantage of delivering its own program is that the Law Society could control all the elements of the program such as content, quality, delivery, cost, duration and frequency. The course could be designed and tailored to meet the specific needs of lawyers who are leaving and returning to practice. This could include the administrative elements of returning to practice, such as job search tips, résumé writing and interviewing skills. Maintaining the ownership of the course would allow the Law Society to manage the course on a cost-recovery basis.
64. While a Law Society developed and managed course has its advantages, the Working Group was also cognizant of its inherent disadvantages. The duplication of existing courses or programs was raised as a concern. It was also noted that a Law Society developed and managed course would have to compete with other programs for participants.
65. The Working Group felt that it should not duplicate effective existing programs, but should instead, when possible, partner with an external organization. In the opinion of the Working Group, as long as there are effective programs available to women transitioning back into the legal workforce, it is not necessary for the Law Society to become involved in the marketplace.

Providing Financial Assistance for External Programs

66. In addition to or in lieu of partnering with an existing program, the Working Group is of the view that the Law Society could offer financial assistance to those women who want to attend one of the available programs. The financial assistance could either come in the form of a loan or bursary. The Working Group noted that the Law Society currently has three models that could be used as a template for offering financial assistance.

67. The Law Society offers bursaries to some of its licensees for Continuing Professional Development programs¹⁵ and provides financial assistance under the Parental Leave Assistance Program (PLAP) to sole practitioners or lawyers who are partners in a firm of five lawyers or less¹⁶ and under the Repayable Allowance Program (RAP) to assist candidates in the Licensing Process.¹⁷
68. In considering offering financial assistance to lawyers who are returning to the practice of law after an extended absence, the Working Group favoured a loan repayment structure as opposed to a bursary. The Working Group was of the opinion that providing a loan, as opposed to a bursary, ensures that the financial resources will be accessed by women who are in great need of financial assistance to help return to practice and are committed to returning to the practice of law.

¹⁵ Bursaries are available to lawyers and paralegals to attend Continuing Professional Development programs. Legal services providers with annual net incomes below \$35,000 can qualify for a 50% reduction off the regular price of most Law Society CPD programs, and reductions of up to 50% off the regular price of most Law Society CPD publications. To be eligible for a reduction in price, applications must be submitted a minimum of 10 days before the date of any CPD program for which a bursary is sought. Bursary is awarded on annual basis, to lawyers and paralegals, based on a calendar year.

¹⁶ The Parental Leave Assistance Program (PLAP) of the Law Society is a business income replacement program that assists in defraying some of the overhead costs during a lawyer's leave from practice. To be eligible for the benefits under the PLAP the applicant must be a birth parent or adoptive parent, a member in good standing, a sole practitioner or lawyer who is a partner in a firm of five lawyers or fewer and have no access to other maternity, parental or adoption financial benefits under any public or private plans including not being eligible to receive Employment Insurance. The lawyer must also cease to engage in remunerative work and to practise law during the leave from which he or she is receiving payments under the program.

¹⁷ The Repayable Allowance Program (RAP) is a program that offers financial assistance to candidates enrolled in the Licensing Process who demonstrate need and have exhausted all other sources of funds. The RAP is a program of last resort for candidates who are struggling to pay their tuition and/or meet their living expenses during the Licensing Process. To be eligible for the Repayable Allowance Program a person must be currently enrolled in the Licensing Process, either sitting the examinations of the Licensing Process, or completing articles. Candidates are not eligible while seeking articles; must have exhausted all other sources of funding available to them including student loan programs, and the Bank of Montreal Student Line of Credit for Professionals; and, must be a citizen or permanent resident of Canada. In RAP, a person signs a pledge to repay the money borrowed within 3 years of being called to the bar.

69. The Working Group proposes a five year pilot program where financial assistance would be made conditional on a minimum time away from the practice of law, on acceptance into one of the designated programs and on demonstrating that the applicant has exhausted all other avenues.¹⁸
70. Similar to the RAP, it is suggested that the loan be interest-free for six months after the course has been completed and that interest would accrue at the prime lending rate plus one percent after the six-month non-interest period has passed. Applicants would sign a promissory note and be required to repay the loan within a fixed time period of three years. Moreover, loan recipients would have the option of repaying the loan in instalments. It is suggested that, as a 5 year pilot program, the loan program would be evaluated after that period of time to assess how effective the financial assistance has been in helping women return to practice.
71. The financial assistance could only be used for courses designed exclusively for training and preparation of women transitioning back into the legal workforce. Degree granting programs, such as Master of Laws programs where the Ontario Student Assistance Program (OSAP) is available, would fall outside of the eligibility criteria for financial assistance.
72. The Working Group was mindful of the varying costs of the available programs and the additional expenses that would be incurred by attending the course. For example, the Women in Transition program costs \$695 per participant, the ReConnect program costs \$3500 per participant and the Back to Work program costs \$1950. A participant attending one of these programs may have travel and child care expenses as a result of attending the course. Therefore, the Working Group proposes that a one-time maximum loan allowance of \$5000 be available.
73. The Working Group was also cognizant that there may be instances where an applicant may be unable to repay the loan or to repay the loan in the designated fixed time period. However, given the need for these women to return to practice, it is anticipated that the default rate on loans would be less than 10%.

¹⁸ To be admitted into the ReConnect program, the applicant must be a professional woman. Applicants are carefully screened for educational background and managerial work experience. CIBC provides an annual fund for financial assistance. To receive financial assistance, an applicant must provide a letter indicating the basis of their need and is required to pay a minimum of \$500 of the total \$3500 course fee. The ReConnect program is not eligible for the Ontario Student Assistance Program and two lawyers have participated in the programs for the last three years. To be admitted into the Women in Transition program, the general guidelines include practicing lawyers who are considering transitioning to non-traditional legal work and women who have left the practice of law and now want to return. Like the ReConnect program, the Women in Transition program does offer financial assistance to women with a demonstrated financial need and applicants must provide a letter outlining the basis of their financial needs. The Women in Transition program is also not OSAP eligible. In June 2009, the program had 42 participants and in October 2010 has 30 participants.

74. The Working Group also acknowledges that additional criteria would have to be developed on the terms and conditions of repayment and the selection of courses and programs that the Law Society would provide financial assistance towards.

Resource Implications

75. It is anticipated that the management of partnering with existing courses or programs and designing and delivering a Law Society course would require some additional human resources.
76. Human resources would also be required to manage and administer the financial assistance program. The management of the program would include reviewing and assessing applications, maintaining statistics and writing reports. In addition to the initial cost of the program, there would also be start up costs of the program, which would include establishing, marketing and promotion of the program, website design and translation.
77. The cost projection of the financial assistance program was calculated using Law Society data and statistics about its membership. Between 2003 and 2008, an average of 15 women returned to the practice of law each year. Using the average number of women who returned to the practice of law during this period as the projected uptake of the program and assuming that all of these women qualified for the program and were eligible to receive the proposed maximum loan allowance of \$5000, the Law Society would have to allocate \$75,000 each year for the first three years of the program. It is anticipated that this amount could be lessened once loan recipients commenced repayment.

| Option | Staffing | Program Expense | Other | Projected Annual Budget |
|--|--|---|--|--|
| Option 1 - Partnering with existing courses or programs | 0.1 full-time equivalent position (\$5,000) | | Financial contribution, costs or promotion (\$10,000) | \$15,000 |
| Option 2 - Designing and delivering a Law Society course. | 0.1 full-time equivalent position (\$5,000) | | Cost recovery | \$5,000 |
| Additional proposal - Loans for an existing course or program. | 0.3 full-time equivalent position (\$15,000) | 15 participants x \$5000 (maximum allowance) = \$75,000 | It is anticipated that 90% of loans would be repaid in 3 years | \$90,000 (2011 – 2013) \$22,500 (2014 – 2015) |

RECOMMENDATION 3 - CAREER COUNSELLING RESOURCES

That the Law Society contract the use of one or more professional career counsellors and provide access of up to six hours of career counselling and/or coaching services to women lawyers who work as sole practitioners or in small firms of five lawyers or less who are taking a leave from the practice of law for maternity, parental and/or compassionate reasons.

78. The Working Group observed that many focus group participants left the practice of law for child care, including parental leaves and family responsibility reasons. These participants initially thought that they were going to be away from the practice of law for a shortened period, but ultimately took an extended absence. Many focus group participants suggested that they would have made other choices had they been informed of the difficulties of returning to practice once they made a decision to take an extended absence. This led the Working Group to conclude that, not only did women not appreciate the challenges that would be involved in returning to practice, but some had unrealistic expectations about what returning to practice would entail.
79. To bridge these observations, while taking into account the need for some women to have more focused individualized guidance options available, the Working Group identified career counselling as a format that should be accessible to women who are leaving. In most cases, it was observed that a woman who is leaving and returning to practice would benefit from coaching services on career development.

80. In the case of a lawyer leaving practice, the coaches would provide career advice and address the realities and challenges of leaving one's practice for an extended period of time. This would enable a lawyer to make a more informed decision at the time of departure. When the lawyer would return to practice, further coaching would be provided in the form of generating personalized options and offering suggestions to assist the lawyer re-enter practice. A career counsellor can also assist in developing marketing strategies that are consistent with the needs of the marketplace at the time of re-entry into the profession.
81. From its discussions with the career counsellors, the Working Group learned that a critical component of the career counselling relationship is the guarantee of complete confidentiality. The confidential nature of the relationship results in career counsellors providing blunt and candid information on the challenges of returning to practice, while at the same time helping to manage expectations that may be unreasonable and unrealistic.
82. Moreover, with regards to women who are leaving the practice of law, the Working Group discerned that the greatest need for career counselling was women lawyers who work as sole practitioners or in small firms of five lawyers or less who are taking a leave from the practice of law for maternity, parental and/or compassionate reasons. The Working Group believed that these women do not have resources available to make informed decisions about an extended departure from the practice of law when compared to their counterparts working in large firms. The Working Group observed that counselling resources are available at large firms and that medium firms can also afford to purchase counselling services. Therefore, the Working Group recommends that the career services should be limited to women in firms of five or fewer lawyers.
83. In providing coaching services to these women, as a model, the Working Group considered the work of the Parental Support Program of the Law Society of Manitoba.¹⁹ In this model, lawyers going on parental leave may access counselling/coaching services to help them prepare for parenthood and career and professional responsibilities. Lawyers are provided with a total of six sessions; two sessions before they take the parental leave, two sessions while they are on the parental leave and two sessions after they return from the parental leave. Given the effectiveness and success of this program in Manitoba, a modification of this model could be used to provide guidance to lawyers who are considering leaving the profession for any period of time.²⁰

¹⁹ The Parental Support Program provides coaching sessions to lawyers and their spouses/partners to help them plan for maternity and parental leave and meet the challenges of becoming new parents. The coaching sessions are provided by the Equity Ombudsperson of the Law Society of Manitoba and consist of six in-person sessions. The sessions focus on issues such as how to discuss leave options and transition issues with the lawyer's firm, the dynamics of having a family and successful re-integration into practice while juggling career and home life. Sessions are free, completely confidential and supported by the additional resources of Blue Cross Manitoba. < <http://www.lawsociety.mb.ca/for-lawyers/equity-ombudsperson/about-the-equity-ombudsperson>>.

²⁰ On April 7, 2010, the Working Group held a teleconference with Brenlee Carrington Trepel, Equity Ombudsperson at the Law Society of Manitoba to discuss their Parental Leave Support Program. She provided an overview and benefits of the program and described how successful the program has been.

84. As stated earlier, many focus group participants suggested that they would have made different and more informed choices had they been aware of the challenge of returning to practice after an extended absence. This may have allowed an easier transition back to the practice of law. The Working Group also noted that many focus group participants discussed their sense of isolation when they were away from the practice of law. This sense of isolation stemmed partly from the belief that the issues that they were facing when returning to practice were unique.
85. Most focus group participants commented how invaluable mentoring was or would have been. Many suggested that it would be helpful to develop/enhance the ways of connecting with women who have successfully returned to the practice of law after an extended absence or who understand the issues and challenges with respect to returning to the practice of law after an extended absence.
86. In this regard, career counselling can also assist lawyers to explore the consequences of a given course of action, help the lawyer make decisions that can facilitate returning to practice in the future and advise that person on how to develop and manage their career effectively. For example, it is not uncommon for some lawyers returning to practice to think that they can resume the same practice that they left. However, the passage of time away from practice may mean that the lawyer will be faced with returning to a very different practice. A career counsellor can help a lawyer accept this reality and appreciate that there are other opportunities available.
87. The Working Group noted that the delivery of the career counselling could take various forms, including contracting the use of a professional career counsellor, expanding career counselling services within the mandate of the Discrimination and Harassment Counsel or creating a counselling services position at the Law Society. Notwithstanding the implementation of this recommendation, the Working Group agreed that the Law Society should also make available a list of career counsellors to be included in the informational resources.

Contracting the use of a Professional Career Counsellors

88. The Working Group proposes that of all the coaching options presented in this report, contracting with experienced career counsellors is the preferred option. The advantage of contracting the use of a professional career counsellor stems from the extensive experience and expertise in career coaching. From its discussion with the career counsellors, the Working Group learned that each counsellor had provided counselling services to hundreds of professionals, including dozens of lawyers. The career counsellors also frequently engaged in continuing professional development initiatives and activities to augment and enhance their skills.
89. Based on its discussions with career counsellors, the Working Group is of the view that one-on-one counselling is preferable. However, offering this type of service across the province would require a high level of resources, both financially and administratively. As a result, the Working Group recommends that this five-year pilot program be provided in three regions, Toronto, Ottawa and London. For other regions, counselling services will be available by telephone or, in exceptional circumstances, in person.

90. Staffing/human resources would be required to manage the program and a budget to retain professional career counsellors. The Working Group also noted that career counsellors offer services at \$150 to \$300 an hour. For budgeting purposes, the Working Group estimates that the services would be offered at a rate of \$225.

Expanding the mandate of the Discrimination and Harassment Counsel (DHC)

91. The Working Group considered whether it should recommend instead that the mandate of the Discrimination and Harassment Counsel (DHC) be expanded to include career coaching. However, the Working Group noted that the DHC is not a counsellor and was not appointed to have expertise in offering counselling services. Therefore, if the Law Society decides that the DHC's mandate should be expanded to include counselling responsibilities, it would be necessary to provide training to the DHC in career counselling and coaching or to retain a counsel with this expertise. The Working Group decided that this is not the preferred option.

Creating a Counselling Position at the Law Society

92. An alternative to expanding the mandate of the DHC would be to create a counselling position at the Law Society. This option could potentially lower the cost of the program, as the Law Society could create a salaried part-time position, as opposed to contracting a career counsellor at an hourly rate. However, when employee benefits are assessed, the cost implications may be neutral. A disadvantage of this option is that the take up rate is uncertain, especially in the first years of the program, and therefore the staff person may be underutilized.

Providing a List of Career Counsellors

93. Notwithstanding whether the Law Society chooses not to contract the use of a professional career counsellor, expand the mandate of the DHC, or create a counselling position at the Law Society, it could nevertheless, make available a list of regional services on its online information resources.

Resource Implications

94. Services offered by career coaches' range from \$150 to \$300 an hour. If women lawyers who work as sole practitioners or in small firms of five lawyers or less who are taking a leave from the practice of law are eligible for 6 hours of career coaching (2 hours of pre-departure counselling, 2 hours of counselling while on leave and 2 hours of post-return counselling) using an hourly rate of \$225, the cost per lawyer would be \$1350. It is expected that, if the project is approved by Convocation, it would become effective at the earliest in September 2011. As a result, the projected take up rate for the last quarter of 2011 would be approximately 20 women and they would likely be able to use the service for 2 hours, for a total amount of \$9,000. In addition, it is estimated that a 0.2 full-time equivalent position would be required to set up the program. As a result, the required budget for 2011 would be \$19,000.
95. The cost projection for 2011 of the counselling program was calculated using Law Society statistics on the take up rate of the Parental Leave Assistance Program. In 2009, for a period beginning in March and ending in December, 50 lawyers including 8 female lawyers who worked in small firms and 27 sole practitioners accessed the Parental Leave Assistance Program of the Law Society of Upper Canada. In 2010, by the end of

October 2010, 57 applications had been approved for an estimate of 60 applications per year. If all 60 lawyers accessed the counselling services per year, the cost of the program would be \$81,000 per year.

96. The Law Society of Manitoba's Parental Support Program is open to all members and its eligibility criteria is much broader than the one proposed by the Working Group. As a result, that program does not provide an accurate basis to estimate the cost of the Working Group's proposed program.²¹
97. A more accurate cost projection involves using fertility rate statistics from the report written for PLAP. Using the average fertility rates per 1000 by age band in 2004, the average number of live births between the ages of 20-39 is 70. Given that there are 1091 women lawyers who work in small firms of five lawyers or less, including sole practitioners, who are under the age of 40, it is projected that there would be approximately 70 live births among the number of women lawyers who are under the age of 40 and who would fall within the proposed criteria of the Working Group.²²
98. Therefore, it is possible that more than 60 lawyers would take advantage of this program, as eligible applicants would include associates, which are not eligible for PLAP. In addition, it is expected that a 0.1 full-time equivalent position would be required to manage the program. The total projected annual budget would be \$86,000, beginning in 2012.

²¹ From October 2008 to December 2009, 14 lawyers accessed the Law Society of Manitoba's Parental Support Program. There are approximately 1800 lawyers in Manitoba. Therefore, less than 1% accessed the program. It is suggested that if the Law Society's career counselling program was open to all its members, then it is expected that 420 lawyers (42,000 x 1%) would use the career counselling services.

²² The average number of live births in the age band of 20-24 is 42.9. The average number of live births in the age band of 25-29 is 92.5. The average number of live births in the age band of 30-34 is 101.5. The average number of live births in the age band of 35-39 is 44.4. Therefore, the average number of live births in the age bands from 20 – 39 is equal to $(42.9 + 92.5 + 101.5 + 44.4)/4 = 70.32$.

| Option | Staffing | Program Expense | Other | Projected Annual Budget |
|--|---|--|---|---------------------------|
| Option 1 - Contracting with one or more professional career counsellors | <u>2011</u> 0.2 full-time equivalent position to set up the program (\$10,000) | <u>2011</u> \$225 x 2 sessions x 20 participants = \$9,000 <u>Annual</u> \$225 (flat fee) x 6 hours (capped) = \$1350 | Administrative expenses and travel and accommodation expenses in exceptional circumstances | <u>2011</u> \$19,000 |
| | <u>Annual</u> 0.1 full-time equivalent position to manage the program (\$5,000) | \$1350 x 60 participants = \$81,000 | | <u>Annual</u> \$86,000 |
| Option 2 - Expanding the mandate of the DHC | <u>2011/Annual</u> 0.1 full-time equivalent position to manage the program (\$5,000) | <u>2011</u> \$250 x 2 sessions x 20 participants = \$10,000 <u>Annual</u> \$250 (flat fee) x 6 hours (capped) = \$1500 \$1500 x 60 (estimated participants) = \$90,000 DHC rate \$250/ hour | Training required, administrative expenses and travel and accommodation expenses in exceptional circumstances | <u>2011</u> \$15,000 |
| | | | | <u>Annual</u> \$95,000 |
| Option 3 - Creating a Law Society counselling position | 0.5 full-time equivalent position (\$40,000) | | Training required, administrative expenses and travel and accommodation expenses in exceptional circumstances | \$40,000 |
| Option 4 – Online list of career | Nominal. | Nominal. | | Nominal |

| Option | Staffing | Program Expense | Other | Projected Annual Budget |
|--------------------|----------|-----------------|-------|-------------------------|
| counsellors | | | | |

99. Given the extensive experience and expertise of career counsellors and their availability for face-to-face counselling, combined with the steps required to expand the mandate of the Discrimination and Harassment Counsel or to create a counselling position at the Law Society, the Working Group recommends contracting the use of a professional career counsellor.

TOTAL FINANCIAL IMPLICATIONS OF PROPOSED RECOMMENDATIONS

| | | 2011 | 2012 and 2013 Annual costs | 2014 – 1015 Annual costs |
|---|-----------------------|-----------------|----------------------------|--------------------------|
| Recommendation 1 On-Line Resources | Financial | Nominal | Nominal | Nominal |
| | Staffing | \$5,000 | \$5,000 | \$5,000 |
| Recommendation 2 Partnering with external program and loan | Partnering Financial | \$10,000 | \$10,000 | \$10,000 |
| | Partnering - staffing | \$5,000 | \$5,000 | \$5,000 |
| | Loan Financial | \$15,000 | \$75,000 | \$22,500 ²³ |
| | Loan staffing | \$15,000 | \$15,000 | \$15,000 |
| Recommendation 3 | Financial | \$9,000 | \$81,000 | \$81,000 |
| | staffing | \$10,000 | \$5,000 | \$5,000 |
| Total | | \$69,000 | \$196,000 | \$143,500 |

CONCLUSION

100. The Working Group believes that these recommendations provide a balanced approach between lawyers who require information that they need to make an informed decision when they are considering taking an extended leave from the practice of law and lawyers who have been away from the practice of law for an extended period and need assistance to return to the practice of law. This balanced approach, in conjunction with the implementation of these recommendations, not only facilitates the retention of women in the legal profession, but is also consistent with the equity and diversity mandate of the Law Society.

²³ As it is anticipated that 90% of the loans would be repaid in 3 years, the cost of the program will decrease once loans are repaid.

TABLE OF FOCUS GROUP MEETINGS

| Meeting | Date | City/ Region | # People Attended | Notes |
|----------------|----------------|---------------------|--------------------------|---|
| Focus Group #1 | April 27, 2009 | Toronto | 13 | The meeting was with women, most of whom have been litigators at large or medium firms in Toronto before their departure from practice. Most of the women had left the practice of law for child care or family responsibility reasons. |
| Focus Group #2 | July 7, 2009 | Toronto | 5 | The meeting was with women who had been among the 42 women who had attended the Women in Transition program co-hosted by the University of Toronto and the Law Society on June 17-18, 2009. |

| | | | | |
|----------------|--------------------|-------------|----|---|
| Focus Group #3 | September 30, 2009 | Ottawa | 7 | The meeting was with women from the Ottawa area. |
| Focus Group #4 | October 1, 2009 | Ottawa | 6 | The meeting was held with senior women in law firms in order to determine ways that law firms can assist women in overcoming the barriers of returning to practice. |
| Focus Group #5 | February 5, 2010 | Ottawa | 11 | While there were 11 participants, only two participants were within the criteria of the Return to Practice Working Group. |
| Focus Group #6 | April 1, 2010 | London | 6 | The meeting was with women from the London area. |
| Focus Group #7 | April 30, 2010 | Sudbury | 3 | The meeting was with women from the Sudbury area. |
| Focus Group #8 | May 7, 2010 | Thunder Bay | 4 | The meeting was with women from the Thunder Bay area. |

Appendix B

FOCUS GROUP QUESTIONS

1. Please discuss the following:
 - a. What position/work environment and practice area you were in;
 - b. Why you left;
 - c. How long you were gone for;
 - d. The type of position/work environment and practice area you re-entered or wish to re-enter.

2. What are, from your perspective, the most significant barriers for your return to practice?
3. Are the challenges that racialized women or women from equity-seeking groups face different from those of other women?
4. What programs or initiatives would assist you in returning to practice?
5. The Law Society of Upper Canada regulates the legal profession in the interest of the public. The Law Society can provide tools to assist lawyers and law firms, but the Law Society does not have the mandate to impose the adoption of those tools. All lawyers in Ontario are members of the Law Society. The Law Society provides a series of support programs and education programs for its members to enhance their competence in offering legal services to the public. What programs or initiatives could the Law Society implement?

Appendix C

CURRENT INITIATIVES OF THE LAW SOCIETY OF UPPER CANADA

1. Over the years, the Law Society has developed initiatives and supports that facilitate returning to practice. These include changes to the fee payment structure for lawyers, who have been away from the practice of law, fact sheets about the requirements of re-entry, mentoring, networking, practice helpline, practice review and the contract lawyers' registry.
2. Currently in Ontario, former members of the Law Society of Upper Canada whose license to practice law has been revoked, who have surrendered their license or who have been permitted to surrender²⁴ their license may apply to be licensed in accordance with *Law Society Act*,²⁵ and By-Law 4 Part II. In this case, the former lawyer must file the appropriate application and pay the \$300 administrative fee.
3. In cases where a lawyer was administratively suspended, the lawyer must pay an additional \$150 reinstatement fee and any fees that are in arrears prior to 1993. Applications from inactive lawyers who were permitted to surrender their licence or whose licence was revoked must also appear before the Law Society's Hearing Panel to have their licensing application considered.

²⁴ A lawyer whose license is revoked or who surrender's his or her license must cease the practice of law and is also prohibited from providing legal services as defined by the *Law Society Act*, as only those persons licensed by the Law Society to provide legal services may do so.

²⁵ R.S.O. 1990, c. L.8, s. 27.

4. The Law Society does not require the completion of courses, the rewriting of exams under the licensing process or re-articling, as is the case in other provinces, for example, Alberta²⁶ and British Columbia.²⁷ The requirements for reactivating one's status with the Law Society are outlined on the Return to Practice Fact Sheet that is located on the website.²⁸
5. Other supports related to returning to practice include mentoring and networking. The Law Society facilitates networking and mentorship opportunities through its Equity and Diversity Mentorship Program, Articling Mentorship Program, Practice Mentorship Program and its Public Legal Education events. Lawyers that are returning to practice or in the process of returning to practice can participate in some of these programs and be paired with a mentor while Public Legal Education events are free.
6. The Practice Review Program and the Practice Management Helpline can also assist lawyers who have recently returned to practice. The Practice Review program provides both focused practice reviews and practice management reviews to lawyers, while the Practice Management Helpline is a confidential telephone service that provides lawyers with assistance in interpreting the *Rules of Professional Conduct*, Law Society legislation and by-laws as well as ethical and practice management issues that the lawyer might be facing.
7. The Law Society also produces a series of Practice Guides, such as the Bookkeeping Guide and Guide to Opening Your Practice, and offers Continuing Legal Education and Professional Development programming that can act as resources and assist lawyers that are returning to practice.

