

Retention and Advancement of Women in the Legal Profession:

The Canadian Experience

Ontario is the province in Canada with the largest number of lawyers. In 2023, it regulated nearly 60,000 lawyers and about 11,000 independent paralegals.

Licensed paralegals can provide legal services in limited areas, without being under the supervision of a lawyer.

Since 2003, more than 50% of those called to the Bar in Ontario have been women. Of the lawyers who are licenced in Ontario and under the age of 70, 48.4% are women; 51.6% are men. However, the number of female lawyers exceeds the number of male lawyers in the 'under 35', '35-44' and '45-54' age categories, with the latter age category being almost equal.

It is only at the '55-64' age category (42.3% female) and '65 or older' (20% female) that there are more men than women. (Statistics from 2023 Law Society of Ontario Annual Report)

https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/snapshot-lawyers24_eng_aoda_final.pdf

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At the largest law firms in Canada, the percentage of women partners remains between 25-30% of all partners. (2019 analysis by the Toronto Star)

https://www.thestar.com/news/gta/the-biggest-law-firms-employ-plenty-of-women-but-there-aren-t-many-at-senior/article_ff8abccf-52ca-59f4-a319-587d3b75fecb.html

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Why Are Women Still Lagging Behind at the Partnership Level?

There is a confluence of life events: women's child-bearing years and their critical years of development as a lawyer collide.

Why Should Law Firms and Managing Partners Care?

Make the business case.

If nearly 60% of lawyers under 35 are female, and they do not stay in practice, law firms and the public are missing out on many of the ‘best and brightest’.

Law firms devote significant time, money and energy into training young lawyers, all of which is lost to the firm if the women they train do not remain in practice.

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How Do We Find Answers? Are there Any?

Beginning in 2008, the Law Society of Ontario did extensive consultations and research with women in practice and women who had left private practice about why they were leaving and what might help them stay. The Law Society also consulted with and engaged law firms of all sizes and their managing partners on the issue.

- Lesson #1: Understand what women want.
- Lesson #2: Engage the profession—especially law firm leadership and legal organizations.
- Lesson #3: The size of a firm makes a difference. Sole and small firm practitioners have very different issues than do mid-size or large firms.

<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/retention-of-women-in-private-practice-report-may-2008.pdf>

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What Did We Learn?

As women know, just like pantyhose, 'One Size' does not, in fact, fit all.

What Can Maximize Retention in a Larger Firm Environment?

Recognize that law firms are businesses. Acknowledge the financial pressures of running a law firm. Find a message that appeals to the managing partners.

Educate young female lawyers about the business aspect of a law firm. After the first few years of practice, young lawyers should understand the economics of their practice, including their overhead.

What Can Maximize Retention in a Larger Firm Environment?

Think broadly: Involve the law schools. Students who interview at a firm will ask the interviewing firm about whether the is a ‘participating’ firm in the project.

Create momentum. Make participation in the project something firms feel they must participate in to be competitive.

What Can Maximize Retention in a Larger Firm Environment?

Create expectations of what the firms need to do. The firms need to understand they must make a commitment.

Help women understand that law is a business and that they have obligations to clients.

What Did We Require From the Larger Firms?

Participation was voluntary (but the momentum created will get others to join). In Ontario, law firms signed a 'commitment pledge' where they agreed to take certain steps within the first three years.

In exchange, they could advertise their firm as a member of 'Justicia' (the name given to the project) and could use the trademarked logo we created.

https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/legacy/pdf/li/licensing_agreement_revised_july_2015.pdf

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What Did the Commitment Pledge Require?

Firms agreed to keep track of numbers every year and report them yearly to their partnership.

Firms agreed to hold an exit interview for each woman who left the firm, so that they could begin to understand the effect of their culture and why women left.

It is important to move away from anecdotal perspectives.

https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/legacy/pdf/li/licensing_agreement_revised_july_2015.pdf

https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/legacy/pdf/g/gender_demo_data.pdf

What Did the Commitment Pledge Require?

Firms agreed to attend a managing partners dinner held by the Law Society once annually for the first three years of the project. Managing partners were seated at tables of 6 with a representative of the project, who facilitated a discussion about continuing challenges and successes. Discussions were surprisingly frank.