²⁶ For example, former members of the Law Society of Alberta who wish to resume membership must apply for reinstatement of their membership. Once received, the Executive Director may refer the application to the Education and Credentials Committee, if he/she is of the opinion that the applicant's current knowledge of law and practice should be reviewed. The Education and Credentials Committee may approve or reject the reinstatement application or may approve the applications with conditions. Such conditions can include completing a course or courses of study specified by the Committee or passing any examinations prescribed by the Committee. See 115 -118 of Rules of Law Society of Alberta at: http://www.lawsocietyalberta.com/resources/rulesOfTheLawSociety_Y2R_gvP.cfm.

²⁷ In British Columbia, the conditions of returning to practice relate to the lawyer's recent practice history, specifically, the length of time the lawyer has engaged in the practice of law or "equivalent practice," and the length of time you have been absent from practice. Depending on the practice history of the applicant, the applicant may have to fulfill return to practice requirements. If the applicant was called to the bar at least 7 years ago and has not practiced law within the last 7 years, the applicant must apply to the Credentials Committee and comply with any conditions it imposes. Conditions can include the completion of the Law Society Admission Program, completion of all or part of the Professional Legal Training Course and/or restrictions on practice. The applicant may also be asked to complete the Law Society Admission Program, which is a 12-month training program supervised by the Credentials Committee. It consists of nine months of articling and 10 weeks of full-time attendance at Professional Legal Training Course. Full details on return to practice requirements are available from the Law Society of British Columbia's website at: http://www.lawsociety.bc.ca/licensing_membership/returning_to_practice.html.

²⁸ <<http://rc.lsuc.on.ca/pdf/membershipServices/returnToPracticeFactSheet.pdf>>.

8. Continuing Legal Education programs include the New Lawyer Practice Series which covers various areas of law, Opening Your Law Practice, Running a Virtual Law Office and Effective Writing for Legal Professionals. The Law Society also co-sponsors the Women in Transition program offered by the Faculty of Law at the University of Toronto. Moreover, the Knowledge Tree is a custom-designed resource for lawyers in Ontario. This is a comprehensive on-line listing of the most common practice management questions that lawyers have asked and the responses that are given.

Appendix D

DESCRIPTION OF EXTERNAL PROGRAMS

Women in Transition Program: Returning to Legal Practice or Considering an Alternative Career in Law

1. The Women in Transition Executive Education Program co-sponsored by the University of Toronto and the Law Society is designed to help women who are returning to practice understand the changes in the legal market place and provide practice tools and tips for career and job searches. It provides insights and practical knowledge into alternative careers in law firms, business, regulatory bodies, the public interest, community organizations, government, academia and the university, as well as a range of part-time and full-time options and share arrangements in more traditional practice areas.
2. The two-day intensive program is geared towards practicing layers considering a transition to non-traditional legal work, women who have left the practice of law and wish to return to legal practice or a non-traditional law-related job and women interested in part-time work, starting their own practice or exploring shared work arrangements. The most recent session was held in October 2010.

Ivey ReConnect Program

3. Founded by Canadian Imperial Bank of Commerce, ReConnect is designed to assist professional women who have been out of the workforce for extended periods (two to six years) prepare to return to their professional careers. The program is offered once a year in the form of two modules that span seven days (five days in London, two days in Toronto). The cost of the program to participants is \$3500 (including materials, meals and accommodation). CIBC and Ivey underwrite the additional cost of \$9000 per participant. This program is not exclusive to lawyers and financial assistance is available for those who qualify.
4. The benefits of ReConnect include assisting participants to, understand the current global business environment and explore how new trends are changing firms' strategies and tactics; renew analysis, planning and strategic skills; refresh business knowledge in financial management, information, technology and marketing; update leadership and communication skills; define an achievable career vision and strategy to execute a successful job search; learn how to leverage professional and personal networks to build career search connections; and build a strong and enduring peer-network with fellow participants.

Back To Work Program

5. The Back to Work Program at the Rotman School of Management at the University of Toronto sponsored by TD Bank Financial Group (TD) is for women who are returning to business after an extended time away. The program runs in three modules of three program days over a three month period. The first module was in October 2010. During the in-class portion of the Back to Work Program, Rotman faculty members and instructors, as well as TD senior executive guest speakers, help participants refresh their business knowledge on topics like leadership, strategy and business and people performance. Between in-class sessions, participants receive one-to-one coaching and engage in business-related assignments between modules offered by TD and the other supporting organizations.
6. The cost of the program is \$1,950 +HST and includes program materials and meals. As lead program sponsor, TD Bank and the Rotman School of Management underwrite the cost of the program to lower tuition fees for participants. The value of the program per participant, excluding the value of in-kind childcare services, is \$13,500. Applicants may also qualify for one of four full scholarships, funded by TD.

Minerva Foundation for British Columbia Women

7. The Minerva Foundation for British Columbia Women was initiated in 1999 to provide funds for projects that will assist women to realize their potential and to create a safe place for them to live and work in British Columbia. The work of the Minerva Foundation is carried out through a series programs. The Minerva Helping Women Work Program was established in 2004 to aid women returning to work after an extended absence with the assistance of career counsellors, industry mentors and coaches.
8. The program takes up to 20 participants (referred to as protégés) on a specific career-planning journey, delivered by a team of qualified professional career counsellors, to improve their re-employment skills and define their goals. Mentors offer protégés advice, direction, and contacts. They are drawn from the business, academic, government and non-profit community. The mentors help the protégé determine which positions are the most feasible from a personal and industry outlook, and from a labour-market perspective. Each protégé is partnered with a personal career coach who will guide and support the protégé for 8 weeks through the critical job-search process.

Appendix 4

2010 Change of Status Research

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

By The Strategic Counsel

May 2011

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I. Background and Research Methodology

Background and Research Methodology

Background

In 2008, the Retention of Women in Private Practice Working Group of The Law Society of Upper Canada (“the Law Society”) conducted a series of consultations to better understand movements among women within the legal profession in Ontario.

The Final Consultation Report of the Working Group put forth a series of recommendations to promote the advancement of women in the private practice of law.

In order to better understand and begin benchmarking movements and changes among women within the legal profession, The Law Society commissioned *The Strategic Counsel* (“TSC”) to undertake an annual study that surveys lawyers who file a change of status.

The findings from the second wave of this research are intended to inform the Law Society about gender-related trends in the profession in addition to informing the development of initiatives to support and retain women and men in the profession.

Research Methodology

This report provides findings from a survey conducted via an online methodology among a sample of lawyer members who changed status in 2009 and 2010.

Members are required to inform the Law Society immediately when their working or practising status changes. A member's status and associated category determines whether he or she is obliged to pay fees and the amount of the annual fee.

At the end of each month, *The Strategic Counsel* receives a file of those who provided The Law Society with a change of status notification. TSC then “cleans” the file, removing duplicate records and those records for which an email address was not supplied. Once the cleaning process is complete, TSC sends out email invitations requesting participation in the Change of Status Survey to those individuals.

In 2010, 5179 lawyer members filed a change of status with the Law Society. This is just slightly less than the 5263 members who filed a change of status in 2009. As of December 31, 2010, there were 42,169 lawyer members of the Law Society. Thus, in total, approximately 12% of lawyer members submitted a change of status in 2010.

Among the members who filed a change of status in 2010, 4,126 had provided the Law Society with an active email address. This represents a slight increase over 2009, when the Law Society had an active email address for 4054 of the members who filed a notice.

A total of 1214 lawyers completed the online survey in 2010. In 2009, the number was 1257.

The response rates for the two waves of this study have been strong - 29% in 2010 and 31% in 2009.

Overview of Survey Population, Survey Sample and Response Rates

| | 2009 | 2010 |
|--|------|------|
| Change of Status Population: Number of records sent by The Law Society to The Strategic Counsel | 5263 | 5179 |
| Survey Population: Number of email invitations sent to those who have changed status once duplicate email addresses and those with no email addresses are removed | 4054 | 4126 |
| Survey Sample: Number of responses from those who were sent an email invitation | 1257 | 1214 |
| Response rate: Survey Sample ÷ Survey Population | 31% | 29% |

Areas of Investigation

The survey instrument was designed to obtain information from each change of status survey respondent about:

- Their previous status (i.e., their status prior to filing a change of status); and
- Their current status (i.e., their status after filing a change of status).

Respondents were asked a number of detailed questions related to their previous and current positions including:

- Practice setting;
- Main areas of practice;
- Benefits and policies provided in the workplace;
- The importance of specific reasons in driving a change of status; and,
- Attitudes towards their workplace environment.

Key to Reading Statistical Significance

In order to show significant differences between groups, the following symbols are used:

- ↑ = Significantly greater proportion relative to 2009 results at the 95% confidence interval.
- ↓ = Significantly lower proportion relative to 2009 results at the 95% confidence interval.
- ○ = A significant change from previous to current position or a significantly greater proportion relative to the comparison group at the 95% confidence interval.

Caution Regarding Sample Sizes

It should be noted that the sample sizes for some of the groups examined in this research are quite small. When this is the case, it is noted. While only significant changes are reported, these results should nonetheless be considered directional.

II. Executive Summary

Executive Summary

Background

In total, just over 5000 change of status notifications were submitted to the Law Society in both 2009 and 2010 by lawyer members. This represents about 12.5% of members.

Focus of Analysis in 2010 Report

Among the total sample of members who responded, 10% and 5%, respectively, filed a change of status notice because they were leaving for or returning from parental leave. As the primary objective of this research is to examine changes of status related to practice setting, the data for members whose change of status relates to parental leave has been excluded from most of the analysis in this report.

Respondent Characteristics

The incidence of men and women changing status in 2010 is very similar to 2009 results.

- In both years, 60% of respondents were women and 40% were men.
- Similarly, of those who have reported a change of status that does not involve parental leave²⁹, a majority are women (53% in 2010 and 55% in 2009).

These proportions stand in contrast to the Law Society's lawyer member base of which men comprise the majority (61% in 2010 and 62% in 2009).

Further, those who have changed status are younger in comparison with the Law Society's member base overall. Over six-in-ten respondents (64%) are under 45 years of age compared to less than half of the member base (45%).

- In particular, male survey respondents are relatively young compared to their representation in the membership. Over one-half of male survey respondents (57%) are under 45 years compared to only 35% among the Law Society's membership overall.
- While the incidence of women respondents who are under 45 years is high (70%), the incidence is also quite high among the Law Society's membership overall (60%).

Work Setting – Previous Versus Current Status

Among those who have changed status for purposes other than a maternity or parental leave, there has been a movement away from private practice.

- In both year 2009 and 2010, 45% indicated that their previous status (i.e., prior to their change of status) was in private practice. In 2010, those in private practice after their change in status declined by 7 points to 38%. This is not significantly different from the 9 point decline in 2009.

The greatest drop among this group is away from larger firms (those with 50 or more lawyers). Whereas 15% of respondents report that they worked in a large firm in their previous position, only 7% report that their current position is in a large firm (an 8 point decline).

²⁹ 2010 n=1038/ 2009 n=1071.

Change of Status – By Gender

Among the sample of those who have changed status in 2010*, men are more likely to report that they were situated in a private practice position prior to their change (57%) than are women (44%). This was the case in 2009 as well.

Regardless of gender, however, there is a decline in both years in the proportion who report being in private practice from previous to current status. In 2010, the decline among women is 8 points – 44% were in private practice in their previous position and 36% are in private practice in their current position. Among men the decline is 12 points – from 57% to 45%.

The decline in 2010 among women (8 points) is less pronounced than it was in 2009 (15 points). By contrast, the decline among men in 2010 (12 points) is greater than it was in 2009 (8 points).

Change of Status – By Year of Call

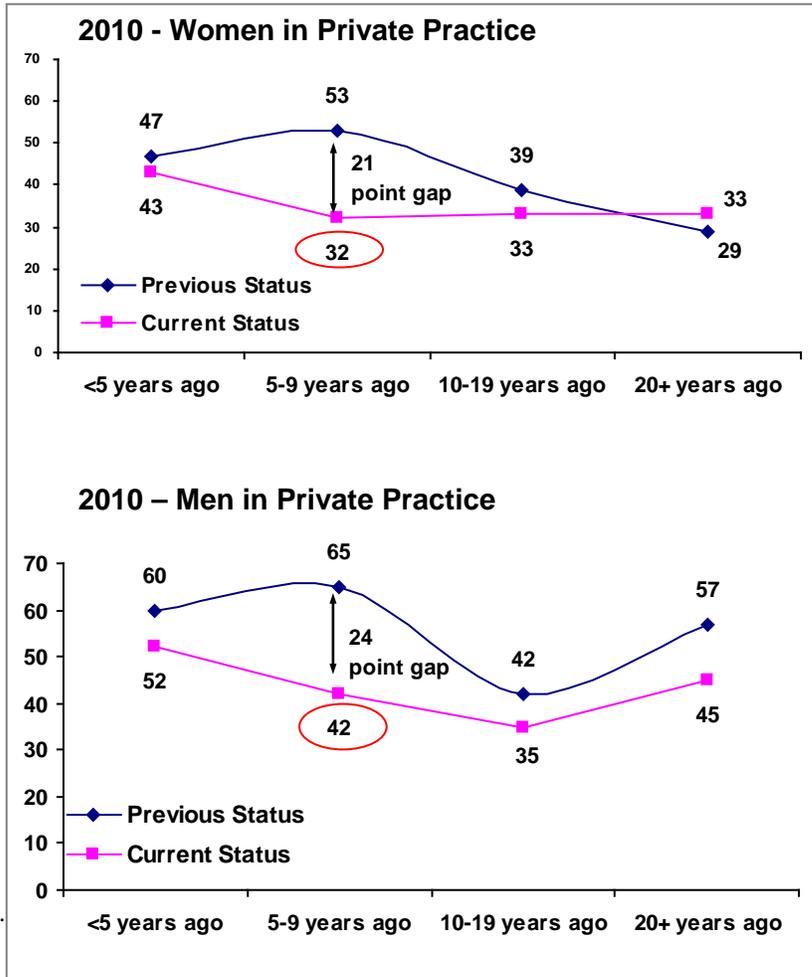
Regardless of gender, there is evidence based on two years of data to suggest that a move out of private practice is most likely to occur 5-9 years after call.

As the following graphs illustrate, there is no significant change in the incidence of those who are in private practice from previous to current status among either women or men within the first 5 years of being called to the bar. However, movement out of private practice is marked among respondents of both genders who were called to the bar 5 to 9 years ago.

For those called to the bar 10-19 years ago, there are no significant changes in the proportions in private practice in their previous status versus current status among either men or women.

What distinguishes men from women who have filed a notice of change in 2010 is that men who were called to the bar more than 20 years ago are more likely to report that they were in private practice prior to and after their change of status than their counterparts who were called to the bar more recently (i.e., 10-19 years ago).

This is not true for women who filed a notice in 2010. The likelihood of women being in private practice after a change of status does not



* Other than for maternity or parental leave.

change whether they were called to bar 5 to 9 years ago, 10 to 19 years ago, or 20+ years ago. One-third in each of these groups are in private practice after their change of status in 2010.

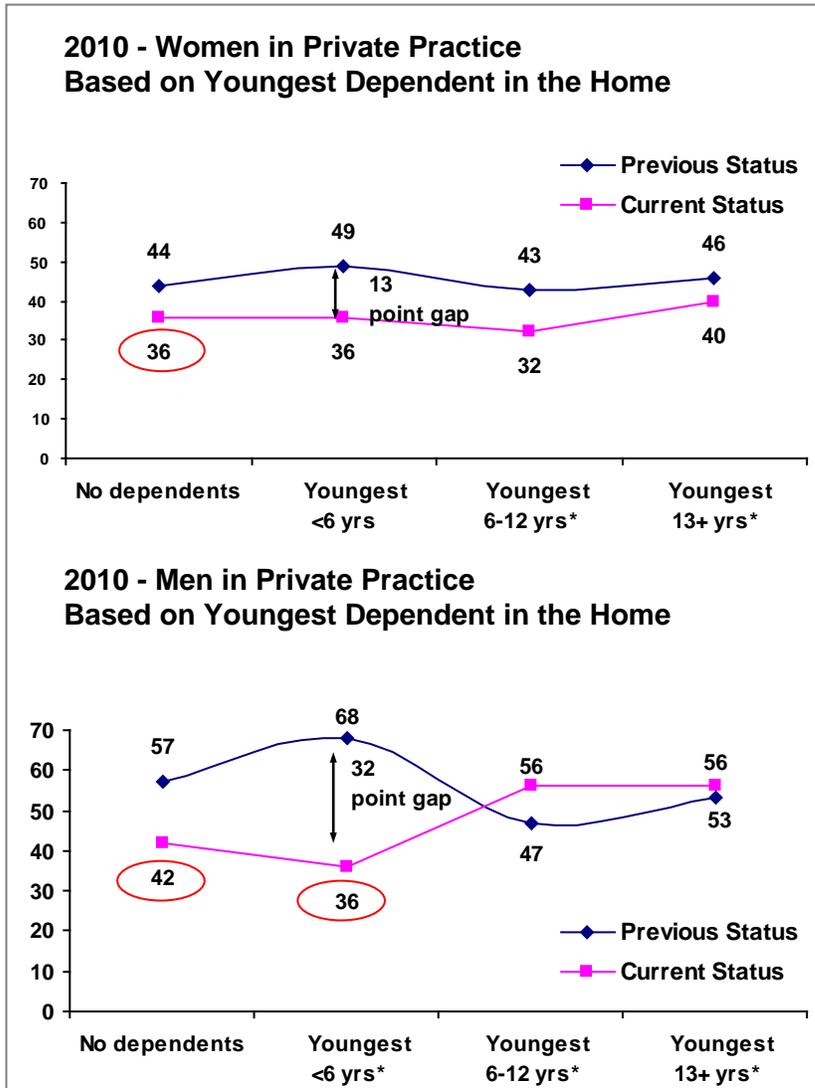
Change of Status – By Age of Youngest Dependent in the Home

The results that suggest there is a key period during which there tends to be a move out of private practice are supported in the exploration of change of status during different life-stage periods as characterized by the age of youngest dependent child within a household.

Among both men and women, the two periods during which the greatest movement out of private practice occurs are the period when no dependent children are in the household and the period during which there are pre-school children in the household (i.e., the youngest child in the household is under 6 years of age).

It should be noted, however, that in 2010 the movement out of private practice during the period of early child-rearing is not significant among women. By contrast, there is a significant decrease in the proportion of men who remained in private practice following the change of status during this life-stage (32 points).

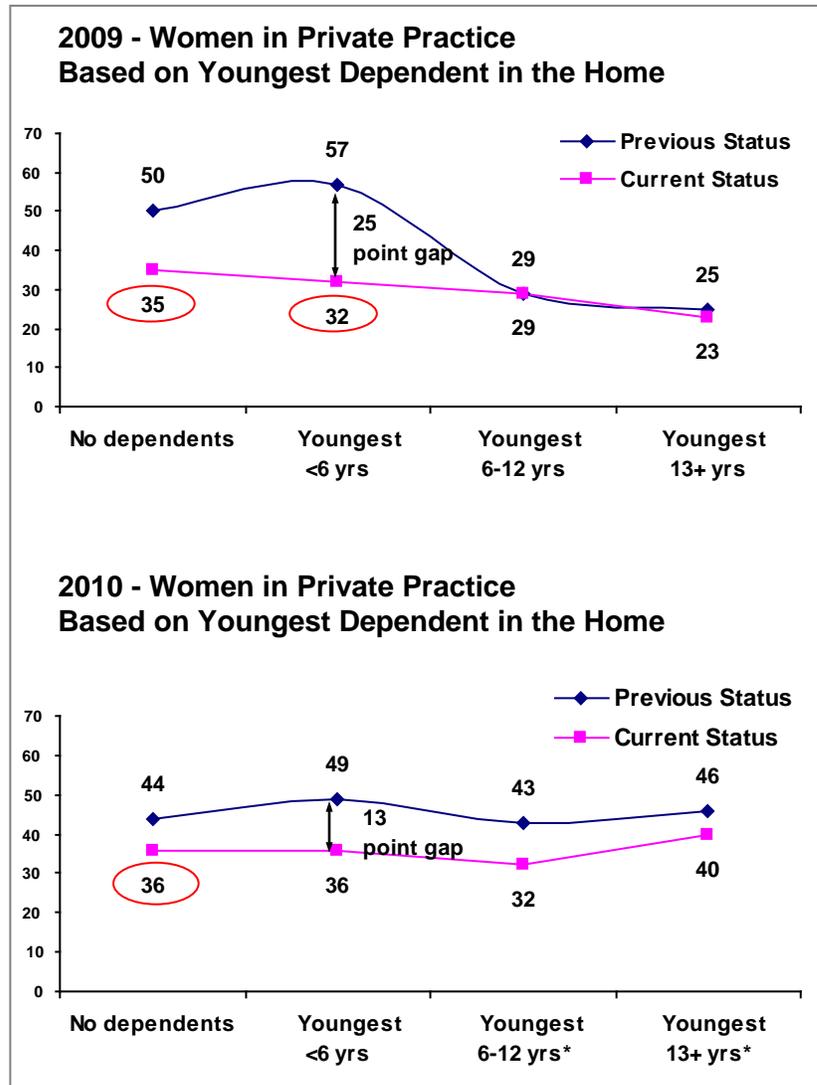
As the results on the following page illustrate, this difference between men and women was not found in 2009. In fact, among those with pre-school-aged children, findings from 2010 are inconsistent with the 2009 findings.



* Note: Sample sizes are small. Results should be considered directional

In 2009, the results suggested that women are more likely than men to be moving out of private practice during the early child-rearing years (a 25-point decline among women with children under 6 years of age – from 57% for previous status to 32% for current status). There was no significant decline among men in this life-stage bracket in 2009.

These findings, in conjunction with those related to year of call, suggest that further monitoring of these groups need to be undertaken in order to establish whether the trend out of private practice is due to the presence of young children, due to some factor that is related to the 5-9 year post-call career stage, or some combination of those factors.



Change of Status – By Membership in an Equity Group

Although the survey did not specifically ask individuals whether they define themselves as members of an “equity group”³⁰, the term is used in this report as the Law Society deems those who self-identify as aboriginal (e.g., First Nation, Métis, Inuit), Francophone, transgender/transsexual, gay/lesbian/bisexual, person with a disability, racialized/person of colour (visible minority), or as belonging to a “creed or religion that you believe is subject to prejudice or disadvantage” as members of an equity group.

Among all respondents (excluding those who indicated parental leave as their reason for status change), the majority (68%) do not identify themselves as being part of an equity group. The remainder is split between those who self-identify as belonging to a racialized equity group (16%) and those who identify

³⁰ The survey question is: “Please check any of the following characteristics with which you self-identify. (Please select all that apply.)”

themselves as belonging to an equity group not based on race (16%). These proportions are consistent with those found in 2009.

Non-Equity Group Members

Among those who do not self-identify as members of an equity group, there is a significant decline in the proportion in private practice from previous to current position.

- One half (51%) report that they were in private practice prior to their status change. The proportion in private practice in their current position is 40% - a decline of 11 points.
- There has been a commensurate increase in the proportion reporting that they are no longer in the practice of law (up 9 points from 17% to 26%).

Equity Group Members

The trend among those who are members of a racialized equity group is similar to that of non-equity group members: they do not significantly differ from one another in their incidence of private practice prior to or following their change in status.

For both groups, the incidence of being in private practice from their previous to their current positions declines.

Members of a racialized equity group do differ from members of a non-racialized equity groups in 2010 on two fronts:

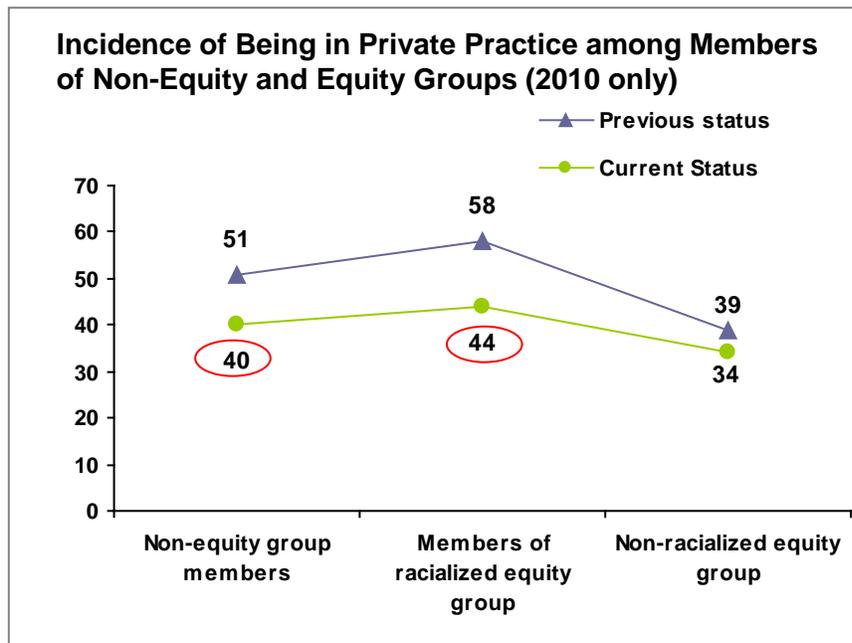
- The racialized equity group is more likely than the non-racialized equity group to have been in private practice prior to their change of status (58% and 34%, respectively). This was also the case in 2009.
- There is a significant decline in the proportion of the racialized group who report being in private practice from previous to current status. Among the non-racialized group, however, there is no such decline. This result stands in contrast to 2009, when both groups were found to have similar declines.

Again, further waves of this study may make it clear whether there is a movement out of private practice among the non-racialized group year over year.

Unaided Reasons for Change of Status

One of the key objectives of the research is to explore what factors may be leading lawyers to change their status. The research explored this issue through both unaided and aided questions.

Those who have changed status were asked to describe in their own words why they made the change. The reasons given are varied, and no single issue or set of issues dominate.



The greatest proportion of respondents (33%) indicate that they changed their status because of opportunities offered by a new position (e.g., better quality work, better able to use skills, better opportunity for advancement, better work environment). The strength of these reasons as drivers of change has increased over the past year (up 7 points from 26% in 2009).

Second most frequently mentioned (26%) are reasons related to the end of an existing contract or position, due to a corporate restructuring (e.g., downsizing) or as a result of personal circumstances such as retirement or a health-related leave. The extent to which this explanation for change is provided is significantly lower in 2010 (down 5 points from 31% in 2009).

Work-life balance issues comprise the third tier of reasons given for a change of status (19%). However, they are more likely to be mentioned by women (22%) than by men (15%), as was also the case in 2009.

Factors Considered Important in the Decision to Make a Change of Status (Aided)

A new set of questions was introduced in the 2010 survey to further explore this issue. These questions directly probed the extent to which certain factors were important to a decision to change status. In total, 19 factors were explored, including practice opportunity-related factors (e.g., use of skills, availability of mentorship programs), culture or work-management options that contribute to work-life balance (e.g., flexible hours, availability of part-time hours or leaves), and benefits-related offerings (e.g., pensions).

These questions were posed solely to those whose change of status involved a move either into an employment position or from one employment position to another. Those who have moved to or within non-paid positions, unemployment or retirement were not asked.

Overall, on this prompted basis, the top two factors driving a change in status are a perception that the new position allows lawyers to use their talents and legal skills and that the new position allows balance between career and family. Over four-in-ten identify each of these as important reasons for their change in status (49% and 43%, respectively).

There is a second tier of factors in terms of importance. About one-third of respondents identify as important in their decision to change status the following aspects of their new position - control over scheduling, freedom to decide what they do in their jobs, less stress, better pay and good job security.

Those factors or offerings in a new position which tend to be drivers of change for a smaller proportion of respondents are listed below. Less than one-in-six respondents indicate that the availability of these offerings or policies was important in their decision to move from their previous to current position.

- A formal mentoring policy;
- Paid maternity or parental leave;
- Leave or sabbatical;
- Part-time work;
- Accommodation for special needs policy; and,
- Job sharing.

The research allows a comparison of the relative importance and ranking of each of the drivers among those who have moved within private practice (i.e., private practice in both previous and current position) compared to those who have made a move from a private to a non-private practice position.

Among those who have moved within private practice, job opportunity-related factors are most likely to be identified as important: “The job allows me to use my talents and legal skills” and “I have the freedom to decide what I do in my job” (51% rate each of these factors as important as a reason for their change of status). By contrast, the issue most likely to be deemed a driver of change among those who have moved from a private to non-private position, and by a much wider margin than the private to private group’s number one ranked factors, is that “the job allows me to balance career and family” (73%). By comparison, only 40% of those who started and remained in a private practice position consider career/family balance as an important reason for their change, making it their third ranked factor overall.

Three of the top-five ranked drivers are shared. Two of these are mentioned above – use of talent and legal skills and balancing career and family. The remaining shared driver is that the current position is less stressful. However, this driver is much more powerful among those who have moved from private to non-private (64%) than among those who moved within the realm of private practice (34%).

Pensions and job security are ranked in the top five among those who have moved from a private to non-private position but not among the top 5 by those who have stayed within private practice. By contrast, better pay and control of scheduling are in the top five for those who have moved within private practice, but are not in the top 5 among those who have left private practice.

| Those who have moved from one private practice position to another | | | Those who have moved from a private practice position to a non-private position | | |
|--|--|-------------------------------|---|--|-------------------------------|
| Ranking | | % who rate issue as important | Ranking | | % who rate issue as important |
| 1 | The job allows me to use my talents and legal skills <i>Shared with...</i> I have the freedom to decide what I do in my job. | 51% | 1 | The job allows me to balance career and family | 73% |
| 2 | I control the scheduling | 46% | 2 | The job is less stressful | 64% |
| 3 | The job allows me to balance career and family | 40% | 3 | The job allows me to use my talents and legal skills <i>Shared with...</i> My workload has decreased | 54% |
| 4 | The pay is better | 39% | 4 | There is a pension plan in my current position | 51% |
| 5 | The job is less stressful | 35% | 5 | Job security is good | 50% |

Of the 19 drivers examined, women place greater importance on 12 relative to men. The largest gaps are evident for:

- The job is less stressful (15 points – 54% among women and 39% among men).
- The opportunities for promotion are excellent (14 points - 42% among women and 28% among men).
- There is paid maternity or parental leave (12 points – 18% among women and 6% among men).

Other top ranked issues upon which the proportions of men and women differ significantly are:

- The job allows me to balance career and family (8 points – 56% among women and 48% among men).
- The job allows me to use my talents and legal skills (11 points - 55% among women and 44% among men).

While there are a number of factors that women are more likely than men to identify as important in their decision to move from a private practice position, there are only four which women are significantly more likely than men to cite as improvements in their current position compared to their previous position.

- Women who stayed in private practice are more likely than men who stayed in private practice to report greater job security and lower stress on the job.
- Women who moved from private to non-private practice are more likely than men who did so to report a better career/family balance and lower job-related stress.

Conclusions

Analysis of findings from 2009 and 2010 suggest that two things are happening simultaneously. The greatest movements out of private practice are happening among those who were called to the bar 5-9 years ago, and among those who have dependents in the home younger than 6 years. What is not clear is the extent to which movement of out private practice is driven by career considerations that come to the fore once a lawyer reaches the 5-9 year post-call career stage, whether it is the impact of young children in the home, or whether there is an interaction between these two things. Fully half of those with children under the age of 6 were called 5-9 years ago, which provides evidence for some relationship between career stage and lifestage.

What remains consistent when comparing the 2009 results with those for 2010, however, is that women who are changing status from a private practice position are doing so for many of the same reasons as men. Where they do differ significantly, however, is in women's greater desire for and likelihood of finding positions that provide them with greater job security, greater balance between career and family responsibilities, a less stressful work environment.

III. Demographic Characteristics of Survey Respondents

Demographic Characteristics of Survey Respondents

The demographic characteristics of those who have participated in the Change of Status survey remain relatively consistent in 2010 compared with 2009.

- Gender:
 - 60% of those who have changed status are women in both years. 40% are men.
 - This stands in contrast to the population of lawyers in Ontario in 2010 – women 39% / men 61%.

Gender

| | Law Society Members 2010 | Survey Respondents 2010 | Survey Respondents 2009 |
|-------|---------------------------------|--------------------------------|--------------------------------|
| | n=42,185 | n=1214 | n=1257 |
| | % | % | % |
| Women | 39 | 60 | 60 |
| Men | 61 | 40 | 40 |

- Age:
 - In both years, close to one-third are under the age of 35 (32% in 2009 and 35% in 2010) and 31% are 45 years of age and older.
 - These results again stand in contrast to the 2010 population of lawyers. Over one-half of members (55%) are 45 years of age or older, while 18% are under 35 years of age.

Age

| | Law Society Members 2010 | Survey Respondents 2010 | Survey Respondents 2009 |
|---------------------------|---------------------------------|--------------------------------|--------------------------------|
| | n=42,185 | n=1214 | n=1257 |
| | % | % | % |
| Under 35 years of age | 18 | 35 | 32 |
| 34-44 years of age | 27 | 34 | 34 |
| 45 years of age and older | 55 | 31 | 31 |

- Year of call:
 - Across both years, just short of one-third of respondents report they were called to the bar less than 5 years ago. This proportion is significantly higher than the incidence of this group within the 2010 population of Ontario lawyers.
 - At the other end of the practice tenure spectrum, 19% of respondents in both years report that they were called to the bar 20 years ago or more. Twice that proportion of the population of Ontario lawyers overall (41%) were called 20 years ago or more.

Year of Call

| | Law Society Members 2010 | Survey Respondents 2010 | Survey Respondents 2009 |
|-----------------------|---|--|--|
| | n=42,185 | n=1214 | n=1257 |
| | % | % | % |
| Less than 5 years ago | 17 | 30 | 31 |
| 5 to 9 years ago | 17 | 29 | 28 |
| 10 to 19 years ago | 24 | 22 | 22 |
| 20 or more years ago | 41 | 19 | 19 |

IV. Change of Status Characteristics – Total Sample

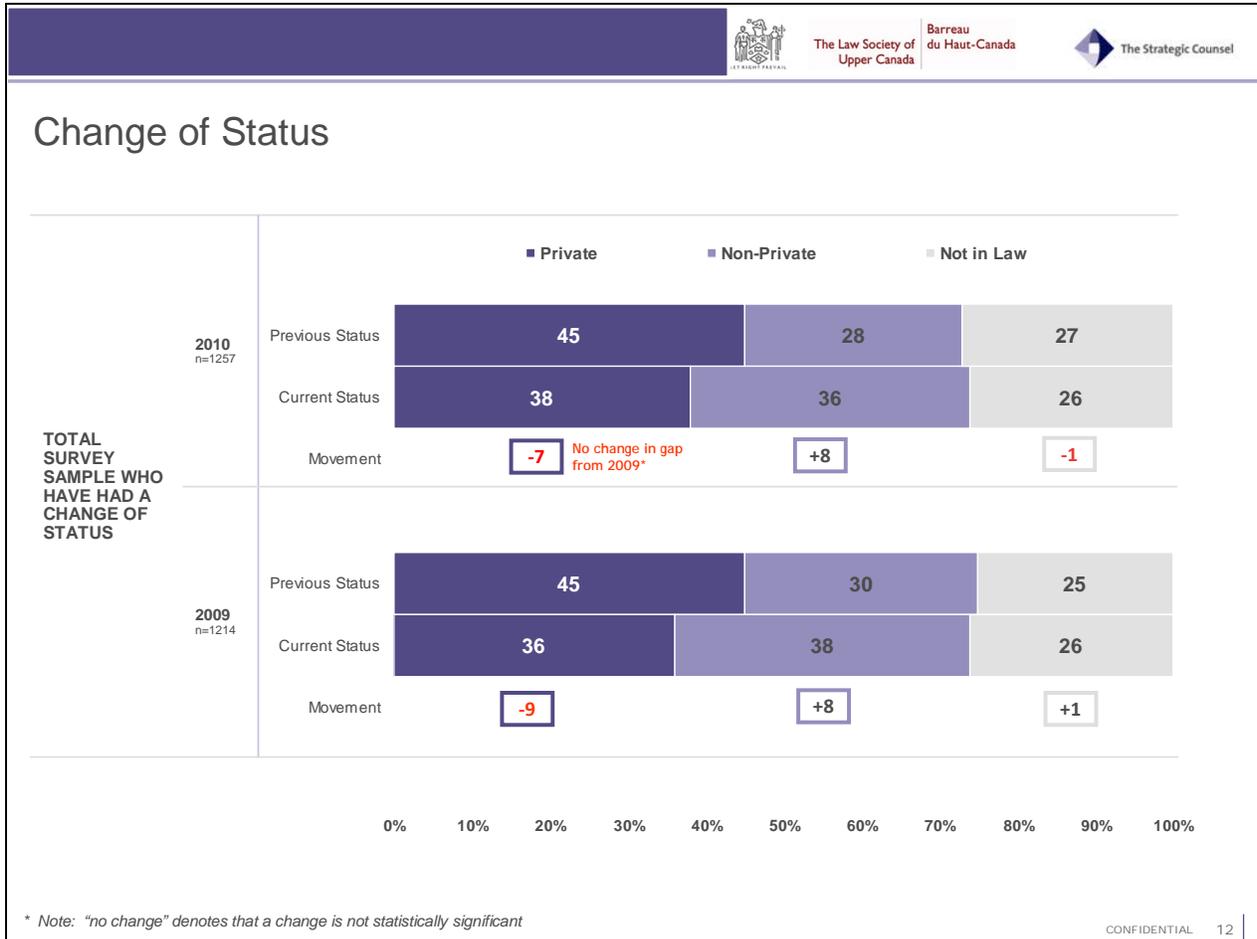
Change of Status Characteristics – Total Sample

Previous Position and Current Position - All Respondents

Among the total sample of those who have changed status, there has been a movement away from private practice. The extent of this movement in 2010 is consistent with that of 2009.

- In both years, 45% indicate that their previous status (prior to their change of status) was in private practice.
- In 2010, the proportion of those with a position in private practice after their change of status has declined by 7 points to 38%. This is not significantly different from the 9 point decline in 2009.

The proportion reporting a previous non-private practice position is 8 points lower than the proportion reporting a current non-private practice position (28% and 36%, respectively). This mirrors 2009 findings.



In both years, one-in-five report working in a private practice position outside of Toronto, while one-quarter report working in a Toronto-based private practice position.

In 2010, there is a significant 5-point decline in the proportion who report that they are in a Toronto-based private practice position from previous to current position (25% in previous versus 20% in current position). The decline registered in 2010 is the same as that found in 2009.

While in 2009 there was a decline in the proportion reporting they were in a private practice position outside of Toronto, a decline is not evident in 2010.

The move away from private practice is most evident among those who are working in larger firms in Toronto.

- There is a five point drop the proportion who report having worked in a firm with more than 50 lawyers in Toronto (11% in their previous position) to those currently in this size of Toronto firm (6% in their current position).

**Practice Type or Work Setting – Previous Versus Current Position
Among All Respondents of the 2009 and 2010 Change of Status Survey**

| | PREVIOUS POSITION | | CURRENT POSITION | |
|--|-------------------|-----------|------------------|------------|
| | 2010 | 2009 | 2010 | 2009 |
| | n= | n= | n= | n= |
| | 1214 | 1257 | 1214 | 1257 |
| | % | % | % | % |
| NET: PRIVATE PRACTICE (BOTH OUTSIDE AND IN TORONTO) | 45 | 45 | 38 | 36 |
| NET: PRIVATE PRACTICE OUTSIDE TORONTO | 20 | 20 | 18 | 16↓ |
| Sole practice outside of Toronto | 6 | 3 | 6 | 6 |
| Private law firm outside Toronto with 5 lawyers or less | 6 | 7 | 5 | 5 |
| Private law firm outside of Toronto with 6 to 10 lawyers | 2 | 3 | 2 | 1↓ |
| Private law firm outside Toronto with 11 to 50 lawyers | 4 | 5 | 3 | 3↓ |
| Private law firm outside Toronto with > 50 lawyers | 4 | 2 | 2 | 1 |
| NET: PRIVATE PRACTICE IN TORONTO | 25 | 25 | 20↓ | 20↓ |
| Sole practice in Toronto | 4 | 3 | 6 | 5↑ |
| Private law firm in Toronto with 5 lawyers or less | 5 | 4 | 3 | 4 |
| Private law firm in Toronto with 6 to 10 lawyers | 2 | 2 | 2 | 2 |
| Private law firm in Toronto with 11 to 50 lawyers | 4 | 5 | 4 | 3↓ |
| Private law firm in Toronto with > 50 lawyers | 11 | 11 | 6↓ | 6↓ |
| NET: NON-PRIVATE PRACTICE | 28 | 30 | 36 | 38 |
| In-house counsel for a private corporation | 5 | 7 | 6 | 6 |
| Government or a public agency | 17 | 15 | 24↑ | 24↑ |
| Education | 2 | 2 | 2 | 1 |
| Judge | <1 | <1 | - | <1 |
| Legal clinic | 1 | 1 | <1 | <1 |
| Non-governmental organization (NGO) | 1 | <1 | 1 | 1 |

| | | | | |
|--------------------------------|-----------|-----------|-----------|-----------|
| Some other setting | 3 | 5 | 2 | 5 |
| NET: NOT PRACTISING LAW | 27 | 25 | 26 | 26 |
| Parental Leave | 11 | 10 | 4 | 5 |
| Retired | 1 | 1 | 3 | 4 |
| Not working in law | 5 | 7 | 9 | 8 |
| Not working for pay | 6 | 6 | 6 | 9 |
| Unemployed | 1 | n/a | 2 | n/a |
| On leave | 1 | n/a | 1 | n/a |
| Other | 2 | 1 | 1 | n/a |

Q.6 Your previous status or position means the position you were in immediately prior to notifying the Law Society. Your current status or position means the position you are in now. From among the following, please indicate your practice or work setting while you were in your previous status category or position as well as your current practice or work setting.

Characteristics of Change of Status Related to Maternity or Parental Leave

As shown in the previous table, 15% of respondents in both years report that they were either returning from, or going into a period of parental leave. Women comprise the vast majority of this group (14% women compared with 1% men in both years).

Change of Status Related to Parental Leave

| | All Survey Respondents 2010 | All Survey Respondents 2009 |
|--|-----------------------------|-----------------------------|
| | n=1214 | n=1257 |
| | % | % |
| Women who changed status and parental leave was a factor | 14 | 14 |
| Women who changed status and parental leave was not a factor | 45 | 46 |
| Men who changed status and parental leave was a factor | 1 | 1 |
| Men who changed status and parental leave was not a factor | 40 | 39 |

Those who indicated they were returning from a parental/maternity leave – 11% of all respondents in 2010 - were asked a set of detailed questions to determine if they had returned to their previous position in law or non-law after their leave, or whether they had changed the position upon their return from leave. These questions were not included in the 2009 survey.

Of those returning from maternity/parental leave, 72% report that they are in the same position after their leave as they were prior to their leave. The remainder changed their positions after their leave.

The sample of those who have returned from a parental leave to a new position (n=32) is too small to support further analysis as the results would not be considered generalizable.

**V. Change of Status Characteristics
(Where Parental Leave is Not a Factor)**

Change of Status Characteristics Where Parental Leave is Not a Factor

The remainder of the analysis for the 2010 Change of Status survey is undertaken among those who have changed status for reasons other than maternity or parental leave. There is a move out of private practice among this sample of lawyers.

Among respondents who have changed status for reasons not related to parental leave, there is a 10-point decline in the proportion reporting that they are in private practice in their current position compared to their previous position. Most of this decline is evident among those who were working in large law firms (those with 50 or more lawyers). There is a 9-point drop in the proportion reporting that they were in a large firm from previous to current position.

Practice Type or Work Setting – Previous Versus Current Position in 2010 Among Those Who Whose Status Change is Not Related to Maternity/Parental Leave

| | PREVIOUS POSITION | CURRENT POSITION |
|--|-------------------|------------------|
| | % | % |
| NET: PRIVATE PRACTICE (BOTH OUTSIDE AND IN TORONTO) | 50 | 40↓ |
| NET: PRIVATE PRACTICE OUTSIDE TORONTO | 24 | 19↓ |
| Sole practice outside of Toronto | 6 | 7 |
| Private law firm outside Toronto with 5 lawyers or less | 7 | 5 |
| Private law firm outside of Toronto with 6 to 10 lawyers | 2 | 2 |
| Private law firm outside Toronto with 11 to 50 lawyers | 4 | 3 |
| Private law firm outside Toronto with > 50 lawyers | 5 | 2↓ |
| NET: PRIVATE PRACTICE IN TORONTO | 27 | 22 |
| Sole practice in Toronto | 4 | 7↑ |
| Private law firm in Toronto with 5 lawyers or less | 5 | 3 |
| Private law firm in Toronto with 6 to 10 lawyers | 2 | 2 |
| Private law firm in Toronto with 11 to 50 lawyers | 4 | 4 |
| Private law firm in Toronto with > 50 lawyers | 12 | 6↓ |
| NET: NON-PRIVATE PRACTICE | 32 | 35 |
| In-house counsel for a private corporation | 6 | 6 |
| Government or a public agency | 19 | 24↑ |
| Education | 2 | 2 |
| Judge | <1 | - |
| Legal clinic | 1 | <1 |
| Non-governmental organization (NGO) | 1 | 1 |
| Some other setting | 4 | 2↑ |
| NET: NOT PRACTISING LAW | 18 | 25↑ |
| Retired | 1 | 4↑ |
| Not working in law | 6 | 9↑ |

| | | |
|-----------------------|---|---|
| Not working for pay | 7 | 7 |
| Unemployed | 2 | 2 |
| On leave | 1 | 1 |
| Other – legal related | 2 | 1 |

Q.6 Your previous status or position means the position you were in immediately prior to notifying the Law Society. Your current status or position means the position you are in now. From among the following, please indicate your practice or work setting while you were in your previous status category or position as well as your current practice or work setting.
 Base: Those who have changed status in 2010, excluding those whose change was due to parental leave (n=1038)

Those who were in private practice prior to their change of status are as likely to move out of private practice as they are to stay in private practice.

Just over one-quarter (28%) moved from private practice to a non-private practice position, while just under one-quarter (22%) are no longer in law.

The greatest movement out of private practice is evident among those who were working in large firms (50 or more lawyers), particularly those in Toronto (see table on following page).

- Only one-third of those who were practising in a large firm in Toronto prior to their change of status report that they have moved to a similar firm (24% and 8%, respectively)
- Just under one-in-ten (9%) report that their previous position was in a large firm outside of Toronto. After the change of status, only 2% remained in this work setting.

The movement out of large firms does not vary by gender. Approximately one-third of both women (32%) and men (33%) report that their previous position was in a large firm.

- 10% of women and 8% of men worked in large firms outside Toronto in their previous position.
- 22% of women and 25% of men worked in large firms in Toronto.

Following their change of status, only 8% of women and 10% of men continued in a large firm (declines of 24 points and 23 points, respectively).

What does distinguish women from men who had a position in private practice prior to a change in status is that women are more likely to report moving out of private practice altogether than are men (see tables on pages 29 and 30). Over one-half of men who were in a private practice prior to their change (54%) report that they remain in private practice compared to 44% of the women.

Women (32%), by contrast, are significantly more likely than men (25%) to indicate that they now hold a non-private practice position.

**Practice Type or Work Setting Among Those Whose Previous Status Was Private Practice
Among Those Who Whose Status Change is Not Related to Maternity/Parental Leave**

| | PREVIOUS POSITION WORK SETTING AMONG THOSE WHOSE POSITION WAS IN PRIVATE PRACTICE | CURRENT POSITION OF THOSE WHO WERE IN PRIVATE PRACTICE PRIOR TO THE CHANGE OF STATUS |
|--|--|---|
| | % | % |
| NET: PRIVATE PRACTICE (BOTH OUTSIDE AND IN TORONTO) | 100 | 50 |
| NET: PRIVATE PRACTICE OUTSIDE TORONTO | 47 | 23 |
| Sole practice outside of Toronto | 12 | 8↓ |
| Private law firm outside Toronto with 5 lawyers or less | 13 | 7↓ |
| Private law firm outside of Toronto with 6 to 10 lawyers | 4 | 2 |
| Private law firm outside Toronto with 11 to 50 lawyers | 9 | 4↓ |
| Private law firm outside Toronto with > 50 lawyers | 9 | 2↓ |
| NET: PRIVATE PRACTICE IN TORONTO | 53 | 27 |
| Sole practice in Toronto | 8 | 8 |
| Private law firm in Toronto with 5 lawyers or less | 10 | 5↓ |
| Private law firm in Toronto with 6 to 10 lawyers | 3 | 2 |
| Private law firm in Toronto with 11 to 50 lawyers | 8 | 4↓ |
| Private law firm in Toronto with > 50 lawyers | 24 | 8↓ |
| NET: NON-PRIVATE PRACTICE | - | 28 |
| In-house counsel for a private corporation | - | 8 |
| Government or a public agency | - | 14 |
| Education | - | 3 |
| Legal clinic | - | <1 |
| Non-governmental organization (NGO) | - | 1 |
| Some other setting | - | 2 |
| NET: NOT PRACTISING LAW | - | 22 |
| Retired | - | 3 |
| Not working in law | - | 7 |
| Not working for pay | - | 7 |
| Unemployed | - | 3 |
| On leave | - | 1 |
| Other – legal related | - | 1 |

Q.6 Your previous status or position means the position you were in immediately prior to notifying the Law Society. Your current status or position means the position you are in now. From among the following, please indicate your practice or work setting while you were in your previous status category or position as well as your current practice or work setting.

Base: Those who have changed status in 2010 and whose previous status was in private practice (n=521)

**Practice Type or Work Setting Among WOMEN Whose Previous Status Was Private Practice
(Those Who Whose Status Change is Not Related to Maternity/Parental Leave)**

| | WOMEN | |
|--|--|---|
| | PREVIOUS POSITION WORK SETTING AMONG THOSE WHOSE POSITION WAS IN PRIVATE PRACTICE | CURRENT POSITION OF THOSE WHO WERE IN PRIVATE PRACTICE PRIOR TO THE CHANGE OF STATUS |
| | % | % |
| NET: PRIVATE PRACTICE (BOTH OUTSIDE AND IN TORONTO) | 100 | 44↓ |
| NET: PRIVATE PRACTICE OUTSIDE TORONTO | 48 | 19↓ |
| Sole practice outside of Toronto | 12 | 7 |
| Private law firm outside Toronto with 5 lawyers or less | 12 | 6↓ |
| Private law firm outside of Toronto with 6 to 10 lawyers | 3 | 1 |
| Private law firm outside Toronto with 11 to 50 lawyers | 11 | 4↓ |
| Private law firm outside Toronto with > 50 lawyers | 10 | 1↓ |
| NET: PRIVATE PRACTICE IN TORONTO | 51 | 25 |
| Sole practice in Toronto | 7 | 7 |
| Private law firm in Toronto with 5 lawyers or less | 10 | 4↓ |
| Private law firm in Toronto with 6 to 10 lawyers | 3 | 2 |
| Private law firm in Toronto with 11 to 50 lawyers | 9 | 5 |
| Private law firm in Toronto with > 50 lawyers | 22 | 7↓ |
| NET: NON-PRIVATE PRACTICE | - | 32 |
| In-house counsel for a private corporation | - | 8 |
| Government or a public agency | - | 16 |
| Education | - | 3 |
| Legal clinic | - | <1 |
| Non-governmental organization (NGO) | - | 2 |
| Some other setting | - | 3 |
| NET: NOT PRACTISING LAW | - | 24 |
| Retired | - | - |
| Not working in law | - | 8 |
| Not working for pay | - | 10 |
| Unemployed | - | 2 |
| On leave | - | 1 |
| Other – legal related | | 1 |

Q.6 Your previous status or position means the position you were in immediately prior to notifying the Law Society. Your current status or position means the position you are in now. From among the following, please indicate your practice or work setting while you were in your previous status category or position as well as your current practice or work setting.