Firms agreed to implement written policies for parental leave and flexible work hours. Firms also agreed to engage in specific women's business development training, establish mentoring systems and consider sponsorships.

A Series of Guides for Associates and Law Firms were created by the Law Society:

- **Parental Leave Preparation Guide**, both for ‘ramping down’ to a leave, and ‘ramping up’ for returning for a leave.

The associate’s guide included a checklist of things to do and a template letter to clients, advising about the leave, and to whom the file would be transitioned in the associate’s absence.

<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/justicia/guide-to-assist-law-firms-in-developing-pregnancy-and-parental-leave-policies-for-associates.pdf>

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A Series of Guides for Associates and Law Firms were created:

- **The Flexible Work Arrangements Guide for Associates** included a template for a proposal from the associate to the firm for a flexible work arrangement, including the number of hours the associate proposed she would work, the proposed days, the system and admin support required, licensing/insurance payments, memberships and messaging to clients.

A Series of Guides for Associates and Law Firms were created:

The Firm's Guides on Parental Leave and Flexible Working Arrangements included checklists for the firm, which included naming the person as the 'contact' person to supervise ramping down and ramping up, a 'maternity buddy' (either inside the firm or otherwise), initiating discussions regarding contact with the parent on leave during the leave and whether there would be continuing involvement with the firm during the leave (invitations to department meetings, social events, client updates).

<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/justicia/preparing-for-a-lawyer-s-pregnancy-or-parental-leave-guide-for-law-firms.pdf>

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Other Guides Related to Advancement

The Associate's Guide for Advancement into Partnership included steps for effective career planning, mentorship and sponsors, coaching, building a sustainable practice and outside resources which were available.

Other Guides Related to Advancement

- **The Law Firm Guide** included reviewing the partnership admission policy, the unwritten criteria, the impact of leaves, the communication of criteria, gender-neutral partnership evaluations, annual reviews and follow up from annual reviews.

Law Firm Guide: <https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/retention-of-women-in-private-practice-report-may-2008.pdf>

Associates Guide: <https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/justicia/career-advancement-into-partnership-associate-guide.pdf>

Other Guides Related to Advancement

- **The Guide to Women's Leadership in Law Firms (the Law Firm Guide)**, included sponsorships, creating a leadership plan, developing leadership competencies in women, developing woman as role models, promoting women to leadership positions within law firms and promoting women to leadership positions within the profession and within the business community. Checklists were developed both for law firms and for women lawyers.

<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/justicia/a-guide-to-business-development-for-women-lawyers.pdf>

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What Issues Do Women in Sole Practitioners or in Small Firms Face?

In the Law Society's consultations with small firms and sole practitioners, women overwhelmingly talked about the financial pressures of closing down a practice for a parental leave, and, as they are self-employed and do not qualify for government benefits during their leave, the financial struggle in the event that they chose to take a leave.

What Did Women Say Would Assist Them?

The Contract Registry: Women wanted to keep the doors of their practice open, but doing so seemed impossible. The Law Society of Ontario created a 'Contract Registry' to assist in pairing practice needs during a leave with lawyers who were prepared to do contract work and 'step into' a practice to assist the clients. The Contract Registry contained a number of resources and answers, including a listing of the lawyers who would take on contract work, answers to ethical and practice management issues, including regarding liability insurance, tips for hiring and a contract setting out potential issues with sample clauses.

<https://lso.ca/lawyers/equity-supports-resources/contract-registry>

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What Did Women Say Would Assist Them?

Parental Leave Assistance Program: “PLAP”: The Law Society recognized that women still had expenses to meet while they were on leave. Government benefits for parental leave, available to employees were not available to those who were self-employed. PLAP is available to sole practitioners and partners in firms of five or fewer lawyers where the lawyer has an annual net practice income of less than \$50,000. The benefit amount is \$750 CAN/week for up to 12 weeks to a maximum of \$9,000 per leave.

<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/plap/plap-eligibility-criteria-2022-en.pdf>

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24 Women's Resource Centre : 2023 Update

In 2023, the Law Society of Ontario updated and re-launched its resources for women through its Women's Resource Centre.

<https://lso.ca/lawyers/women-s-resource-centre>

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