Base: Those who have changed status in 2010 and whose previous status was in private practice (n=245)

**Practice Type or Work Setting Among MEN Whose Previous Status Was Private Practice
(Those Who Whose Status Change is Not Related to Maternity/Parental Leave)**

| | MEN | |
|--|--|---|
| | PREVIOUS POSITION WORK SETTING AMONG THOSE WHOSE POSITION WAS IN PRIVATE PRACTICE | CURRENT POSITION OF THOSE WHO WERE IN PRIVATE PRACTICE PRIOR TO THE CHANGE OF STATUS |
| | % | % |
| NET: PRIVATE PRACTICE (BOTH OUTSIDE AND IN TORONTO) | 100 | 54↓ |
| NET: PRIVATE PRACTICE OUTSIDE TORONTO | 46 | 26↓ |
| Sole practice outside of Toronto | 13 | 9 |
| Private law firm outside Toronto with 5 lawyers or less | 13 | 9 |
| Private law firm outside of Toronto with 6 to 10 lawyers | 5 | 2 |
| Private law firm outside Toronto with 11 to 50 lawyers | 7 | 4 |
| Private law firm outside Toronto with > 50 lawyers | 8 | 2↓ |
| NET: PRIVATE PRACTICE IN TORONTO | 54 | 28 |
| Sole practice in Toronto | 9 | 9 |
| Private law firm in Toronto with 5 lawyers or less | 10 | 6 |
| Private law firm in Toronto with 6 to 10 lawyers | 3 | 2 |
| Private law firm in Toronto with 11 to 50 lawyers | 7 | 3↓ |
| Private law firm in Toronto with > 50 lawyers | 25 | 8↓ |
| NET: NON-PRIVATE PRACTICE | - | 25 |
| In-house counsel for a private corporation | - | 7 |
| Government or a public agency | - | 13 |
| Education | - | 3 |
| Legal clinic | - | <1 |
| Non-governmental organization (NGO) | - | <1 |
| Some other setting | - | 1 |
| NET: NOT PRACTISING LAW | - | 21 |
| Retired | - | 6 |
| Not working in law | - | 7 |
| Not working for pay | - | 5 |
| Unemployed | - | 2 |
| On leave | - | <1 |
| Other – legal related | | 1 |

Q.6 Your previous status or position means the position you were in immediately prior to notifying the Law Society. Your current status or position means the position you are in now. From among the following, please indicate your practice or work setting while you were in your previous status category or position as well as your current practice or work setting.

Base: Those who have changed status in 2010 and whose previous status was in private practice (n=275)

**VI. Change of Status Characteristics –
By Gender
(Where Parental Leave is Not a Factor)**

Change of Status Characteristics – By Gender

Changes of Status – By Gender

Women are less likely than men to have started in a private practice position.

- 44% of women who changed status in 2010 were in private practice in their previous position. This stands in contrast to the fully 57% of men who were in private practice prior to their change.

It is noteworthy that regardless of gender the movement is away from private practice.

- 36% are in private practice in their current position, 8 points less than the 44% who were in private practice in their previous position.
 - The decline of women in private practice leads to increases in the proportions who in their current position report being in non-private practice or not in law (up 5 points and 4 points, respectively, in 2010).
- The decline in those reporting a private practice position is more prominent among men in 2010. Less than half of men (45%) are currently in a private practice position compared to the 57% who were in private practice in their previous position. This represents a 12-point decline.
 - The decline in the proportion of men in private practice from previous to current position mainly leads to an increase in those who report that they are not currently practising law (up 10 points).

Change of Status Characteristics – By Gender

| | Women 2010 | | | Men 2010 | | |
|----------------------|-----------------|----------------|-----------------------------|-----------------|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| WOMEN | | | | | | |
| Private Practice | 44% | 36% | -8 | 57% | 45% | -12 |
| Non-Private Practice | 35% | 39% | +4 | 28% | 30% | +2 |
| Not in Law | 21% | 25% | +4 | 15% | 25% | +10 |

Base of women: Those who have changed status in 2010, excluding those whose change was due to parental leave (2010 n=555)
 Base of men: Those who have changed status in 2010, excluding those whose change was due to parental leave (2010 n=481)

Changes of Status By Gender – 2010 Compared to 2009

Comparing 2010 results with those of 2009 suggests that the proportion of men who moved out of private practice in 2010 is greater than it was in 2009.

- There has been a significant decline of 12 points in the proportion of men in private practice in 2010 compared with a non-statistically significant decline of 8 points in 2009.

Among women, the opposite trend has occurred. While there has been a significant decline of 8 points in the proportion in private practice in 2010, the decline was greater in 2009 (15 points).

In both years, however, the proportion of women who hold a private practice position after a change of status (36% in 2010 and 32% in 2009) is lower than the proportion of men who do (45% in 2010 and 46% in 2009).

Change of Status Characteristics Among Women and Men - 2010 compared to 2009

| | 2010 | | | 2009 | | |
|----------------------|-----------------|----------------|-----------------------------|-----------------|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| WOMEN | | | | | | |
| Private Practice | 44% | 36% | -8 | 47% | 32% | -15 |
| Non-Private Practice | 35% | 39% | +4 | 33% | 38% | +5 |
| Not in Law | 21% | 25% | +4 | 17% | 26% | +9 |
| MEN | | | | | | |
| Private Practice | 57% | 45% | -12 | 54% | 46% | -8 |
| Non-Private Practice | 28% | 30% | +2 | 27% | 26% | -1 |
| Not in Law | 15% | 25% | +10 | 16% | 25% | +9 |

Base of Women: Women who have changed status in 2010, excluding those whose change was due parental leave (2010 n=555/ 2009 n=481)

Base of Men: Women who have changed status in 2010, excluding those whose change was due parental leave (2010 n=481/ 2009 n=480)

Unaided Reasons for a Change of Status

Respondents were asked to identify on an unaided basis the main reasons why they have changed their status. As was the case in 2009, the reasons provided are varied, with no single reason or set of reasons dominating responses.

The greatest proportion of respondents in 2010 (33%) indicate that their change of status is due to the appeal of certain characteristics of the position to which they have moved (excluding increased remuneration or benefits). These reasons include:

- Better opportunities/new challenges/ better quality of work, the ability to better use their skills, the ability to change their practice area or focus on a different area of law, better opportunity for advancement or promotion, greater control and/or independence in their work, job security, a better work environment, a better location, a position that provides better job satisfaction, an opportunity to give back to the community or provide greater public service, returning from clerkship, previously unemployed, and better support from colleagues.
- No differences between women and men are evident across these various reasons.

About one-quarter (26%) of respondents report that they changed their status because of the end of an existing contract or position, either due to a corporate change not dictated by them or as a result of personal circumstances such as a decision to retire or the need to take a health leave.

- These reasons include being laid off or structural change at a previous place of employment, a contract ending, retirement, relocation, parental leave, the end of an articling position with no renewal, a return to a position due to the end of a secondment, or a health problem.
- Again, there are no differences between women and men in the incidence of noting these issues.

Remuneration and/or benefits are noted by just over one-in-ten respondents (13%) as the reason for their change of status.

- Once again, there are no differences between men and women in the proportions identifying these reasons for change.

In 2010, 9% cite negative aspects of their previous job as the main reason for their change of status.

- These reasons include not liking the job/firm, too much pressure to bill hours/bring in clients, didn't like the practice type, didn't like the type of work, disputes or conflicts at previous job.

In 2010, two-in-ten (19%) cite work-life balance concerns as a main reason for change in status. In 2009, this was the only issue on which women and men differed significantly (21% for women and 9% for men). In 2010 the difference has narrowed somewhat (22% of women, 15% of men) but is still significant.

Work-life balance needs are defined in a number of ways by respondents:

- Work-family balance; Better hours/ control over hours/ better control of schedule/ flexible work schedule; Reduction in stress; Child care/ child care requirements/ wanting to spend more time with children or family; Reduction in workload/ workload; Spousal requirements/ spouse's career needs; Burn out at job.

As with 2009, smaller proportions overall cite entry into a new firm or a promotion as a reason for the change in status (5%).

A small proportion note that they made the decision to change their status due to a negative experience with their previous employer or firm.

Forms of discrimination or harassment are identified by only 2% of respondents as a reason for their change.

Other reasons identified by less than 5% of respondents are noted below. Many of these reasons related to coming back into the profession after being unemployed, retired or in some other status.

- Found a job/ needed a job/ received offer of employment; Did not want to work in law/ no longer want to work in law/ not working in law /don't want to pay fees; Found job after articling; Return to law/ desire to return to law/ return to law part time from retirement; Practicing outside Ontario/ not residing in Ontario; Back to school/ continue education; Economy; Came out of retirement.

**Main Reasons for a Change in Status - Unaided
(Among those who change of status did not involve a maternity or parental leave)**

| | Total (%) | | Women (%) | | Men (%) | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
| | 2010 | 2009 | 2010 | 2009 | 2010 | 2009 |
| POSITION/CONTRACT ENDED OR REQUIREMENT TO LEAVE POSITION (NET) | 26 | 31 | 27 | 30 | 25 | 32 |
| Laid off/ termination of employment/ previous structure terminated | 6 | 10 | 7 | 7 | 5 | 14 |
| Contract ended / Contract not renewed | 3 | 4 | 3 | 5 | 3 | 3 |
| Retired/ Age/ Practiced long enough/ semi-retired | 4 | 4 | 2 | 2 | 6 | 6 |
| Relocation | 2 | 4 | 2 | 5 | 2 | 3 |
| Parental leave/ returned after parental leave | 3 | 3 | 5 | 4 | <1 | 1 |
| End of articling/Unemployed after articling/ could not find job after articling | 1 | 2 | 1 | 2 | 1 | 1 |
| Went back to original position from secondment/ back to original position | 1 | 2 | 1 | 3 | 1 | <1 |
| Health problems/ health problems of family members | 2 | 1 | 3 | 2 | 2 | <1 |
| Was previously unemployed | 2 | - | 3 | - | 2 | - |
| Change in ownership/ change in firm structure | 1 | 1 | 1 | 1 | 1 | 1 |
| Returning from clerkship | 1 | - | 1 | - | 1 | - |
| OPPORTUNITIES IN NEW POSITION (NET) | 33 | 26 | 33 | 26 | 32 | 27 |
| Better opportunities/new challenges/ better quality of work | 8 | 10 | 8 | 9 | 9 | 11 |
| Better able to use my skills/ subject matter for work/ Change in practice area/ different type of work | 6 | 5 | 5 | 6 | 6 | 4 |
| Better opportunity for advancement/ opportunity for advancement/ promotion | 7 | 3 | 7 | 3 | 7 | 3 |
| Independence/ greater control in work | 4 | 3 | 3 | 3 | 5 | 4 |
| Job security / stability | 5 | 3 | 6 | 3 | 4 | 3 |
| Better work environment | 4 | 2 | 5 | 2 | 4 | 2 |
| Better location | 3 | 2 | 3 | 2 | 3 | 2 |
| Better position/ position I wanted/ more job satisfaction | 3 | 1 | 3 | 1 | 4 | 1 |
| Better mentorship | 4 | 1 | 5 | 1 | 2 | 1 |
| To give back to community/ greater public service opportunity | 1 | 1 | 1 | 1 | 1 | 1 |
| Better support at new position (e.g., colleagues or staff)/ more of a team environment | 2 | 1 | 1 | 1 | 2 | 1 |
| WORKLIFE BALANCE (NET) | 19 | 15 | 22 | 21 | 15 | 9 |
| Work/life balance - work/family balance | 8 | 6 | 9 | 8 | 7 | 4 |
| Better hours/ control over hours/ better control of schedule/ flexible work schedule | 6 | 4 | 8 | 6 | 4 | 2 |
| Reduction in stress/ burn out at job | 6 | 4 | 1 | 5 | 4 | 3 |
| Child care/ child care requirements/ want to spend more time with children or family | 4 | 2 | 6 | 3 | 3 | 1 |
| Reduction in workload/ workload | 2 | 1 | 2 | 2 | 1 | <1 |
| Spousal requirements/ spouse's career needs | <1 | 1 | 1 | 1 | - | 1 |

Main Reasons for a Change in Status – Unaided (cont'd)
(Among those who change of status did not involve a maternity or parental leave)

| | Total (%) | | Women (%) | | Men (%) | |
|--|-----------|-----------|-----------|-----------|-----------|--------------|
| | 2010 | 2009 | 2010 | 2009 | 2010 | 2009 |
| REMUNERATION/BENEFITS (NET) | 13 | 11 | 16 | 11 | 11 | 11 |
| Better remuneration/ pay/ stable income/ needed income | 11 | 10 | 12 | 9 | 9 | 11 |
| Benefits/ better benefits/pension | 4 | 2 | 6 | 3 | 3 | 1 |
| STARTING NEW FIRM OR PROMOTION (NET) | 5 | 6 | 4 | 5 | 6 | 7 |
| Starting new firm/ started new sole practice | 3 | 3 | 2 | 3 | 3 | 3 |
| Starting new partnership/ became partner | 1 | 2 | 1 | 1 | 2 | 3 |
| Promotion/ progressing legal career | 1 | 1 | 1 | 1 | 2 | 1 |
| NEGATIVE ASPECTS OF PREVIOUS JOB (NET) | 9 | 5 | 11 | 7 | 8 | 3 |
| Didn't like job/didn't like firm/ bad fit | 5 | 3 | 7 | 4 | 4 | 2 |
| Too much pressure to bill hours/ pressure to bring in clients | 1 | 1 | 1 | 2 | 2 | <1 |
| Time to leave type of practice/ didn't like type of practice | 1 | <1 | 2 | <1 | 1 | - |
| Type of work/ did not like type of work | 1 | <1 | 1 | 1 | <1 | - |
| Dispute at previous job/ conflict at previous job | 1 | 1 | 1 | 1 | 2 | 1 |
| DISCRIMINATION/HARASSMENT (NET) | 2 | 2 | 3 | 2 | 1 | <1 |
| Discrimination/ harassment | 1 | 1 | 2 | 1 | 1 | <1 |
| Equity issues/ treatment of women/ treatment of women with children | 1 | 1 | 2 | 1 | <1 | - |
| OTHER REASONS | | | | | | |
| Found a job/ needed a job/ received offer of employment | 2 | 4 | 3 | 3 | 1 | 5 |
| Did not want to work in law/ no longer want to work in law/ not working in law /don't want to pay fees | 2 | 2 | 2 | 2 | 3 | 2 |
| Found job after articling | 1 | 2 | <1 | 3 | 1 | 1 |
| Return to law/ desire to return to law/ return to law part time from retirement | 2 | 2 | 2 | 2 | 2 | 1 |
| Practicing outside Ontario/ not residing in Ontario | 2 | 1 | 2 | 1 | 1 | 1 |
| Back to school/ continue education | 1 | 1 | 1 | <1 | 1 | 1 |
| Economy | - | <1 | - | 1 | - | <1 |
| Came out of retirement | - | <1 | - | - | - | <1 |
| Other | 9 | 13 | 7 | 11 | 12 | 14 |
| NO CHANGE/NOT APPLICABLE (NET) | 2 | 3 | 2 | 3 | 2 | 3 |
| No perceived change in status (e.g. name change only, error, change of address) | 2 | 1 | 2 | 1 | 2 | 1 |
| Not applicable | 1 | 2 | - | 2 | 2 | 2 |

Q.15 What were the key factors that influenced your decision to change your status or position?

Base: Those who have changed status in 2010 or 2009, excluding those whose change was due parental leave (2010 Total =1035; 2010 Women n=554; 2010 Men n=479; 2009 Total n=1071; 2009 Women n=585; 2009 Men n=486)

**VII. Change of Status Characteristics
Based on Year of Call (Where
Parental Leave is Not a Factor)**

Change of Status Characteristics Based on Year of Call

Women Compared to Men – Those Called to the Bar Less Than 5 Years Ago

In 2010, there has been no significant change in the proportion of women called to the bar less than 5 years ago who are in private practice in their current position compared to their previous position. Similarly, no significant changes have occurred in the non-private practice or not-in-law categories.

The movement in 2009 across practice types was comparatively pronounced among this group. There was a significant 13-point decrease in the proportion of women who reported being in private practice in their previous versus their current status. Further, there was a commensurate increase (+11 points) in those reporting they were in non-private practice in their previous versus current status.

Change of Status Characteristics Among Women Called to the Bar Less Than 5 Years Ago

| | Women Called < 5 years ago (2010) | | | Women Called < 5 years ago (2009) | | |
|----------------------|-----------------------------------|----------------|--------------------------|-----------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 47% | 43% | -4 | 56% | 43% | -13 |
| Non-Private Practice | 27% | 35% | +8 | 23% | 34% | +11 |
| Not in Law | 26% | 22% | -4 | 20% | 22% | +2 |

Base: Women called to the bar less than 5 years ago, excluding those whose change was due to parental leave (2010 n=185/ 2009 n=198)

Among men called to the bar within the past 5 years, there has been no significant change in the incidence of those in specific practice types from previous to current position either in 2010 or 2009.

Change of Status Characteristics Among Men Called to the Bar Less Than 5 Years Ago

| | Men Called < 5 years ago (2010) | | | Men Called < 5 years ago (2009) | | |
|----------------------|---------------------------------|----------------|--------------------------|---------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 60% | 52% | -8 | 64% | 53% | -11 |
| Non-Private Practice | 24% | 29% | +5 | 15% | 26% | +11 |
| Not in Law | 16% | 19% | +3 | 20% | 20% | No change |

Base: Men called to the bar less than 5 years ago, excluding those whose change was due to parental leave (2010 n=147/ 2009 n=152)

Women Compared to Men - Those Called to the Bar 5 to 9 Years Ago

In both 2010 and 2009, there has been a significant movement away from private practice among women who were called to the bar 5-9 years ago.

In 2010, just over one-half of this group (53%) was in private practice in their previous position. This proportion drops to 32% for current position, a 21 point decline. The decline in 2009 was a consistent 25 points.

In each year, the decline in the proportions in private practice corresponds with almost equal increases in the proportions reporting that they are in a non-private practice position or they are no longer in law.

Change of Status Characteristics Among Women Called to the Bar 5 to 9 Years Ago

| | Women Called 5-9 years ago (2010) | | | Women Called 5-9 years ago (2009) | | |
|----------------------|-----------------------------------|----------------|--------------------------|-----------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 53% | 32% | -21 | 59% | 34% | -25 |
| Non-Private Practice | 33% | 44% | +11 | 29% | 42% | +13 |
| Not in Law | 14% | 24% | +10 | 9% | 22% | +13 |

Base: Women called to the bar 5-9 years ago, excluding those whose change was due to parental leave (2010 n=156/ 2009 n=148)

Among men at this stage of post-call, the trend is similar to that of women. In 2010, there has been a 23-point decline in the proportion who report that their current position is in private practice compared to their previous position. There was a similar decline among men in this group in 2009 although due to the small sample size the change cannot be described as statistically significant.

Change of Status Characteristics Among Men Called to the Bar 5 to 9 Years Ago

| | Men Called 5-9 years ago (2010) | | | Men Called 5-9 years ago (2009) | | |
|----------------------|---------------------------------|----------------|--------------------------|---------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 65% | 42% | -23 | 64% | 48% | -16 |
| Non-Private Practice | 23% | 39% | +16 | 27% | 33% | +6 |
| Not in Law | 12% | 18% | +8 | 6% | 15% | +9 |

Base: Men called to the bar 5-9 years ago, excluding those whose change was due to parental leave (2010 n=99/ 2009 n=100)

Women Compared to Men – Those Called to the Bar 10 to 19 years ago

Among women called to the bar 10-19 years ago, in both 2009 and 2010, there does not appear to be a move out of private practice. There are no significant differences in the proportions who report their previous position was in private practice and their current position is in private practice. Further, the

proportions of those in non-private positions and those not in law in each year have not changed significantly.

Change of Status Characteristics Among Women Called to the Bar 10-19 Years Ago

| | Women Called 10-19 years ago (2010) | | | Women Called 10-19 years ago (2009) | | |
|----------------------|-------------------------------------|----------------|--------------------------|-------------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 39% | 33% | -6 | 34% | 29% | -5 |
| Non-Private Practice | 45% | 47% | +2 | 46% | 45% | -1 |
| Not in Law | 16% | 20% | +4 | 14% | 21% | +7 |

Base: Women called to the bar 10-19 years ago, excluding those whose change was due to parental leave (2010 n=125/ 2009 n=152)

Similar to the women who were called to the bar 10-19 years ago, men called during this period do not appear to be moving out of private practice to a significant degree, nor are there significant changes in the incidence of men working in non-private practice or moving outside of law.

Change of Status Characteristics Among Men Called to the Bar 10-19 Years Ago

| | Men Called 10-19 years ago (2010) | | | Men Called 10-19 years ago (2009) | | |
|----------------------|-----------------------------------|----------------|--------------------------|-----------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 42% | 35% | -7 | 37% | 41% | +4 |
| Non-Private Practice | 42% | 43% | +1 | 40% | 33% | -7 |
| Not in Law | 16% | 22% | +6 | 16% | 19% | +3 |

Base: Men called to the bar 10-19 years ago, excluding those whose change was due to parental leave (2010 n=83/ 2009 n=83)

Women Compared to Men – Those Called to the Bar 20 or More Years Ago

There were significant changes across practice types in 2009 among those called to the bar 20 years ago or more. There was a 12-point decrease in the proportion of women who reported being in private practice and a 10-point decline in those reporting being situated in a non-private position. There was a commensurate increase from previous to current position in those reporting that they were no longer practicing law (+22 points).

In 2010, this finding is not replicated. While there has been no significant change in the proportion of women in this category who report being in private practice from previous to current status, there has been a directional decrease in the proportion who report that they are in non-private practice in 2010.

Change of Status Characteristics Among Women Called to the Bar 20 or More Years Ago

| | Women Called 20 + years ago (2010) | | | Women Called 20+ years ago (2009) | | |
|----------------------|------------------------------------|----------------|-----------------------------|-----------------------------------|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 29% | 33% | +4 | 27% | 15% | -12 |
| Non-Private Practice | 44% | 29% | -15 | 43% | 33% | -10 |
| Not in Law | 27% | 38% | +11 | 27% | 49% | +22 |

Base: Women called to the bar 20+ years ago, excluding those whose change was due to parental leave (2010 n=89/ 2009 n=89)

The trend among women in 2009 is also found for men both in 2009 and 2010. Men who have changed status tend to be moving out of the practice of law as evident by the 20 point increase in both 2009 and 2010 in the proportions noting that their status is not in law from the previous to the current status.

Change of Status Characteristics Among Men Called to the Bar 20 or More Years Ago

| | Men Called 20+ years ago (2010) | | | Men Called 20+ years ago (2009) | | |
|----------------------|---------------------------------|----------------|-----------------------------|---------------------------------|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 57% | 45% | -12 | 46% | 40% | -6 |
| Non-Private Practice | 28% | 18% | -10 | 33% | 19% | -14 |
| Not in Law | 15% | 37% | +22 | 19% | 39% | +20 |

Base: Men called o the bar 20+ years ago, excluding those whose change was due parental leave (2010 n=152/ 2009 n=151)

**VIII. Change of Status Characteristics
Based on Youngest Dependent in
the Home
(Where Parental Leave is Not a Factor)**

Change of Status Characteristics Based on Youngest Dependent in the Home

Women Compared to Men – No Dependents

There is a move out of private practice among women with no dependents both in 2009 and 2010. In 2010, the decline is 8 points, from 44% reporting they were in private practice in their previous status compared to 36% in their current status.

Change of Status Characteristics – Women with No Dependents in the Home

| | Women with no dependents (2010) | | | Women with no dependents (2009) | | |
|----------------------|---------------------------------|----------------|--------------------------|---------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 44% | 36% | -8 | 50% | 35% | -15 |
| Non-Private Practice | 34% | 37% | +3 | 29% | 36% | +7 |
| Not in Law | 22% | 27% | +5 | 18% | 26% | +8 |

Base : Women with no dependents in the home, excluding those whose change was due parental leave (2010 n=326/ 2009 n=360)

The same trend is evident among men with no dependents in both 2009 and 2010. However, the proportion who report having been in private practice in a prior position in 2010 (57%) is significantly greater than the proportion among women.

What distinguishes men from women here is where the movement away from private practice appears to be leaning. Among men, there is a clear tendency to have moved out of law. There is a 14-point increase in the proportion reporting that they are not in law currently compared to their previous status in 2010. In 2009, the increase was 9 points.

Change of Status Characteristics – Men with No Dependents in the Home

| | Men with no dependents (2010) | | | Men with no dependents (2009) | | |
|----------------------|-------------------------------|----------------|--------------------------|-------------------------------|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 57% | 42% | -15 | 56% | 44% | -12 |
| Non-Private Practice | 28% | 29% | +1 | 22% | 26% | +4 |
| Not in Law | 15% | 29% | +14 | 18% | 27% | +9 |

Base: Men with no dependents in the home, excluding those whose change was due parental leave (2010 n=265/ 2009 n=290)

Women Compared to Men – Youngest Dependent in the Home <6 Years of Age

In 2009, there was a marked and significant decline in the proportion of women with dependents under 6 years of age who were in private practice after a change of status, compared to those who were in private practice prior to their change (a 25-point decline). In 2010, while there appears to be a decline, the results are not significant due to sample size. However, the direction of the results in 2010 suggests that there is a trend out of private practice among women with very young dependents in the home.

Change of Status Characteristics – Women with Youngest Dependent <6 Years

| | Women youngest dependent < 6 yrs (2010) | | | Women youngest dependent < 6 yrs (2009) | | |
|----------------------|---|----------------|--------------------------|---|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 49% | 36% | -13 | 57% | 32% | -25 |
| Non-Private Practice | 41% | 48% | +7 | 35% | 44% | +9 |
| Not in Law | 10% | 16% | +6 | 6% | 19% | +13 |

Base: Women with youngest dependent in the home being under 6 years of age, excluding those whose change was due parental leave (2010 n=89/ 2009 n=91)

Among men, the issue with the results year over year is opposite to the direction found among women. Whereas in 2010 there is a significant decline in the proportion of men with young dependents who are in private practice after a change in status, there was no significant decline in 2009. However, as is the case with women, the direction of the results in both years suggests that there is a trend out of private practice among men with very young dependents in the home.

Change of Status Characteristics – Men with Youngest Dependent < 6 yrs

| | Men youngest dependent < 6 yrs (2010)* | | | Men youngest dependent < 6 yrs (2009)* | | |
|----------------------|--|----------------|--------------------------|--|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 68% | 36% | -32 | 64% | 52% | -12 |
| Non-Private Practice | 24% | 49% | +25 | 24% | 32% | +8 |
| Not in Law | 8% | 15% | +7 | 9% | 14% | +5 |

Base: Men with youngest dependent in the home being under 6 years of age, excluding those whose change was due parental leave (2010 n=66/ 2009 n=66)

* Note: Sample sizes are small. Results should be considered directional

Women Compared to Men – Youngest Dependent in the Home 6-12 Years

In 2010, there is no significant change in types of practice from previous to current status among the group of women whose youngest dependents are 6 to 12 years of age. This is consistent with 2009.

Change of Status Characteristics – Women with Youngest Dependent 6-12 yrs

| | Women youngest dependent 6-12 yrs (2010)* | | | Women youngest dependent 6-12 yrs (2009)* | | |
|----------------------|---|----------------|--------------------------|---|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 43% | 32% | -11 | 29% | 29% | No change |
| Non-Private Practice | 39% | 45% | +6 | 41% | 49% | +8 |
| Not in Law | 18% | 23% | +5 | 24% | 15% | -9 |

Base: Women with youngest dependent in the home being 6-12 years of age, excluding those whose change was due parental leave (2010 n=56/ 2009 n=59)

Among men whose youngest dependent is 6-12 years of age, the results in 2010 suggest some movement in practice type from previous to current status. However, the sample sizes are too small to allow any conclusions to be drawn. Thematically, however, the results over two years suggest that men with the dependents of this age may be moving out of non-private practice and either into private practice or out of law altogether.

Change of Status Characteristics – Men with Youngest Dependent 6-12 yrs

| | Men youngest dependent 6-12 yrs (2010) | | | Men youngest dependent 6-12 yrs (2009) | | |
|----------------------|--|----------------|--------------------------|--|----------------|--------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 47% | 56% | +9 | 50% | 55% | +5 |
| Non-Private Practice | 42% | 21% | -21 | 29% | 21% | -8 |
| Not in Law | 12% | 24% | +12 | 16% | 18% | +2 |

Base: Men with youngest dependent in the home being 6-12 years of age, excluding those whose change was due parental leave (2010 n=34/ 2009 n=59)

* Note: Sample sizes are small. Results should be considered directional

Women Compared to Men – Youngest Dependent in the Home 13+ years

In 2010, there is no significant change in type of practice among women whose youngest dependent is 13 years of age or older. This is consistent with 2009.

Change of Status Characteristics Among Women with Youngest Dependent 13+ yrs

| | Women youngest dependent 13+ yrs (2010)* | | | Women youngest dependent 13+ yrs (2009)* | | |
|----------------------|--|----------------|-----------------------------|--|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 46% | 40% | -6 | 25% | 23% | -2 |
| Non-Private Practice | 31% | 31% | No change | 46% | 34% | -12 |
| Not in Law | 23% | 29% | +6 | 23% | 38% | +15 |

Base: Women with youngest dependent in the home being 13+ years of age, excluding those whose change was due parental leave (2010 n=55/ 2009 n=56)

Similar to the women, there has been no significant change in the proportion of men in this category who report being in private or non-private practice both prior to and after a change of status.

Change of Status Characteristics – Men with Youngest Dependent 13+ yrs

| | Men youngest dependent 13+ yrs (2010)* | | | Men youngest dependent 13+ yrs (2009)* | | |
|----------------------|--|----------------|-----------------------------|--|----------------|-----------------------------|
| | Previous Status | Current Status | GAP (previous – current) | Previous Status | Current Status | GAP (previous – current) |
| Private Practice | 53% | 56% | +3 | 34% | 40% | +6 |
| Non-Private Practice | 22% | 26% | +4 | 48% | 28% | -20 |
| Not in Law | 26% | 19% | -7 | 14% | 28% | +14 |

Base: Men with youngest dependent in the home being 13+ of age, excluding those whose change was due parental leave (2010 n=51/ 2009 n=56)

* Note: Sample sizes are small. Results should be considered directional

**IX. Change of Status Characteristics
Based on Equity Status
(Where Parental Leave is Not a Factor)**

Definition of Equity Groups

In this report, those defined as members of a “racialized” equity group are those who select the “racialized/person of colour (visible minority)” response option to the following question or who specifically refer to their race in the description they provide to the “Other – please specify” response category.

Please check any of the following characteristics with which you self-identify. (Please select all that apply)

- Aboriginal
- Francophone
- Transgender/Transsexual
- Gay/Lesbian/Bisexual
- Racialized/person of colour (visible minority)
- Person with disabilities
- A creed or religion that you believe is subject to prejudice or disadvantage
- Other (Please specify) _____
- I do not self-identify with any of these personal characteristics

Those referred to as members of a non-racialized equity group selected one of the categories on the above list of responses other than “racialized/person of colour (visible minority)” or “I do not self-identify with any of these personal characteristics”.

Those referred to as members of a “non-equity” group do not self-identify with any of the personal characteristics listed in the question (i.e, answered “I do not self-identify with any of these personal characteristics”).

In both 2009 and 2010, over two-thirds of respondents do not self-identify with an equity group, while close to one-in-six self-identify as belonging to a racialized group and the same proportion self-identify as belonging to an equity group which is not considered racialized.

Self-Identified Membership in Equity Groups

| | 2010 | 2009 |
|--|--------|--------|
| | n=1038 | n=1071 |
| | % | % |
| Do not self-identify with an equity group | 68 | 71 |
| Self-identify as member of a “racialized” equity group | 16 | 14 |
| Self-identify as member of a non-racialized equity group | 16 | 15 |

Base: Those who have changed status, excluding those whose change was due parental leave.

Non-Equity Group Members

There is a move out of private practice among those who do not self-define as belonging to an equity group in both 2009 and 2010. In 2010, the decline is 11 points from 51% reporting they were in private practice in their previous status compared to 40% in their current status. This result is virtually the same as that found in 2009 (decline of 10 points).

In both years, there have been commensurate increases in the proportions reporting that they are no longer practising law (up 9 points to 27% in 2010 and up 9 points to 26% in 2009).

Change of Status Characteristics – Those Who Do Not Self-Identify as Being Members of an Equity Group

| | Non-Equity Group (2010) | | | Non-Equity Group (2009) | | |
|----------------------|-------------------------|---------|--------------------------|-------------------------|---------|--------------------------|
| | Previous | Current | GAP (previous – current) | Previous | Current | GAP (previous – current) |
| Private Practice | 51 | 40 | -11 | 50 | 40 | -10 |
| Non-Private Practice | 31 | 33 | +2 | 30 | 31 | +1 |
| Not in Law | 18 | 27 | +9 | 17 | 26 | +9 |

Base: Those who do not self-identify as being members of an equity group, excluding those whose change was due parental leave (2010 n=712/ 2009 n=758)

Equity Status – Members of a Racialized Equity Group

Among those who self-identify as belonging to a racialized equity group in 2010, there has also been a decrease in the proportion in private practice from previous to current position. This downward movement is consistent with the 2009 results.

What distinguishes this group from the non-equity group is that there are apparent increases in both those who report that their current status is in a non-private practice position and those who are no longer in law.

Change of Status Characteristics – Those Who Self-Identify as a Member of a Racialized Equity Group

| | Racialized Equity Group (2010) | | | Racialized Equity Group (2009) | | |
|----------------------|--------------------------------|---------|--------------------------|--------------------------------|---------|--------------------------|
| | Previous | Current | GAP (previous – current) | Previous | Current | GAP (previous – current) |
| Private Practice | 58 | 44 | -14 | 55 | 40 | -15 |
| Non-Private Practice | 27 | 35 | +8 | 27 | 32 | +5 |
| Not in Law | 15 | 21 | +6 | 14 | 24 | +10 |

Base: Those who self-identify as being a member of a racialized equity group, excluding those whose change was due parental leave (2010 n=163/ 2009 n=154)

Equity Status – Members of Non-Racialized Equity Groups

There are no significant differences in type of practice between previous and current positions among members of non-racialized equity groups in 2010. The decrease in incidence of private practice evident in 2009 among this group does not appear in 2010.

Change of Status Characteristics – Those Who Self-Identify as a Member of a Non-Racialized Equity Group

| | Non-Racialized Equity Group (2010) | | | Non-Racialized Equity Group (2009) | | |
|----------------------|------------------------------------|---------|-----------------------------|------------------------------------|---------|-----------------------------|
| | Previous | Current | GAP (previous – current) | Previous | Current | GAP (previous – current) |
| Private Practice | 39 | 34 | -5 | 45 | 31 | -14 |
| Non-Private Practice | 41 | 45 | +4 | 36 | 41 | +5 |
| Not in Law | 20 | 21 | +1 | 15 | 26 | +11 |

Base: Those who self-identify as being a member of a non-racialized equity group, excluding those whose change was due parental leave (2010 n=163/ 2009 n=154)

**X. Attitudes Toward and Perceptions
of Previous Versus Current
Position
(Where Parental Leave is Not a Factor)**

Attitudes Toward and Perceptions of Previous Versus Current Position

One of the key objectives of the research is to explore what factors may be leading lawyers to leave private practice and the factors that encourage lawyers to stay in private practice. One means of assessing this issue was through exploring some of the perceived benefits and values of current position versus previous position among those who have changed status.

Respondents were asked the following questions in order to explore the extent of job characteristics, benefits and work-life balance characteristics in both their previous and current position:

Please indicate how strongly you agree or disagree with the following statements as they relate to your previous status or position and your current status or position. Please do this using a scale from 1 to 5, where “1” means that you agree strongly and “5” means that you disagree strongly. If you don’t know or you do not feel the statement is applicable to you, you may indicate that.

| Previous Position | Strongly Disagree | | | | | Strongly Agree | Don't know | Not Applicable |
|--|-------------------|---|---|---|---|----------------|------------|----------------|
| | 1 | 2 | 3 | 4 | 5 | | | |
| The pay is good | | | | | | | | |
| I have the freedom to decide what I do in my job | | | | | | | | |
| I control the scheduling | | | | | | | | |
| The benefits are good | | | | | | | | |

Change of Status – Women Who Have Moved From One Private Practice Position to Another

Practice Opportunities

Women whose change of status involved a transition from one private practice position to another are most likely to express strong positive gains on a variety of practice opportunity measures.

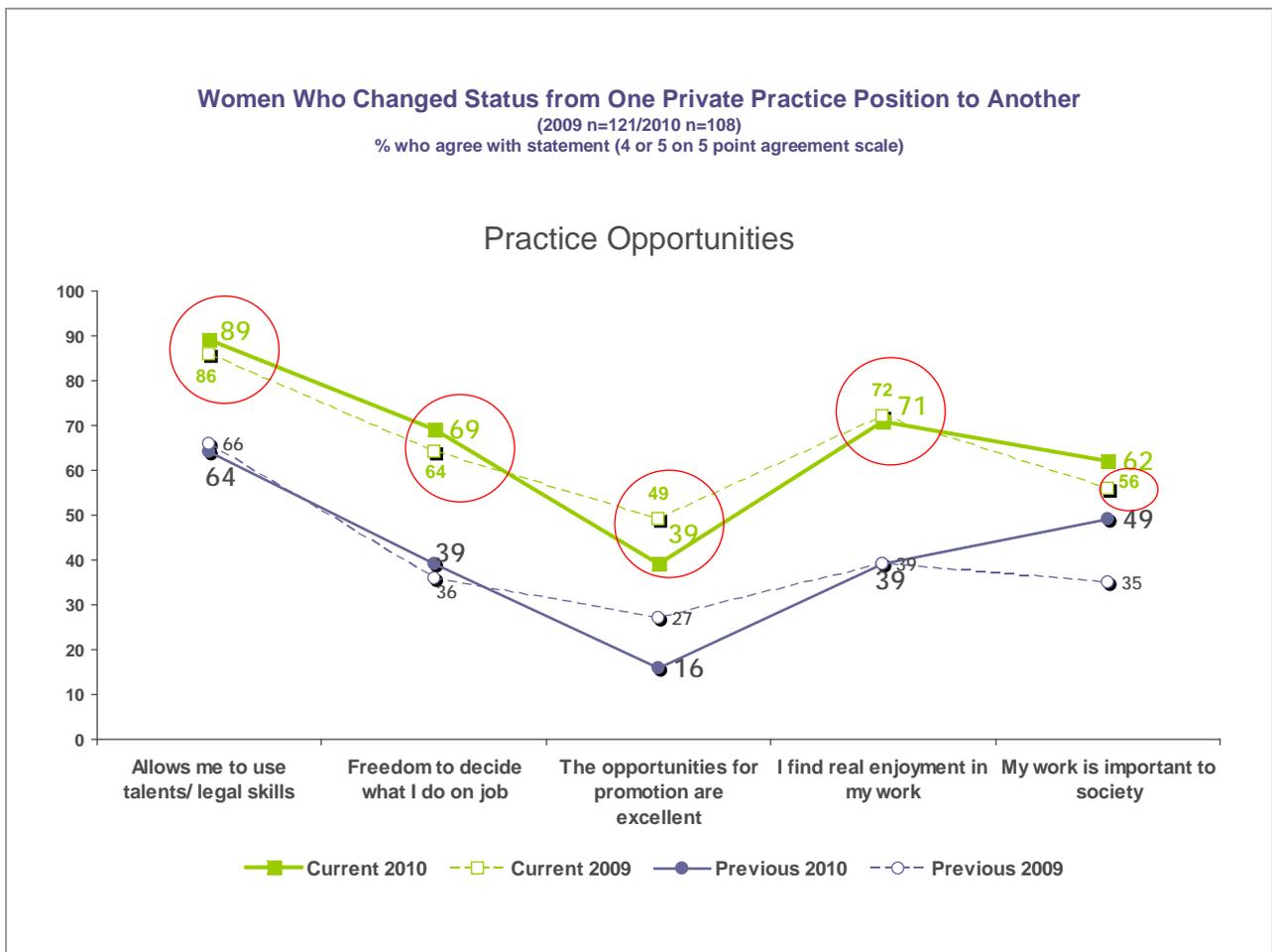
On a basic level, a greater proportion of women feel that their change led to an enhanced ability to use their legal skills. While 64% agree that their previous position “allows me to use my talents and legal skills”, the proportion increases significantly to 89% in their current position – a 25-point increase. This finding is consistent with the 20-point increase found in 2009 (66% to 86%).

Prior to the change, a minority felt that they had freedom to decide what they did in their job, that the opportunities for promotion were excellent, that they found real enjoyment in their work, or that their work was important to society. Those who remained in private practice were much more likely to feel that their new position offered these opportunities:

- “I have the freedom to decide what I do in my job” (39% in previous position / 69% in the current position – a 23-point increase).
- “The opportunities for promotion are excellent” (16% in previous position / 39% in current position – a 23-point increase).
- “I find real enjoyment in my work” (39% in their previous position / 71% in their current position – a 32- point increase).

As the graph on the following page illustrates, these increases are consistent with those exhibited in 2009 among women who made a change of status from one private practice position to another.

The one significant difference in results is found on the perceived value of work to society. In 2009, a greater proportion of women who moved to a new private practice position believed that their new position facilitated work that is important to society than was the case for their previous position. This is not the case in 2010. There is no statistically significant difference between the proportions who agree that “my work is important to society” from previous to current position.



Benefits and Job Security

There is no evidence that remuneration or benefits are key drivers of a change of status among those who have moved from one private practice position to another.

- About one-half (56%) of those who have remained in private practice agree that the pay in their current position is good. This proportion is not significantly greater than those who say that the pay was good in their previous position (47%).
- In 2010, just over four-in-ten (42%) agree that their current position offers them good benefits. Just over one-third found this to be the case in their previous position (34%). Again, the difference here is not significant.
- Both of these results are consistent with findings from 2009 (see graph on following page).

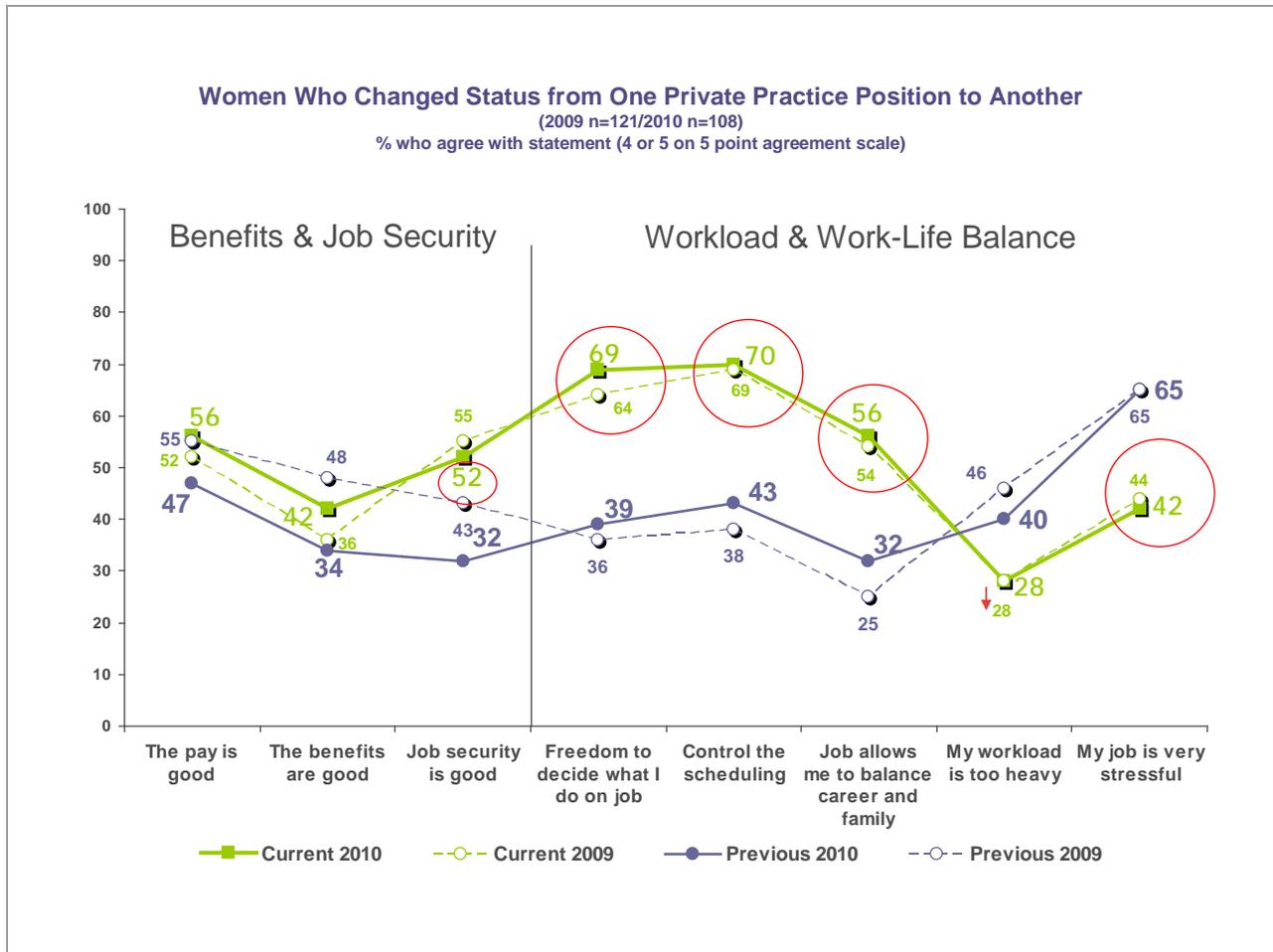
While these factors do not appear to be drivers of a change, job security may be. There has been a significant increase in 2010 in the proportion believing that their current position offers them good job security compared to the proportion who had this belief concerning their previous position (up 20 points from 32% in the previous position versus 52% in the current position).

Workplace Control, Workload and Work-life Balance

Women who have moved within the private practice realm are more likely to report that they have freedom to decide what they do in their current position, they have control over scheduling, and that their job allows a balance of career in family in their current versus their previous position. These results are consistent with those found in 2009 (see graph on following page).

- “I have the freedom to decide what I do in my job” (39% in their previous position / 69% in their current position – a 30-point increase).
- “I control the scheduling” (43% agree in their previous position / 70% in their current position – 27 point increase).
- “The job allows me to balance career and family“ (32% agree in their previous position / 56% in their current position – 24 point increase).

Consistent with 2009 results, there has been a decline from previous to current position in the proportion who feel that “my job is very stressful” (a 23-point decline from 65% to 42%).



Change of Status – Women Who Have Moved From a Private Practice to a Non-Private Practice Position

Practice Opportunities

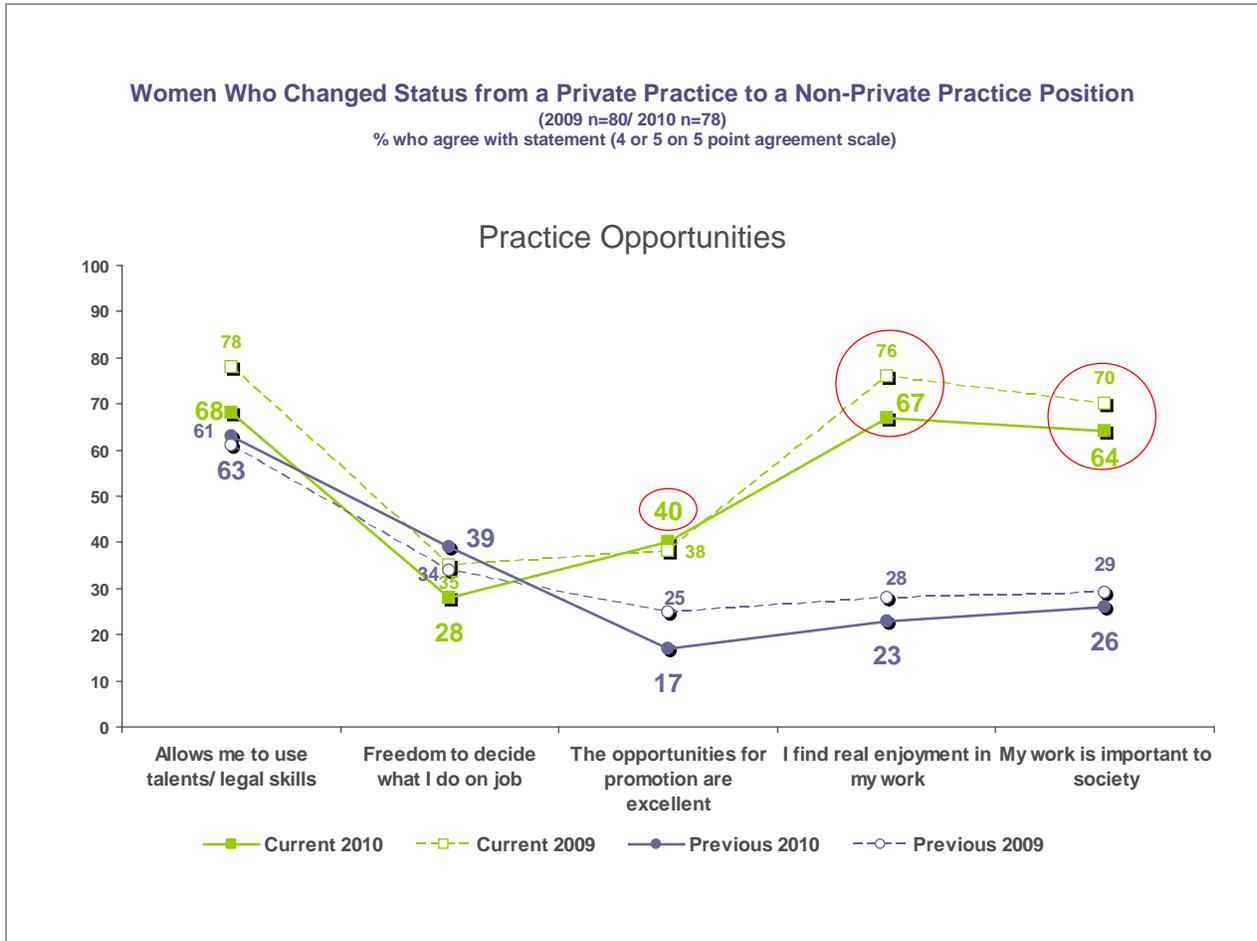
Women who made the transition to non-private practice from a private practice position indicate that compared to their previous position, they are more likely to find excellent opportunities for promotion, real enjoyment in their work and the opportunity to make a social contribution through their work in their current position. As the chart on the following page illustrates, there are significant differences when it comes to evaluating current and previous positions against the following statements in 2010:

- “The opportunities for promotion are excellent” (17% agree in previous position / 40% in current position - 23 point increase).
- “I find real enjoyment in my work” (23% agree in previous position / 67% in current position - 44 point increase).

- “My work is important to society (26% agree in previous position / 64% in current position – 38 point increase).

These results are consistent with those registered in 2009.

However, there does not appear to be a perception that non-private positions offer better use of talents or legal skills, nor that they allow women the freedom to decide what they do on the job. In both 2009 and 2010, there are no significant increases in the proportions reporting that their current position offers these types of opportunities compared with their previous positions.

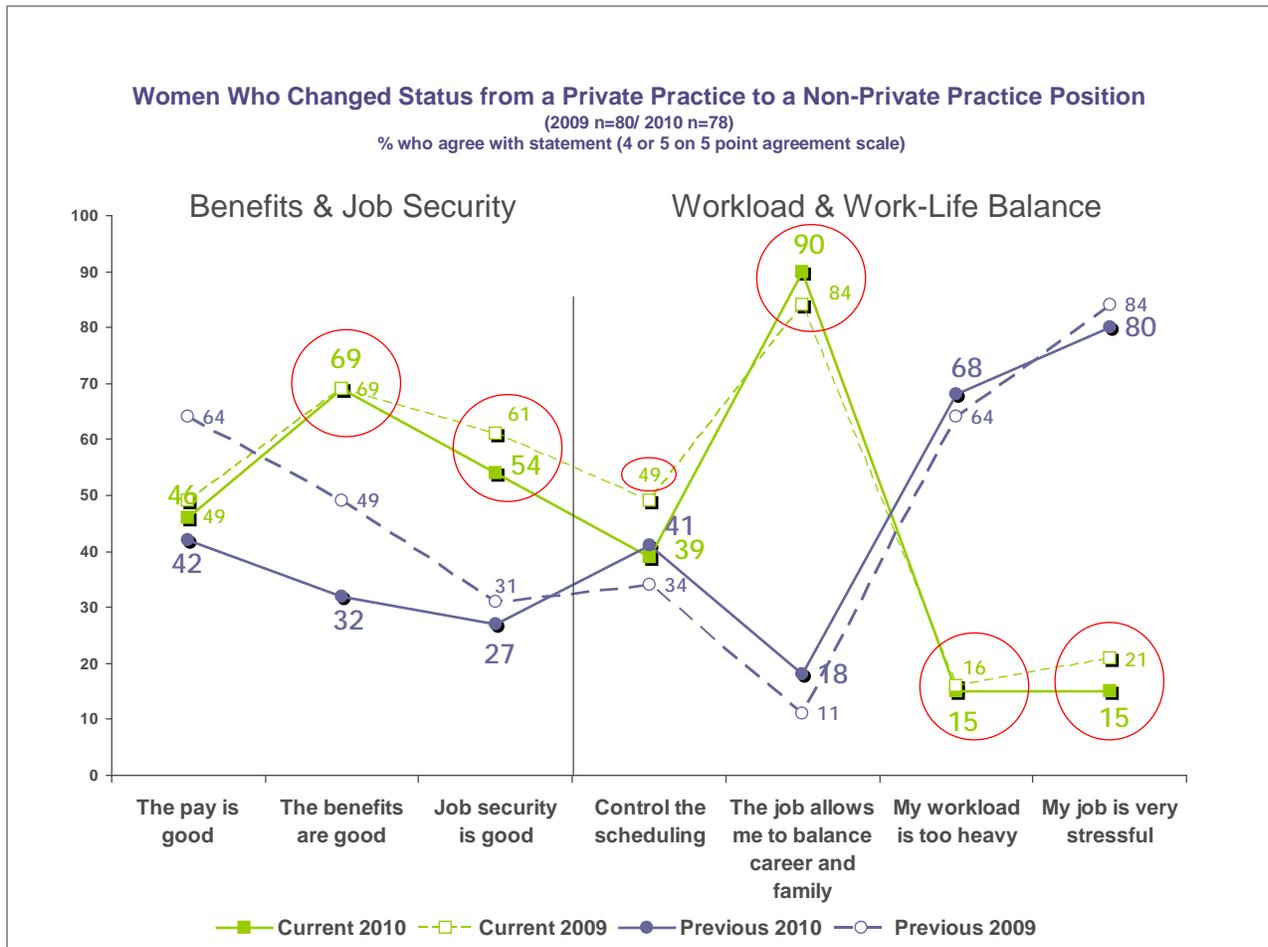


Benefits and Job Security and Work-Life Balance

The table on the following page illustrates that compared to their previous private practice positions, women who made the switch to non-private practice remain more likely to agree that their current position offers good benefits, good job security and work/life balance.

The following 2010 findings are in line with 2009:

- “The benefits are good” (32% agree in previous position / 69% agree in current position – 37 point increase).
- “Job security is good” (27% agree in previous position / 54% agree in current position – 27 point increase).
- “The job allows me to balance career and family” (18% agree in previous position / 90% agree in current position – 72 point increase).



While there have been improvements on these measures, there is also evidence that those who have transitioned to non-private practice positions feel their jobs are less work and stress intensive.

A much smaller proportion of this group believe that their workload is heavy or that their job is very stressful compared to the proportions who felt this way about their previous position in private practice.

- “My workload is too heavy” (68% agree in previous position / 15% agree in current position – 53 point decrease)
- “My job is very stressful” (80% agree in previous position / 15% agree in current position – 65 point decrease)

As with 2009, they are not more likely to agree that their current position offers good pay or control over their scheduling compared to their previous positions.

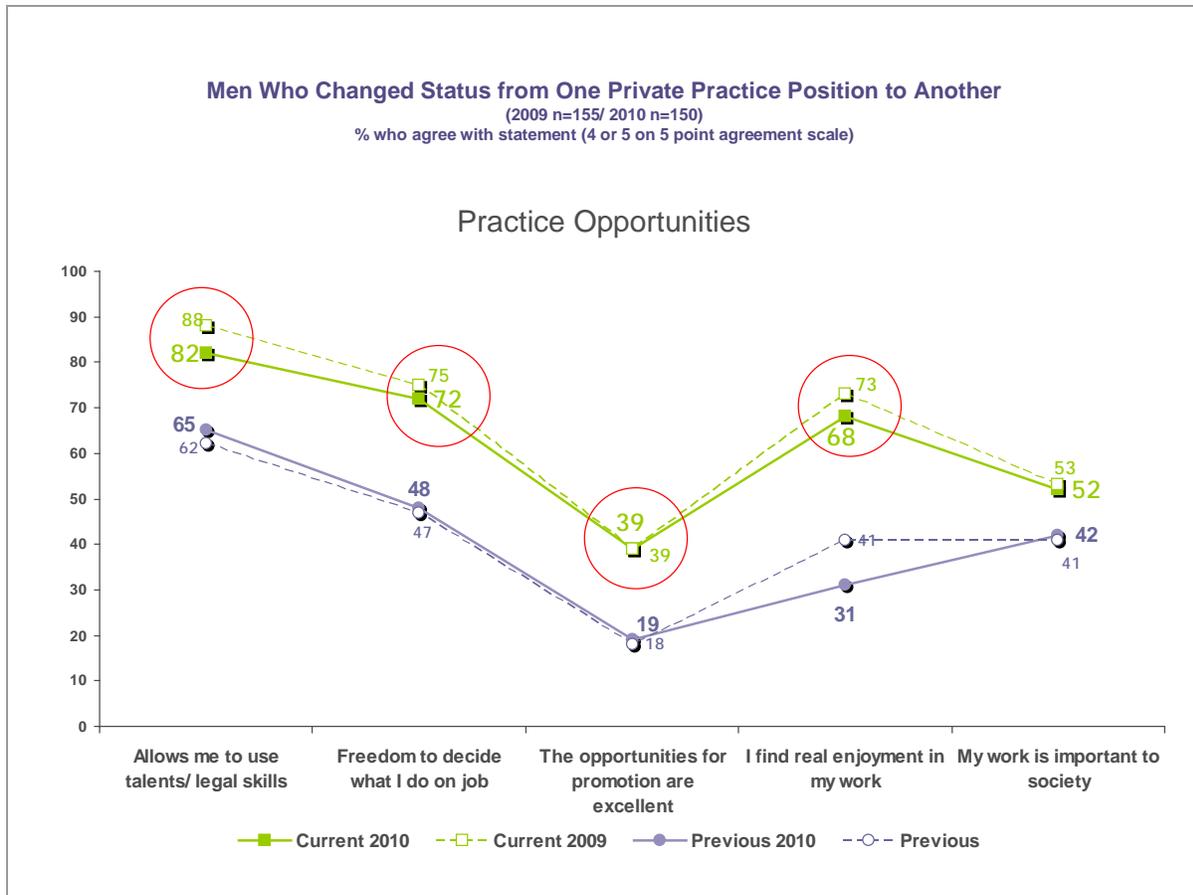
Change of Status – Men Who Have Moved from One Private Practice Position to Another

Practice Opportunities

As with women who remained in private practice, men who switched from one private practice position to another continue to express strong, positive gains in their current versus previous position when it comes to most of the practice opportunities evaluated. The following findings are consistent with 2009:

- “Allows me to use my talents / legal skills” (65% agree in previous position / 82% agree in current position – 17 point increase)
- “Freedom to decide what I do on the job” (48% agree in previous position / 72% agree in current position – 24 point increase)
- “The opportunities for promotion are excellent” (19% agree in previous position / 39% agree in current position – 20 point increase)
- “I find real enjoyment in my work” (31% agree in previous position / 68% agree in current position – 37 point increase)

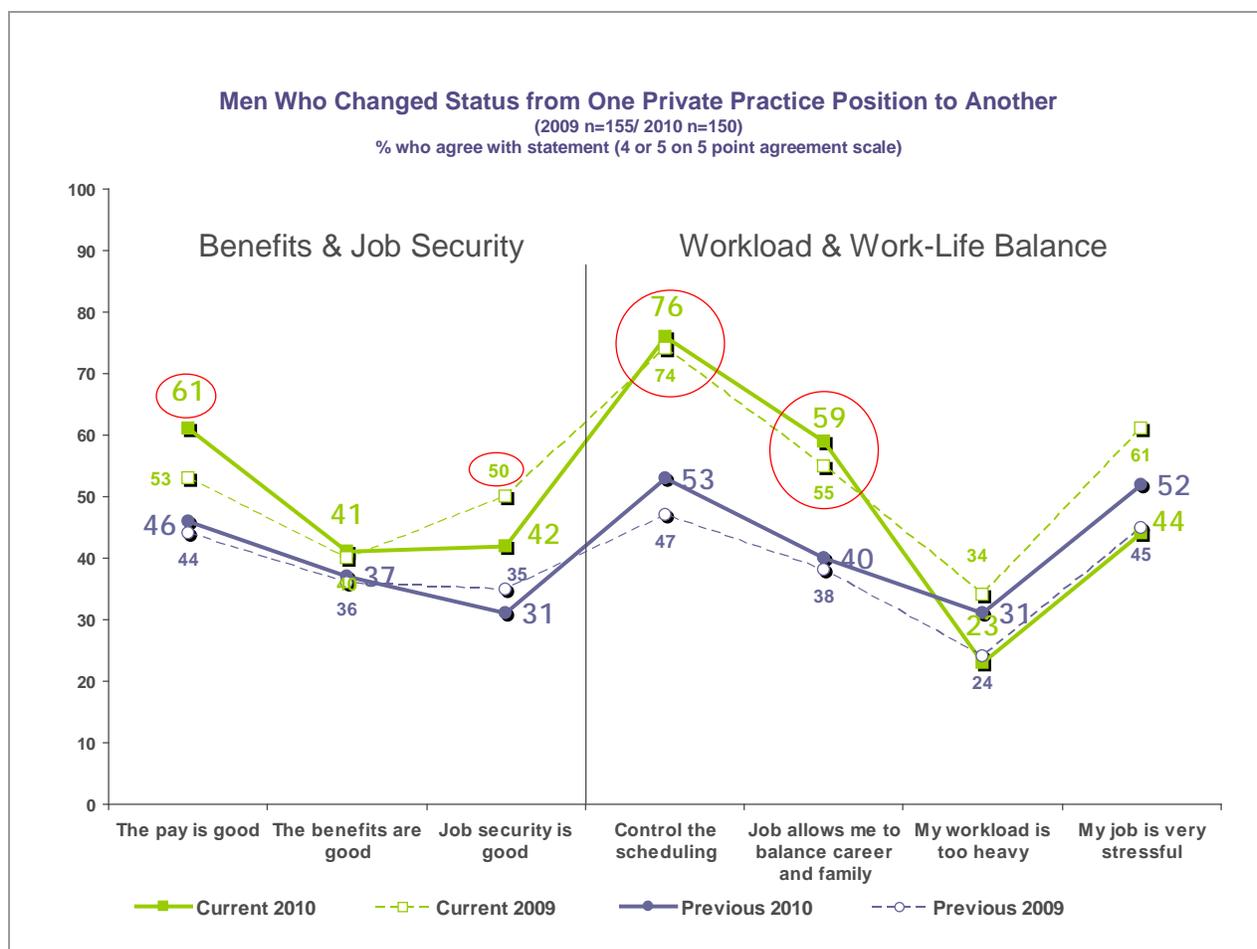
In 2009, men who remained in private practice reported no significant difference between their current position and their previous position when it came to making a social contribution. This remains the case in 2010.



Benefits, Job Security and Work-Life Balance

When it comes to benefits and job security, men who remained in private practice are more likely to indicate that the pay is good in their current position compared to their previous position (46% agree in previous position / 61% agree in current position – 15 point increase). However, there are no significant differences between current position and previous positions when it comes to the benefits (37% agree in previous position / 41% agree in current position) or job security (31% agree in previous position / 42% agree in current position).

While there are no significant differences when it comes to workload (31% agree in previous position / 23% in current position) and job stress (52% agree in previous position / 44% agree in current position), men who remain in private practice are more likely to indicate that in their current position they have control over their scheduling (53% agree in previous position / 76% agree in current position – 23 point increase). They are also more likely to agree that the job allows them to balance career and family (40% agree in previous position / 59% agree in current position – 19 point increase). These findings are consistent with 2009.



Change of Status – Men Who Have Moved from a Private Practice to Non-Private Practice Position

Practice Opportunities

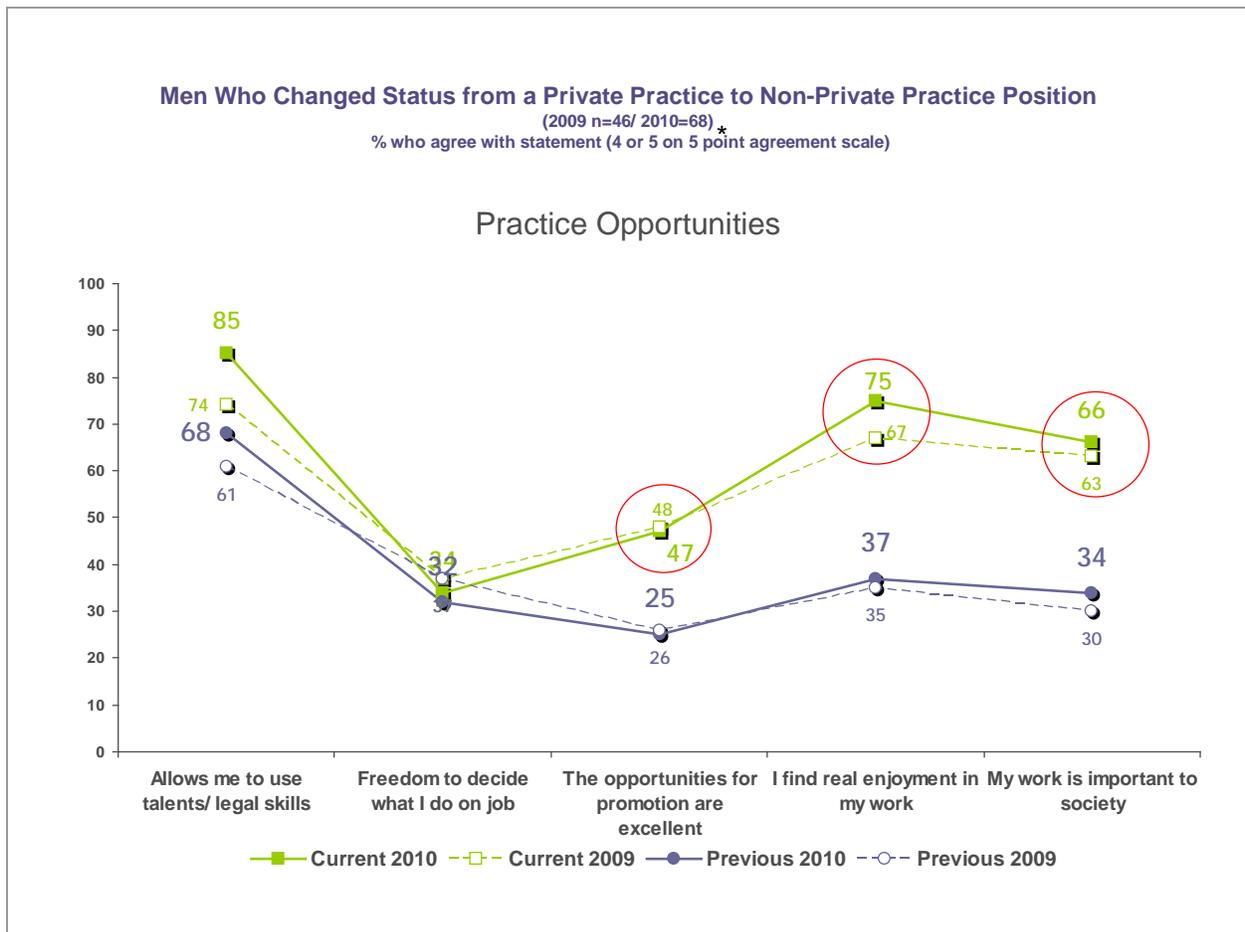
Consistent with 2009, men who moved from private practice to non-private practice diverge from those who remained in private practice insofar as they are not significantly more likely to indicate that their current position allows them to "use their talents/legal skills compared to their previous position." There is also no significant difference between their current and previous positions when it comes to the "freedom to decide what I do on the job".

The following are consistent with 2009.

- "Allows me to use my talents/legal skills (68% agree in previous position / 85% agree in current position)
- "Freedom to decide what I do on the job" (32% agree in previous position / 34% agree in current position)

However, as with 2009, men who move to non-private practice are more likely to agree that compared to their previous private sector position their current position offers excellent opportunities for promotion, as well as enjoyable and meaningful work.

- “The opportunities for promotion are excellent” (25% agree in previous position / 47% agree in current position – 21 point increase)
- “I find real enjoyment in my work” (37% agree in previous position / 75% agree in current position – 38 point increase)
- “My work is important to society” (34% agree in previous position / 66% agree in current position – 32 point increase).



*Note: Sample sizes are small. Results should be considered directional

Benefits, Job Security and Work-Life Balance

As with 2009, men who moved to non-private practice are more likely to agree that their current position affords them good benefits and job security compared to their previous private practice position:

- “The benefits are good” (35% agree in previous position / 74% agree in current position – 39 point increase)

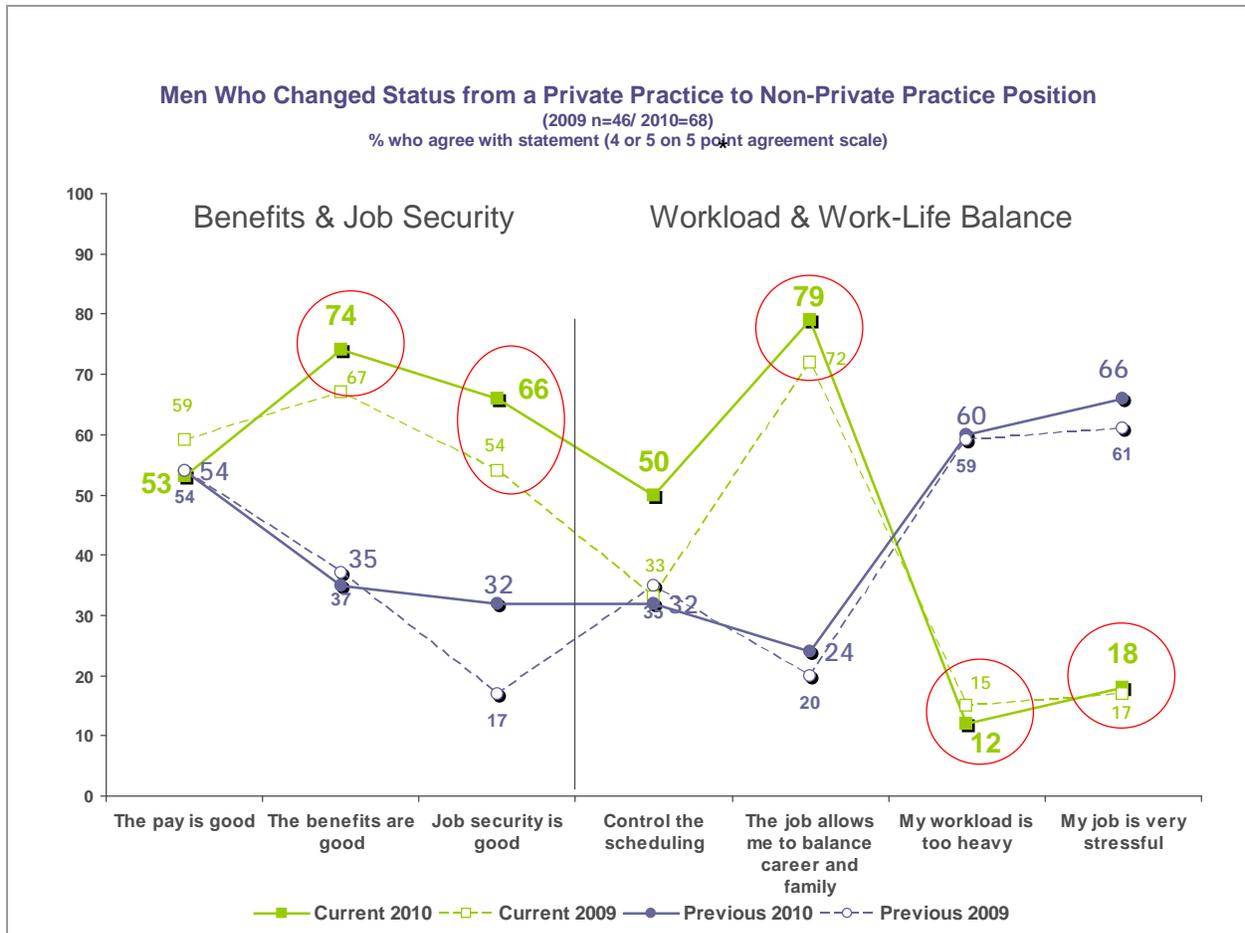
- “Job security is good” (32% agree in previous position / 66% agree in current position – 34 point increase)

However, they are no more likely to indicate that the “pay is good” in their current position compared to their previous position (54% agree in previous position / 53% agree in current position).

As with 2009, the graph on the following page illustrates that compared to their previous private practice positions, men who moved to non-private practice are significantly more likely to agree that their current offers work/life balance and are less likely to agree that the workload and job stress are high:

- “The job allows me to balance career and family” (24% agree in previous position / 79% agree in current position – 55 point increase)
- “My workload is too heavy” (60% agree in previous position / 12% agree in current position – 48 point decrease)
- “My job is very stressful” (66% agree in previous position / 18% agree in current position – 48 point decrease)

Also consistent with 2009, there is no significant difference between current and previous positions when it comes to control over scheduling (32% agree in previous private position / 50% agree in current non-private position).



The chart on the following pages provides an overview of the changes from previous to current practice for each of the issues explored among women and men who have made a move from an originating private practice position, whether it be to another private practice position or a non-private practice position.

There are several ways in which women are significantly more likely than men to report that their current position represents an improvement on their previous one.

- Women who stayed in private practice are more likely than men who stayed in private practice to report greater job security and lower stress on the job.
- Women who moved from private to non-private practice are more likely than men who did so to report a better career/family balance and lower job-related stress.

*Note: Sample sizes are small. Results should be considered directional

**Summary of Attitudes/Perceptions of Previous Versus Current Position
By Gender**

| Increase/Decrease – from previous to current practice (% point) | | | | |
|---|---------------------------|-----------------------------------|--------------------------------|-------------------------------------|
| | Men Private to private | Men Private to non- private | Women Private to private | Women Private to non- private |
| JOB OPPORTUNITIES | | | | |
| The job allows me to use my talents and legal skills | +17 | No significant change | +25 | No significant change |
| I have the freedom to decide what I do in my job | +24 | No significant change | +30 | No significant change |
| The opportunities for promotion are excellent | +20 | +22 | +23 | +23 |
| I find real enjoyment in my work | +37 | +38 | +32 | +44 |
| My work is important to society | No significant change | +32 | No significant change | +38 |
| BENEFITS AND JOB SECURITY | | | | |
| The pay is good | +15 | No significant change | No significant change | No significant change |
| The benefits are good | No significant change | +39 | No significant change | +37 |
| Job security is good | No significant change | +34 | +20 | +27 |
| WORKLOAD AND WORKLIFE BALANCE | | | | |
| Control the scheduling | +23 | No significant change | +27 | No significant change |
| The job allows me to balance career and family | +19 | +55 | +24 | +72 |
| My workload is too heavy | No significant change | -48 | No significant change | -53 |
| My job is very stressful | No significant change | -48 | -23 | -63 |

**XI. Importance of Specific Issues in
Driving Change of Status
(Among Those Status Change is Not Related
to Parental Leave)**

Importance of Specific Issues in Driving Change of Status

Approach to Exploring Drivers of Change of Status

Another means of determining what drives a change of status is to ask respondents directly the extent to which a number of factors have been important reasons for their recent change of status. Based on the 2009 results, respondents were asked to rate the importance of 19 factors in their decision to move from their previous status to their current status on a scale from 1 to 5 where a “5” means the issue was “very important” factor and a “1” means the issue was “not at all important”

Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position. Please do this using a scale from 1 to 5, where “1” means that it was not important at all and a “5” means that it was very important. If you don’t know or you do not feel the statement is applicable to you, you may indicate that.

| | Not at all important | | | | Neutral | Don't know | Not Applicable |
|--|----------------------|---|---|---|---------|------------|----------------|
| | 1 | 2 | 3 | 4 | 5 | | |
| The pay is better | | | | | | | |
| I have the freedom to decide what I do in my job | | | | | | | |
| I control the scheduling | | | | | | | |
| The benefits are better | | | | | | | |
| The job allows me to use my talents and legal skills | | | | | | | |

Just over three-quarters of those who have changed status (unrelated to marital/parental leave) were shown these questions (n=782). The remainder were ineligible to answer the questions because they have moved to or within a non-paid position, unemployment or retirement.

Relative Importance of Factors in Driving a Change of Status

Overall, the top two factors driving a change in status are a perception that a new position allows individuals to use their talents and legal skills and that the new position allows balance between career and family. Over four-in-ten identify each of these as important reasons for their change in status (49% and 43%, respectively).

About one-third identify each of the following - control of scheduling, freedom to decide what to do in their job, less stress, better pay and better job security - as important reasons for a change of status.

Relatively weaker factors driving a change of status are: the presence of a formal mentoring policy; the availability of paid parental leave; the availability of a leave/sabbatical; the availability of part-time work; the accommodation of special needs; the availability of job sharing. Less than one-in-six (14% or less) identify each of these as a main reason leading to a change of status.

Importance of Specific Issues in Driving a Change of Status
(Those who made a change of status which did not involve a change of status within, or to a non-paying position, retirement, or unemployment.)

(% who rate issue as a 4 or 5 on 5-point scale where 5 means "very important")

| | TOTAL Sample | Men | Women |
|--|--------------|-----|-------|
| n= | 782 | 364 | 417 |
| | % | % | % |
| The job allows me to use my talents and legal skills | 49 | 42 | 56 |
| The job allows me to balance career and family | 43 | 39 | 48 |
| I control the scheduling | 36 | 35 | 36 |
| I have the freedom to decide what I do in my job | 35 | 33 | 36 |
| My job is less stressful | 35 | 31 | 39 |
| The pay is better | 34 | 32 | 36 |
| Job security is good | 31 | 27 | 35 |
| The opportunities for promotion are excellent | 29 | 24 | 33 |
| My current position offers flexible full time work hours | 26 | 20 | 31 |
| My workload has decreased | 24 | 22 | 26 |
| The benefits are better | 22 | 19 | 25 |
| There is a pension plan in my current position | 20 | 15 | 25 |
| There is a formal mentoring policy | 14 | 12 | 17 |
| There is paid maternity or parental leave | 12 | 6 | 19 |
| My current position offers a leave or sabbatical | 11 | 5 | 15 |
| My current position offers part-time work | 10 | 7 | 13 |
| There is accommodation for special needs policy at my current position | 6 | 5 | 8 |
| There is job sharing in my new position | 4 | 2 | 5 |

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

Base: Those who made a change of status which did not involve a change of status within, or to a non-paying position, retirement, or unemployment.

Comparison of Women and Men on Importance of Factors Driving a Change of Status

There are significant differences between men and women in the relative importance of many of these factors in driving a change of status. In particular, women were more likely to identify a number of practice-related opportunities as important factors in their change of status. Specifically:

- The proportion of women who identify the ability to use their talents and legal skills as an important factor (56%) is 14 points greater than among men (42%).
- One-third of women (33%) identify the likely opportunity for promotion in their new position as an important reason for their change. Among men, a smaller group, one-quarter (24%), identify this reason as important.
- While playing an important role among a smaller group of respondents, a formal mentoring policy is nonetheless another practice opportunity that women are more likely than men to identify as a factor in their change.
- The perception that job security is a driver of change for a greater proportion of women (35% among women compared to 27% among men).

Women are also more likely than men to identify options in their new positions that allow for greater work-life balance as important drivers of their change of status:

- The job allows me to balance career and family (48% versus 39% for men).
- My current position offers flexible full-time work hours (31% versus 20% for men).
- Part time work (13% versus 7% for men).
- A leave or sabbatical (15% versus 5% for men).

Benefits also play a more important role for women in their decision to change status. Women are more likely to indicate that improved benefits and a pension plan offering in their new positions are key drivers in their status change (25% each) compared with men (19% and 15%, respectively).

Importance of Factors in Driving a Change of Status – Those Whose Change Originated in a Private Practice Position

There are also some significant differences in the importance of certain factors among those who made a change which originated in private practice (i.e., previous status = private practice).

It is noteworthy that the importance of a job that allows balance between work and family is more prevalent among those who originated in private practice compared to the total sample (52% and 43%, respectively). Further, as the table below illustrates, there are three other factors that those who have made a move originating in a private practice position are more likely to deem important in their decision to change status compared with the total sample: less job stress, greater job security and decreased workload.

Importance of Specific Issues in Driving a Change of Status

(% who rate issue as a 4 or 5 on 5-point scale where 5 means "very important")

| | Total sample of those who made a change of status which did not involve a move to, or within a non-paying position, retirement, or unemployment | Those who moved from a position originating in private practice |
|--|---|---|
| n= | 782 | 410 |
| | % | % |
| The job allows me to balance career and family | 43 | 52 |
| My job is less stressful | 35 | 46 |
| Job security is good | 31 | 38 |
| My workload has decreased | 24 | 33 |

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

Base: Those who made a change of status which did not involve a move to, or within a non-paying position, retirement, or unemployment.

Looking at this same group who have made a move originating in private practice, but comparing men with women, the evidence suggests that many of the factors explored are considered important drivers for change among larger groups of women than men (See table on the following page).

Of the 19 drivers examined in this area of exploration, women in this group were more likely to deem 12 as important relative to men. The greatest gaps between men and women are evident for:

- The job is less stressful (15 points – 54% among women and 39% among men).
- The opportunities for promotion are excellent (14 points - 42% among women and 28% among men).
- There is paid maternity or parental leave (12 points – 18% among women and 6% among men).

Importance of Specific Issues in Driving a Change of Status
Among those who were in private practice in their previous position
(% who rate issue as a 4 or 5 on 5-point scale where 5 means "very important")

| | Those who moved from a previous position in private practice | Men who moved from a previous position in private practice | Women who moved from a previous position in private practice |
|--|--|--|--|
| | 410 | 221 | 188 |
| | % | % | % |
| The job allows me to balance career and family | 52 | 48 | 56 |
| The job allows me to use my talents and legal skills | 49 | 44 | 55 |
| My job is less stressful | 46 | 39 | 54 |
| I control the scheduling | 41 | 42 | 39 |
| I have the freedom to decide what I do in my job | 39 | 40 | 38 |
| Job security is good | 38 | 34 | 43 |
| The pay is better | 34 | 35 | 32 |
| The opportunities for promotion are excellent | 34 | 28 | 42 |
| My workload has decreased | 33 | 28 | 39 |
| My current position offers flexible full-time work hours | 29 | 24 | 35 |
| The benefits are better | 24 | 20 | 29 |
| There is a pension plan in my current position | 21 | 17 | 26 |
| There is a formal mentoring policy in my current position | 15 | 12 | 18 |
| There is paid maternity or parental leave | 11 | 6 | 18 |
| My current position offers a leave of absence or sabbatical | 11 | 7 | 15 |
| My current position offers part-time work | 9 | 6 | 12 |
| There is accommodation for special needs policy at my current position | 6 | 5 | 6 |
| There is job sharing in my current position | 4 | 3 | 5 |

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

The table on the following page illustrates the relative importance and ranking of each of the drivers among those who moved within private practice (i.e., private practice in both previous and current position) compared to those who made a move from a private practice position to a non-private practice position.

Some of the gaps in proportions who consider each factor to be important as a reason for change are very large. For instance, those who stayed within private practice are much less likely to cite the ability in their new position to balance career and family as important (40%) compared to those who moved to a non-private practice position (73%), a 33 point gap.

Moving into a less stressful job is a driver among 64% of those who moved to non-private practice compared to only 35% of those who stayed within private practice – a 29 point gap.

Another large gap exists for the finding a position where the workload has decreased. Over one-half (54%) of those who have moved to a non-private position identify this as an important reason for that move compared to only 21% of those who moved within private practice positions – a 23 point gap.

Some of the largest gaps are evident for benefits-related issues. Fully 54% of those who moved to non-private practice find having a pension plan to be an important factor in their decision to move to their new position. This compares with only 4% of those who moved within private practice – a 50 point gap. Further, the gap is 27 points for having better benefits as a driver of change – 43% among those who moved to non-private practice relative to 16% among those who moved within private practice.

For many of the remaining factors explored, those who moved to a non-private practice are more likely than those who stayed within private practice to find these drivers to be important:

- The job security is good (17-point gap);
- The opportunities for promotion are excellent (10-point gap);
- There is paid maternity or parental leave (12-point gap); and,
- My current position offers a leave of absence or sabbatical (13-point gap).

Importance of Specific Issues in Driving a Change of Status
Among those who have made a change from private to private OR private to non-private position
(% who rate issue as a 4 or 5 on 5-point scale where 5 means “very important”)

| | Those who moved from PRIVATE PRACTICE to PRIVATE PRACTICE | TOP 5 RANKING | Those who moved from PRIVATE PRACTICE to NON-PRIVATE PRACTICE | TOP 5 RANKING |
|--|---|---------------|---|---------------|
| | 228 | | 127 | |
| | % | | % | |
| The job allows me to balance career and family | 40 | 3 | 73 | 1 |
| The job allows me to use my talents and legal skills | 51 | 1 | 54 | 3 |
| My job is less stressful | 35 | 5 | 64 | 2 |

| | | | | |
|--|----|---|----|---|
| I control the scheduling | 46 | 2 | 39 | |
| I have the freedom to decide what I do in my job | 51 | 1 | 26 | |
| Job security is good | 33 | | 50 | 5 |
| The pay is better | 39 | 4 | 32 | |
| The opportunities for promotion are excellent | 25 | | 35 | |
| My workload has decreased | 21 | | 54 | 3 |
| My current position offers flexible full-time work hours | 29 | | 34 | |
| The benefits are better | 16 | | 43 | |
| There is a pension plan in my current position | 4 | | 51 | 4 |
| There is a formal mentoring policy in my current position | 13 | | 20 | |
| There is paid maternity or parental leave | 7 | | 19 | |
| My current position offers a leave of absence or sabbatical | 7 | | 20 | |
| My current position offers part-time work | 8 | | 9 | |
| There is accommodation for special needs policy at my current position | 5 | | 8 | |
| There is job sharing in my current position | 5 | | 2 | |

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

The most frequently cited reasons for change among those who have moved within the private practice realm are that "the job allows me to use my talents and legal skills" and the "freedom to decide what I do in my job". They are noted as important reasons for a change in position by one-half of this group (51% each).

For the latter of these two issues, among both those who have moved within private practice and those who have moved from private to non-private practice the issue ranks among the top three in terms of its importance. However, among those who have moved from a private to a non-private practice, the freedom to decide what an individual does in their job is ranked 12th compared to a 1st place ranking among those who have moved within the area of private practice.

Examining some of the gender differences that emerge among the subgroup of those who have moved within private practice (i.e., both previous and current position are in private practice), the issue of allowing lawyers to use their talents and legal skills is a reason for change among a significantly greater proportion of women (60%) than men (46%) – a 14-point gap. In fact, this issue ranks as number one in terms of the proportion of women who report it as being an important reason for their change of status within the private practice arena. For men in this group, it is ranked as number two after "the freedom to decide what I do in my job" (50%).

Another job-opportunity-related issue upon which women and men differ significantly is the opportunity for promotion. While just over one-quarter of men (28%) report this issue as an important driver of their change, it is important for close to one half of women (46%) – an 18-point gap.

A number of flex-time or leave-related issues have played a greater role among women as reasons for a change of status:

- Current position offers flexible full-time work hours (24% among men / 38% among women);
- My current position offers part-time work (6% among men / 12% among women);
- There is paid maternity or parental leave (2% among men / 13% among women); and,
- My current position offers a leave of absence or sabbatical (4% among men / 12% among women).

Importance of Specific Issues in Driving a Change of Status

Among those who have made a change from private practice to another private practice position
(% who rate issue as a 4 or 5 on 5-point scale where 5 means “very important”)

| | Those who moved from PRIVATE PRACTICE to PRIVATE PRACTICE | MEN who have moved from PRIVATE PRACTICE to PRIVATE PRACTICE | WOMEN who have moved from PRIVATE PRACTICE to PRIVATE PRACTICE |
|--|--|--|--|
| | 228 | 136 | 92 |
| | % | % | % |
| The job allows me to use my talents and legal skills | 51 | 46 | 60 |
| I have the freedom to decide what I do in my job | 51 | 50 | 52 |
| I control the scheduling | 46 | 43 | 49 |
| The job allows me to balance career and family | 40 | 38 | 45 |
| The pay is better | 39 | 42 | 36 |
| My job is less stressful | 35 | 29 | 44 |
| Job security is good | 33 | 28 | 41 |
| My current position offers flexible full-time work hours | 29 | 24 | 38 |
| The opportunities for promotion are excellent | 25 | 28 | 46 |
| My workload has decreased | 21 | 16 | 27 |
| The benefits are better | 16 | 13 | 20 |
| There is a formal mentoring policy in my current position | 13 | 10 | 16 |
| My current position offers part-time work | 8 | 6 | 12 |
| There is paid maternity or parental leave | 7 | 2 | 13 |
| My current position offers a leave of absence or sabbatical | 7 | 4 | 12 |
| There is accommodation for special needs policy at my current position | 5 | 4 | 5 |
| There is job sharing in my current position | 5 | 4 | 7 |

| | | | |
|--|---|---|---|
| There is a pension plan in my current position | 4 | 3 | 4 |
|--|---|---|---|

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

As noted earlier, and as the following table illustrates, what distinguishes those who have moved within private practice from those who have moved from private to non-private practice is the extent to which the factors explored play a role in a change of status. For those who have moved into non-private practice, the ability to balance career and family in the current position ranks as the most important driver of change.

When examining the gender differences among those who have changed status from a private to a non-private practice position it should be noted that the samples sizes for each gender are relatively small (60 male respondents and 66 female respondents). **Thus, the results should be considered directional.**

A greater proportion of women compared to men who moved from private to non-private practice cite the belief that their "job is less stressful" as an important reason for their change of status (73% among women versus 55% among men). This driver is the ranked 2nd overall among those who have made this type of change. Among those who stayed within private practice, this issue ranks 5th.

The other driver which has played a greater role among women is the availability of paid maternity/parental leave. One-quarter of women (26%) identify it as an important factor in their change from private to non-private practice compared with 12% among men.

**Importance of Specific Issues in Driving a Change of Status
Among those who have moved from a private practice to non-private practice position
(% who rate issue as a 4 or 5 on 5-point scale where 5 means "very important")**

| | Those who moved from PRIVATE PRACTICE to NON-PRIVATE PRACTICE | MEN who have moved from PRIVATE PRACTICE to NON-PRIVATE PRACTICE | WOMEN who have moved from PRIVATE PRACTICE to NON-PRIVATE PRACTICE |
|--|--|--|--|
| | 127 | 60* | 66* |
| | % | % | % |
| The job allows me to balance career and family | 73 | 68 | 79 |
| My job is less stressful | 64 | 55 | 73 |
| The job allows me to use my talents and legal skills | 54 | 48 | 59 |
| My workload has decreased | 54 | 48 | 59 |
| There is a pension plan in my current position | 51 | 47 | 56 |
| Job security is good | 50 | 47 | 53 |
| The benefits are better | 43 | 37 | 49 |
| I control the scheduling | 39 | 45 | 35 |
| The opportunities for promotion are excellent | 35 | 27 | 42 |

| | | | |
|--|----|----|----|
| My current position offers flexible full-time work hours | 34 | 27 | 41 |
| The pay is better | 32 | 25 | 38 |
| I have the freedom to decide what I do in my job | 26 | 23 | 29 |
| There is a formal mentoring policy in my current position | 20 | 20 | 20 |
| My current position offers a leave of absence or sabbatical | 20 | 17 | 23 |
| There is paid maternity or parental leave | 19 | 12 | 26 |
| My current position offers paid parental leave | 17 | 15 | 18 |
| My current position offers part-time work | 9 | 5 | 12 |
| There is accommodation for special needs policy at my current position | 9 | 10 | 9 |
| There is job sharing in my current position | 2 | 2 | 3 |

Q.13aa Please indicate how important each of the following were in your decision to move from your previous status or position to your current status or position? Please do this using a scale from 1 to 5, where "1" means that it was not important at all and a "5" means that it was very important. If you don't know or you do not feel the statement is applicable to you, you may indicate that.

*Note: Sample sizes are small. Results should be considered directional

XII. Likely Return to Private Practice

Likelihood of Returning to Private Practice

Consistent with 2009 (39%), slightly more than one-third (35%) of those who departed private practice indicate that they are likely to return. Also consistent with 2009, nearly two-thirds of those whose change of status involved a departure from private practice believe that they are unlikely to return (65% in 2010 vs. 61% in 2009).

This belief is strongly held. Nearly one-third (31%) indicate that they are “not at all” likely to return to private practice, compared to only one-tenth (11%) who suggest that they are “very” likely to return. In this regard, there are no significant differences between 2009 and 2010. Nor are there any significant differences between men and women on this measure.

Likelihood of Returning to Private Practice (Among those who have moved from a private practice position)

| | Those who report that their change in status involved a departure from private practice and have an opinion about their likely return | | | | | |
|-----------------------|---|-----------|-----------|-----------|-----------|-----------|
| | Total | | Women | | Men | |
| | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 |
| n= | 223 | 251 | 134 | 128 | 106 | 122 |
| | % | % | % | % | % | % |
| NET Likely | 39 | 35 | 38 | 34 | 40 | 35 |
| Very likely | 15 | 11 | 13 | 12 | 18 | 10 |
| Somewhat likely | 24 | 24 | 25 | 22 | 22 | 25 |
| Not very likely | 35 | 34 | 37 | 39 | 31 | 30 |
| Not at all likely | 26 | 31 | 25 | 27 | 29 | 35 |
| NET Not Likely | 61 | 65 | 62 | 66 | 60 | 65 |

Q.16 If your change of status or position involved a departure from **private practice**, how likely do you believe it is that you will return at some point to private practice? Would you say that it is very likely, somewhat likely, not very likely or not at all likely that you will at some point return to private practice?

Base: Among those whose change of status or position involved a departure from private practice (excluding any respondents who indicated parental/maternity leave in their previous or current status)

Note: Those with who said don't know or “not applicable” have been removed from the calculations.

In 2010, those who indicate they will likely return to private practice are less likely to be certain as to the timing of their return compared to 2009. In 2009, nearly half (44%) indicated that they intended to return to private practice within a year. In 2010, this figure has dropped significantly to 28%. On the other hand, those who indicate that they don't know when they will return has increased marginally (24% in 2009 to 34% in 2010.) This is largely driven by a significant increase in the proportion of men who indicate that they don't know (11% in 2009 to 33% in 2010). Slightly more than one-third (37%) of women continue to indicate that they don't know when they will return to private practice, a proportion consistent with that found in 2009 (33%).

Nearly two-in-ten (18%) continue to suggest that they will return to private practice in 1-2 years, while a similar proportion (19%) indicate that they will return in 3 years or more. These proportions are consistent across gender.

| Those who report that their change in status involved a departure from private practice and have an opinion about their likely return | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| | Total | | Women | | Men | |
| | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 |
| n= | 223 | 251 | 134 | 129 | 89 | 122 |
| | % | % | % | % | % | % |
| NET Likely to return to private practice | 39 | 35 | 38 | 34 | 40 | 35 |
| Do you have a sense of when you intend to return to private practice? | | | | | | |
| n= | 87 | 88 | 51 | 44 | 36 | 43 |
| Less than 1 year | 44 | 28 | 45 | 27 | 42 | 30 |
| 1-2 years | 17 | 18 | 8 | 18 | 31 | 19 |
| 3-4 years | 8 | 9 | 8 | 7 | 8 | 9 |
| More than 4 years | 7 | 10 | 6 | 11 | 8 | 9 |
| Don't know | 24 | 34 | 33 | 37 | 11 | 33 |

Q.17. Do you have a sense of when you intend to return to private practice?

Base: Answered "Very likely" or "Somewhat likely" to Q16 - among those who previous and current position was anything other than parental leave

Likelihood of Returning to the Legal Profession

Consistent with 2009 data, more than half of those who left the legal profession altogether continue to indicate that they are likely to return (52%). However, men who left the legal profession are significantly less likely to say that they will return (54% in 2009 compared to 36% in 2010). Moreover, the proportion of men who indicate that they are "not at all likely" to return (29%) is almost double the proportion of men who indicate that they are "very likely" to do so (15%).

On the other hand, nearly three-quarters (70%) of women indicate that they are likely to return to the legal profession, with about one-quarter (26%) saying they are "very likely." Only 5% of women indicate they are "not at all likely" to return.

Likelihood of Returning to the Legal Profession (Among those who have moved out of the practice of law)

| Those who report that their change in status involved a departure from the legal profession and have an opinion about their likely return | | | | | | |
|---|-------|------|-------|------|------|------|
| | Total | | Women | | Men | |
| | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 |
| n= | 166 | 136 | 90 | 64 | 76 | 72 |

| | % | % | % | % | % | % |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| NET Likely | 60 | 52 | 64 | 70 | 54 | 36 |
| Very likely | 27 | 21 | 28 | 26 | 25 | 15 |
| Somewhat likely | 33 | 31 | 36 | 44 | 29 | 21 |
| Not very likely | 20 | 30 | 17 | 25 | 24 | 35 |
| Not at all likely | 20 | 18 | 19 | 5 | 22 | 29 |
| NET Not Likely | 40 | 48 | 36 | 30 | 46 | 64 |

Q.19. If your change of status or position involved a departure from the legal profession, how likely do you believe it is that you will return at some point to the legal profession? Would you say that it is very likely, somewhat likely, not very likely or not at all likely that you will at some point return to the legal profession?

Base: Those who in their current position report that they are on maternity or parental leave, are retired, or are not working in law for pay.

Among those who indicate that they are likely to return to the legal profession, slightly more than half (58%) indicate that this will be within 2 years time. Only 5% say that it will be 3 years or more before they return to the legal profession.

However, those who have left the law in 2010 are significantly more likely to indicate that they don't know when they will return compared to 2009 (19% in 2009 to 37% in 2010).

Timing of Likely Return to Law

| Those who report that their change in status involved a departure from the legal profession and have an opinion about their likely return* | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
| | Total | | Women | | Men | |
| | 2009 | 2010 | 2009 | 2010 | 2009 | 2010 |
| n= | 166 | 136 | 90 | 64 | 76 | 72 |
| | % | % | % | % | % | % |
| NET Likely to return to legal profession | 60 | 52 | 64 | 70 | 54 | 36 |
| Do you have a sense of when you intend to return to private practice? | | | | | | |
| n= | 99 | 71 | 58 | 45 | 41 | 26 |
| < 1 year | 52 | 38 | 53 | 29 | 49 | 54 |
| 1-2 years | 18 | 20 | 16 | 22 | 22 | 15 |
| 3-4 years | 7 | 1 | 7 | 2 | 7 | - |
| More than 4 years | 4 | 4 | 3 | 7 | 5 | - |
| Don't know | 19 | 37 | 21 | 40 | 17 | 31 |

Q.20. Do you have a sense of when you intend to return to the legal profession?

Base: Those who in their current position report that they are on maternity or parental leave, are retired, or are not working in law for pay and answered "Very likely" or "Somewhat likely" to Q19.

Appendix 5

PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES
2011

ASIAN AND SOUTH ASIAN HERITAGE MONTH

Topic – Diversity and Success in the Workplace: Redefining “the Right Fit”

May 24, 2011

Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)

Convocation Hall (6:00 p.m. – 8:00 p.m.)

ACCESS AWARENESS - DISABILITY ISSUES AND LAW FORUM

June 20, 2011

Lamont Learning Centre (4:00 p.m. – 6:00 p.m.) – Seminar on Providing Legal Services and Doing Business with Aboriginal Peoples: What Lawyers Need to Know

Convocation Hall (6:00 p.m. to 8 p.m.) – Keynote Tom Molloy, Q.C.

NATIONAL ABORIGINAL DAY

June 9, 2011

Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)

Convocation Hall (6:00 p.m. – 8:00 p.m.)

PRIDE WEEK

June 23, 2011

Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)

Convocation Hall (6:00 p.m. – 8:00 p.m.)

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PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Re: Professional Development and Competence Department Resource and Program Report

Mr. Conway spoke to the Report and highlighted the issues respecting articling.

(Report in Convocation file)

EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITE SUR L'EQUITE ET LES
AFFAIRES AUTOCHTONES REPORT

Re: Return to Practice Working Group Report

The Treasurer introduced the Return to Practice Working Group Report for information.

Ms. Symes presented the Report for information, and thanked the members of the working group and staff for their work on this project.

For Information

- 2010 Change of Status Research
- Equity Public Education Calendar

HERITAGE COMMITTEE REPORT

Re: Report on Diversifying the Bar: Lawyers Make History Project

Ms. Backhouse presented the Report for Information.

Ms. Backhouse also provided information on other Heritage Committee projects including the Treasurers' portrait policy, Sole and Small Firm Practitioners memoir project and the oral history project to interview senior former Treasurers.

Mr. Backhouse thanked the members of the Committee, staff member Sophia Sperdakos and Dr. Allison Kirk-Montgomery for their work on the Lawyers Make History project.

Report to Convocation
May 26, 2011

Heritage Committee

Committee Members
Constance Backhouse (Chair)
Bob Aaron
Jack Braithwaite
Patrick Furlong
Gary Lloyd Gottlieb
Nicholas Pustina
Gerald Swaye

Purposes of Report: Information

Prepared by the Policy Secretariat
(Sophia Sperdakos 416-947-5209)

COMMITTEE PROCESS

1. The Committee met on April 7, 2011. Committee members Constance Backhouse (Chair), Patrick Furlong, Nick Pustina and Jack Braithwaite attended. Staff member Sophia Sperdakos attended. Dr. Allison Kirk-Montgomery, the Project Manager of the Diversifying the Bar: Lawyers Make History project also attended.
2. The Committee met on May 12, 2011. Committee members Constance Backhouse (Chair), Bob Aaron, Marshall Crowe, Gary Lloyd Gottlieb, Nicholas Pustina and Gerald Swaye attended. Newly elected Robert Evans also attended. Staff member Sophia Sperdakos also attended.

INFORMATION

REPORT ON DIVERSIFYING THE BAR: LAWYERS MAKE HISTORY PROJECT

Since 2003 Convocation has supported the Heritage Committee's pursuit of projects that tell the stories of the legal profession in Ontario, of its well-known members and the unsung stories of its sole and small firm practitioners who, over generations, have served the public in large cities, small towns and rural communities.

The "Diversifying the Bar: Lawyers Make History" Project has been the most recent example of the Committee's efforts to capture individual stories that all too often are silenced by the passage of time. Since 2008, the Committee has developed a qualitative picture of diversity in the legal profession using biographies of lawyers from diverse communities. In the second phase of the project the Committee has held roundtable discussions with lawyers from the same ethnic communities and conducted individual interviews with lawyers from diverse communities.

As the active part of the project begins to wind down, the Law Society website, on which biographies can be viewed, will continue to be open to additional entries. The interview transcripts and videotapes of the round table sessions will also be available to researchers. The web address is <http://www.lsuc.on.ca/diversifying-the-bar-lawyers-make-history/>.

This report summarizes the activities of the project since the last report to Convocation in June 2010.

The Committee wishes to thank all the lawyers who have participated in the project to date. Their stories have enriched the profession's knowledge of where it has been and where it is going.

The Committee also wishes to again thank Dr. Allison Kirk-Montgomery whose vision and management of the project over the last two and half years have brought it to life.

Introduction and Background

3. Convocation approved the Diversifying the Bar: Lawyers Make History Project in September 2008. The total budget for the project, apportioned for the 2009 and 2010 years and carried over to 2011 is \$100,000. The approximate total spent on the project to date is \$43,000.00.

PHASE ONE

4. The Committee provided an information report to Convocation in June 2010, addressing Phase One of the Project in detail. That report is available at http://www.lsuc.on.ca/media/convjun08_her.pdf.
5. Since June 2010 the biographies have been updated and additional biographies posted on the website. More photographs of lawyers have been added. The section on suggested readings has been enhanced. There are approximately 280 biographies on the site.

6. In the coming months additional research respecting a number of the biographies of early lawyers, now deceased, will be undertaken in an effort to uncover additional information. In addition, some groups Dr. Kirk-Montgomery contacted have not yet been able to provide any biographies. Effort will be made to accumulate at least a few biographies from communities not yet represented.

PHASE TWO

7. Since June 2010 the project has focused on the Phase Two roundtable discussions and individual interviews.

ROUNDTABLE SESSIONS

8. Two roundtable sessions have been held as part of Phase Two. The first was with lawyers of Greek heritage. The second was with lawyers of Hungarian heritage.

Greek Heritage Roundtable

9. The first Phase Two roundtable discussion took place on September 30, 2010 in the Lamont Lecture Hall at Osgoode Hall with lawyers of Greek heritage.
10. Dr. Kirk-Montgomery facilitated the discussion. The Chair welcomed the participants. Those lawyers who participated in the roundtable were,
 - a. Gina Alexandris (called 1993);
 - b. Madame Justice Andromache Karakatsanis (called 1982);
 - c. Jim Karas (called 1976);
 - d. The Honourable Ernest Loukidelis (called 1959);
 - e. Sophia Sperdakos (called 1982);
 - f. Ria Tzimas (called 1993); and
 - g. Jim Vavitsas (called 2002).
11. The roundtable discussion highlighted a number of features about the experiences of lawyers of Greek descent and about the Greek community in Ontario, including,
 - a. the changing nature of immigration patterns and the effect of this on the community's identity and aspirations;
 - b. the importance of education in the participants' families as a factor influencing their pursuit of higher education and law as a profession;
 - c. a sense that Greek Canadians are still under-represented in the legal profession and the efforts that are being made to address this;
 - d. the influences that foster or dissipate a sense of "small c" community, including cultural, religious and linguistic influences. As more Canadians of Greek heritage marry or partner with non-Greeks and as fewer Greek Canadians speak Greek, the ties may become more cultural than linguistic;
 - e. the difference between connections to Community ("capital C") organizations and the community ("small c");

- f. the participants' sense that discrimination based on their Greek origins or ancestry did not play a significant role in their experiences. They acknowledged this might have been different for early lawyers of Greek heritage;
 - g. the changing nature of the work lawyers of Greek heritage have undertaken. It was noted that early Greek speaking lawyers "specialized in Greeks," while more recently-called lawyers of Greek heritage practise across the spectrum of law and represent clients of all backgrounds; and
 - h. the (at least) preliminary benefit that dealing with a previously unknown lawyer of one's own cultural group can have on one's professional dealings.
12. The proceedings were videotaped and the tape and transcript are available for reference and research in the Law Society's Archives department.

Hungarian Heritage Roundtable

13. The second Phase Two roundtable discussion took place on November 30, 2010 in the Convocation Room at Osgoode Hall.
14. Dr. Kirk-Montgomery facilitated the discussion. The Chair welcomed the participants. Those lawyers who participated in the roundtable were,
- a. The Honourable Mr. Justice George Czutrin, Superior Court of Justice;
 - b. Frank Felkai, Q.C., Rochon Geneva LLP;
 - c. Katalin Kirec, Assistant Crown Attorney, Toronto;
 - d. Frank Palmay, Lang Michener LLP;
 - e. Judyth Reкаи, Nuttall Reкаи;
 - f. Peter Reкаи, Reкаи Frankel LLP;
 - g. Peter Sutherland, Aird & Berlis LLP, not of Hungarian background but a former senior diplomat posted to Hungary; and
 - h. Gabe Takach.
15. The participants of Hungarian descent all came to Canada as refugees, fleeing with their parents as infants or children in the aftermath of the 1956 Hungarian Revolution. A number of themes emerged during the discussion including,
- a. several of the lawyers learned courtroom or legal Hungarian from their clients, as their own Hungarian was learned in childhood;
 - b. first generation professional Hungarian-Canadians tended to be doctors or engineers rather than lawyers, the legal systems being so different and the accreditation process complex. The group did identify at least one person, Cornell Ebers, whose biography is on the Diversifying the Bar website, who had been a lawyer in Budapest before becoming a lawyer in Canada;
 - c. in the early 1990s several of the big firms took on East European, including Hungarian, interns to help the East European bars learn about the West, with varying degrees of success;

- d. the lawyers agreed that Hungarian identity seems to be waning over the decades and most of their children have no knowledge of the language; and
 - e. most of the participants did not know the lawyers who were in the earlier waves of Hungarian immigrants.
16. The proceedings were videotaped and the tape and transcript are available for reference and research in the Law Society's Archives department.
17. Although it was only possible to assemble two groups to participate in roundtable discussions the sessions revealed something valuable about the universal place of heritage in the development of an individual's life and path. Although each participant's career has been unique, the collective experiences of a community were visible in the stories each told and in their perceptions of how their lives were affected by membership in that community. For both groups some of the cultural links have weakened in the next generation (their children), but the continued sense of cultural connection is being passed on.

INDIVIDUAL INTERVIEWS

18. The Phase Two interviews focus on individual subjects from a broad range of heritage backgrounds. On average, interviews are two to four hours and focus on the interviewees' career paths and the impact of their heritage on those paths. In some cases spouses of lawyers have been interviewed, either with the lawyer or, in one instance, in place of him, following his death.
19. It is anticipated that by summer 2011 interviews with the following will have been completed:
- a. The Honourable Janet Boland – early woman lawyer and judge
 - b. Thora Espinet – Black community
 - c. John Geller (lawyer), Sybil Geller - Jewish lawyer and spouse
 - d. Kamal Mundi Jolly - South Asian
 - e. Lucy Meyer – widow of Willem Meyer (lawyer) – born in Holland
 - f. Delia Opekokew - Aboriginal
 - g. Nick Paul - Greek heritage
 - h. The Honourable Ray Stortini - Italian heritage
 - i. John Yaremko - Ukranian heritage
20. It is anticipated that three additional interviews will be scheduled before the end of 2011.
21. The Phase One biographies of those listed above are set out at APPENDIX 1. Even these brief snapshots reveal the breadth of their accomplishment and experience. The interviews expand on this snapshot, filling out details and providing valuable insight into their backgrounds and influences, the role of their gender, culture or heritage in their lives and what a life in the law has meant to them.
22. Sample excerpts from some of the interview transcripts are included at APPENDIX 2. The full transcripts will be available on the Diversifying the Bar website or upon request from the Law Society's Archives department.

23. To place the project in context and provide an overview to the biographies, interviews and the larger historical context, Dr. Kirk-Montgomery has prepared an introduction with links to the relevant sections of the website. The text from her introduction is set out at APPENDIX 3.

APPENDIX 1

WEBSITE BIOGRAPHIES OF INTERVIEWEES

■ Diversifying the bar: lawyers make history

Name: BOLAND, Janet Lang
 Female
 Born 1923 in Kitchener, Ontario

Called to the Bar:
 1950
 Q.C. 1965

Name of Heritage or Community:
 Women

Biographical Information:

Janet Boland's legal career, like all her life, has been, "a challenging adventure," in her words. In first year at Osgoode Hall Law School, she was one of only 6 women in a class of 500. Half of the class failed. While raising three sons, she developed a commercial practice and reported for Ontario Weekly Notes before joining White Bristol and then Lang Michener. In 1972, she became Ontario's second federally-appointed woman judge following Mabel Van Camp in 1971. Her first criminal case "involved 20 pounds of heroin and a life sentence." In 1976, she was appointed to the Supreme Court of Ontario and subsequently presided over 78 murder trials. In the wake of revisions to family law, Justice Boland introduced the principles of joint custody to Ontario courtrooms in *Baker v Baker* (1978). In 2000, she married Dr. Taylor Statten. She continues her adventures, especially on the golf course and in Algonquin Park.

See transcript of interview of the Honourable Janet Boland by A. Kirk-Montgomery, 2011, forthcoming.

■ Diversifying the bar: lawyers make history

Name: ESPINET, Thora
Female
Born 1942

Called to the Bar:
1984

Name of Heritage or Community:
Black

Biographical Information:

One of the first black women called to the bar in Ontario, Thora Espinet started her own law firm because she could not get a job. She opened her private practice in Scarborough but has been located for many years in North York. Ms. Espinet is a deputy judge of the Small Claims Court in Toronto. Until 2006, she was a chair of the Canada Pension Plan Review Tribunal. She also serves on the board of governors of Humber College.

See transcript of interview with Thora Espinet by A. Kirk-Montgomery, 2011, forthcoming. See also Tom Godfrey, "Sole Black Woman Lawyer in Class of '84," Contrast (13 Apr. 1984), 5.

■ Diversifying the bar: lawyers make history

Name: GELLER, John Arthur
Male
Born 1930 in Toronto, Ontario

Called to the Bar:
1955
Q.C.

Name of Heritage or Community:
Jewish

Biographical Information:

Jack Geller blazed a trail for Jewish lawyers who followed him into Toronto's legal establishment. In 1959, at Arnoldi, Parry & Campbell, he became the first Jewish lawyer to be invited to partnership in a prominent Bay Street firm. Mr. Geller was lead counsel for Upper Lakes Shipping during the Royal Commission on the St. Lawrence Seaway in 1961. From 1992 to 2001, he served as vice-chair then acting chair of the Ontario Securities Commission. He contributed greatly to the Canadian Jewish community, as president of the National Jewish Immigrant Aid Society (1969-1971) and the Canadian Council for Reform Judaism (1984). He helped to change the exclusive National Club in Toronto by becoming its first Jewish member and by making the motion to admit women members for the first time. Among other honours, he was named honorary life president of Holy Blossom Temple in Toronto. Jack Geller suffered a stroke in 2002 that afflicted his ability to read and speak. In 2008, he and his wife, Sybil, were awarded the Ambassador Award by the Aphasia Institute, for their work in raising awareness of the communication disorder.

Forthcoming: transcript of interview with Jack and Sybil Geller, by A. Kirk-Montgomery, 2010.

■ Diversifying the bar: lawyers make history

Name: MUNDI, Kamaljit Kaur
 Female
 Born 1970 in India

Called to the Bar:
 1993

Name of Heritage or Community:
 South Asian

Biographical Information:

One of the first South Asian women lawyers in Ontario, Kamaljit Mundi articulated and practised at Torys LLP and subsequently as in-house counsel at TLC Vision before commencing a private practice at RZCD Law Firm LLP in Mississauga. She has always been involved in her community. She was one of the founders of the South Asian Professionals' Association, a networking group for the young South Asian professional community. As part of this organization, she mentored South Asians aspiring to become lawyers. She served as Vice President of Indian Rainbow Community Services, a non-profit agency that assists the South Asian community and new immigrants to Canada. Ms. Mundi has also served on the board of directors of the United Way of Peel Region. She believes that it is of utmost importance to make a meaningful contribution to the community and her legal background has facilitated her ability to do so.

See also Sutapa Bridgman, "Firsts and Notable Accomplishments by South Asian Men and Women of the Bar," South Asian Lawyers Association, 2002.
rc.lsuc.on.ca/pdf/equity/southAsianBrochure.pdf. See transcript of interview with Kamal Mundi Jolly by A. Kirk-Montgomery, 2011, forthcoming.

■ Diversifying the bar: lawyers make history

Name: MEYER, Willem John Bernard
 Male
 Born 1931 in Holland
 Died 2010

Called to the Bar:
 1958
 Q.C.

Name of Heritage or Community:
 Dutch

Biographical Information:

According to Willem Meyer, his law career was more a tale of survival than importance. In 1950, he arrived in Canada from Holland with only a guitar and fifty dollars. He managed to enter Osgoode Law School aided by Dean Smalley Baker. His first articles were with Kimber and Dubin, who taught him the language and the craft of lawyering. In his practice, he served Dutch clients but soon learned Italian to serve the immigrants arriving in Toronto. He was able to attract good partners which broadened the practice considerably. The firm, long after his retirement, still uses his name, which pleased him. A few months before his death, he wrote, "I loved the law but was often struck by the profession's clannishness. My real aim in life was to be independent and never to have a person with authority above me. This plan I was lucky to achieve."

Nominated by Marten A. Mol, Canadian Netherlands Business and Professional Association.
 See transcript of interview of Lucy Meyer by A. Kirk-Montgomery, 2010, forthcoming.

■ Diversifying the bar: lawyers make history

Name: Opekokew, Delia
 Female
 Born in Saskatchewan

Called to the Bar:
 1979

Name of Heritage or Community:
Aboriginal

Biographical Information:

Delia Opekokew is one of the first Aboriginal women lawyers and the first to be called to the bar in both provinces of Ontario and Saskatchewan. In private practice, she has negotiated treaty rights and advised on Aboriginal law for clients across Canada. She helped resolve the land claim of the Canoe Lake Cree Nation, her home community. In Ontario, she served as counsel for the George family prior to the public inquiry into the shooting death of Dudley George in 1995. The National Aboriginal Achievement Foundation recognized her legal career and service with an award in 2009, and noted that, "Delia has used her upbringing to ground her work as she furthers the cause of justice for Aboriginal people, and the civil liberties and human rights for all Canadians."

See also " National Aboriginal Achievement Award Recipients: Profile of Delia Opekokew." naaf.ca. National Aboriginal Achievement Foundation. Web. October 2009. See transcript of interview with Delia Opekokew by A. Kirk-Montgomery, 2011, forthcoming.

■ Diversifying the bar: lawyers make history

Name: PAUL, Nicholas P.
Male
Born 1935 in Toronto, Ontario

Called to the Bar:
1960
Q.C.

Name of Heritage or Community:
Greek

Biographical Information:

Nick Paul attended University College and Osgoode Hall before being called to the bar. He began in litigation with a client base of Greek immigrants but gradually shifted to a wider commercial practice. In his later career, he acted as counsel in numerous mediations and arbitrations under the alternative dispute resolution programme, with experience in ecclesiastical cases. For many years until 2004, he served on the Osgoode Hall Alumni Association Board of Directors. He is proud of his sponsorship of the 1991 retroactive awarding of the LLB (law degree) to all lawyers who graduated from Osgoode Hall before it became a university.

Nominated by the Hellenic Canadian Lawyers Association. Forthcoming, transcript of interview with Nicholas Paul, by A. Kirk-Montgomery, 2010.

■ Diversifying the bar: lawyers make history

Name: STORTINI, Ray

Male

Born 1929 in Sault Ste. Marie, Ontario

Called to the Bar:

1960

Name of Heritage or Community:

Italian

Biographical Information:

Ray Stortini's parents emigrated from Italy to Sault Ste. Marie. After working as a Great Lakes seaman, a steel plant labourer, and an insurance adjuster, Ray decided on a career in law. Following a decade in general practice, he became one of the first judges of Italian origin in Ontario when he was appointed as a judge of York County at Toronto in 1971. In Toronto, he established Canada's first community service order program. He returned north as a judge of the Algoma District Court in 1976, then in 1990 the Superior Court of Justice. He studied French in order to preside over trials in both official languages. Since his retirement from the bench in 2004, he has continued to be a leader in a wide variety of community organizations, most recently through his successful campaign to build a lighthouse on St. Joseph Island in the St. Mary's River near Sault Ste. Marie.

See also Ray Stortini, *Only in Canada: Memories of an Italian Canadian* (2006). See transcript of interview with the Honourable Ray Stortini by A. Kirk-Montgomery, 2011, forthcoming.

■ Diversifying the bar: lawyers make history

Name: YAREMKO, John

Male

Born 1918 in Welland, Ontario

Died 2010

Called to the Bar:

1944

Q.C.

Name of Heritage or Community:

Ukrainian

Biographical Information:

John Yaremko was the first person of Ukrainian heritage to graduate from an Ontario faculty of law. In a long career in politics, he was a path breaker not only for Ukrainian-Canadians but for all Ontarians of diverse communities. From 1951 until 1975, he was a Progressive Conservative member of the Provincial Parliament of Ontario, and the first Ukrainian-Canadian MPP or MLA. He applied his legal training and immigrant sensibilities to representing his downtown Toronto riding and in many posts as a provincial cabinet minister; he served as the first Minister of Citizenship (1971-2) and the first Solicitor General (1972-4). For his public service and wide-ranging philanthropy that has benefitted, among other institutions, the University of Toronto, and helped to preserve Ukrainian culture and history in Canada, he received many awards. In 2009, he was the first recipient of the federal Paul Yuzyk Award for Multiculturalism, for his lifelong advocacy in education, human rights and multiculturalism.

Nominated by H el ene Yaremko-Jarvis. See obituary, Toronto Star, 9 Aug. 2010. Web. Forthcoming: transcript of interview by A. Kirk-Montgomery, 2009.

APPENDIX 2

BRIEF EXCERPTS FROM SOME INTERVIEW TRANSCRIPTS

Thora Espinet, Black lawyer and immigrant, called to the bar in 1984:

“The first time I advertised [my legal services] -- this was funny --- it was sometime in the mid-‘80s. I had a photograph in the ad. And people were phoning the Better Business Bureau and they were saying I was passing myself off as a lawyer...So I wrote an article.... After the article was published [in a newspaper], I got a phone call from a school that was just across the road, and the teacher had used the article as a project for her students. And I got all these calls from schools to come and speak to the kids as a motivation for the young girls and for everybody. I had an interview on the radio, and I had all these calls. All because people were confused that I was a lawyer!

[Speaking of her community activities and other accomplishments] I do these things because people need knowledge, and people need to know that they themselves can speak... I do not do things because I am a woman, because I am Black...I do things because they need to be done.”

Nick Paul, lawyer of Greek heritage, called to the Bar in 1960:

[On asking him if he felt separate from his law school colleagues because he was one of the few students not of Anglophone background.] “Not at all. I never had any feeling like that whatsoever, nor was I ever in any way treated...differently, or like I was from a minority. As a matter of fact, I was very proud to be Greek. I think one of the reasons I was always successful in [class and Literary and Law Society] elections is because the Anglo-Saxons liked me and the Jews liked me and the other nationalities...[laughter]. I was sort of somebody that they wouldn’t have a problem justifying... [laughter]”

[On being a sole practitioner] I didn't really have anyone else to look after the practice so I had to do it myself. Except, I had exceptional secretaries...They really were an important part of the whole operation. ... [One named Deanna Wolf] was incredible. I always felt comfortable, because she was so good I never had to worry that things wouldn't be done right. This girl today would never be a secretary. She'd be a lawyer. And that's one difference [in how the law practice is today]."

John Yaremko, lawyer of Ukrainian heritage:

[On why he studied hard at school and his early practice]: "I won scholarships there [at university] and everywhere I was a great student. Why I was a great student is, I knew if I wanted to get anywhere I had to be not just a lawyer, I had to be an unusual one. It didn't turn out that way anyway because most of my clients turned out to be Ukrainian and they didn't have the money to get involved in litigation...As [the immigrants in his downtown Toronto area] became better off and they were buying these homes, I acted for a lot of them...I could understand their problems and I treated them with a great deal of respect. It's surprising but, even the most sophisticated people, if they meet somebody that they are unfamiliar with, don't behave nice to them. At least not in those days, maybe now because we have such a mix of society...But there's still a divide between those who have money, because of going back several generations in Canada, and the newcomers. I'd call anybody until about ten years a newcomer. It takes about ten years for a newcomer to know his way, his or hers..."

Willem Meyer, lawyer, adult immigrant from the Netherlands:

Before Willem Meyer died in 2010, he wrote that he was "struck by the profession's clannishness." In an interview with his widow, Lucy Meyer, Lucy explained, "Well, in his year particularly, I think, there w[ere] a lot of Upper Canada lawyers in there. Oh, it was so stupid...they had their own little clique. But then of course, they didn't have to work, and so they could socialize and they could go and have a pub night and Willem, of course, was never able to do that because he had to work [to support his family]."

On building his practice: "He started out with Dutch [clients]...and then of course he realized that a lot of Italians were in the community and they didn't have a lawyer because that generation didn't produce any lawyers yet until the next generation. So then he went to school and learned to speak Italian so that he could cater to the Italian community....Once you start having a few Italian clients, they tell somebody else, and now some of these labourers all of a sudden became contractors and they started building houses and became bigger and so they recommended Willem. So that's how we got a lot of business from the Italians."

Willem Meyer wrote, "My real aim in life was to be independent and never to have a person with authority above me. This plan I was lucky to achieve."

John Geller, Jewish lawyer, interviewed with his spouse Sybil Geller

Sybil Geller, on when Jack Geller became the first Jewish lawyer to make partner in an establishment firm in Toronto, Arnoldi, Parry & Campbell, in 1959: "When he was offered partnership, in the firm, amongst the...four or five of them, they had a serious conversation about this. And Senator Campbell was very concerned about a Jew coming into partnership and handling these files on his own. So he phoned [all the partners]...But Godfrey didn't care,

and Lewtas certainly didn't care and Pyle and Perry they didn't care, but Campbell was concerned [about how clients would respond] if Jack was the senior man on file. So he phoned clients, and they all said, "If he does the work, we don't care!" They [the partners] made no bones about this. It was all very open and we had a wonderful relationship, very open. And it was a big laugh, you know? And [it] became part of the firm lore... [Laughter]... I can't emphasize enough how extraordinary this firm was. There was never a smidgeon of anything, that we would feel 'other.'"

Sybil Geller on the Gellers' strong commitment to community organizations: "Our families both were involved in community. We were raised to give back and be involved." When Jack told Sybil he was leaving his very lucrative practice to take the position of Vice-Chair, Ontario Securities Commission, in 1992: "Jack said, 'I've had lot from my life. It's been good to me, it's time to give back.' I'll never forget that, he said, 'It's time to give back.'"

Attached to the original Report in Convocation file, copy of:

Copy of a Guide to the Diversifying the Bar: Lawyers make History Project.
(Appendix 3, page 21 – 32)

REPORT FOR INFORMATION

Paralegal Standing Committee Report

- Paralegal Licensing Welcome Reception

Report to Convocation
May 26, 2011

Paralegal Standing Committee

Committee Members
Cathy Corsetti, Chair
William Simpson, Vice-Chair
Marion Boyd
Robert Burd
James R. Caskey
Paul Dray
Seymour Epstein
Michelle Haigh
Douglas Lewis
Susan McGrath
Kenneth Mitchell
Baljit Sikand
Alan Silverstein

Purpose of Report: Information

Prepared by the Policy Secretariat
Julia Bass 416 947 5228

COMMITTEE PROCESS

1. The Committee met on May 12th, 2011. Committee members present were Cathy Corsetti (Chair), William Simpson (Vice-Chair), Marion Boyd, Robert Burd, James Caskey, Paul Dray, and Alan Silverstein. Guests Robert Evans and Robert Wadden also attended for part of the meeting. Staff members in attendance were Diana Miles, Terry Knott and Julia Bass.

FOR INFORMATION

PARALEGAL LICENSING RECEPTION

2. The Committee approved a proposal to hold a paralegal licensing welcome reception for new paralegal licensees.
3. At the meeting on January 13th, the Committee had directed that the candidates currently in the licensing process should be surveyed as to their preference on this issue, including funding the initiative through a modest increase in the licensing fee. A survey of the 474 applicants currently in the licensing process was accordingly conducted in March. Of the 67% who responded, over 80% were in favour.
4. In light of the positive response, a specific proposal was developed, as follows:
 - a. In 2011 only, the reception will be held once, on November 15, 2011. Thereafter, there will be two receptions per annum, in late November for the August examination candidates, and in April for the October and February examination candidates. (Sufficient time must be provided between examination writings and the receptions to allow candidates to receive their examination results, submit the appropriate licensing paperwork and oaths, and to be issued their P1 Licence).
 - b. The Lamont Learning Centre at Osgoode Hall is the most appropriate space for hosting a reception of this magnitude. Using internal space and catering will keep costs at a reasonable level. This format does not allow for guests; attendees would be newly licensed paralegals only, by invitation and RSVP, and selected Law Society representatives.

5. After one full cycle the situation can be re-assessed as to whether a schedule of twice per year is suitable, and whether changes should be made to reflect actual attendance and costs.

CONVOCATION ROSE AT 12:15 P.M.

Confirmed in Convocation this 23rd day of June, 2011

Treasurer