

Frequently Asked Questions

2019 Articling Survey Report FAQ

The Law Society of Alberta, in conjunction with the law societies of Saskatchewan and Manitoba, conducted two surveys in May through June 2019 to better understand the current state of the articling system across the three provinces.

General

1. Why were these surveys conducted?

We conducted the two surveys to help us better understand the structure of articles, the types of training and mentoring articling students are receiving and how prepared students feel to practice law in the 21st century.

We also wanted to better understand if students and new lawyers have experienced, or are currently experiencing, any issues related to discrimination and harassment in their workplaces.

Our goal was to better understand the current experiences of articling students, new lawyers, principals, recruiters and mentors before making any changes to the articling system.

2. How many students, lawyers, principals, recruiters and mentors participated in the surveys?

The first survey was completed by 549 articling students and new lawyers (articled in the last five years) in Alberta for a response rate of 23 per cent.

The second survey was completed by 295 principals, recruiters and mentors who have been involved with articling in the last five years in Alberta. A response rate cannot be determined as we do not track the role of mentors to determine how many lawyers were eligible to complete the survey.

3. What were the key findings from the survey results?

The survey findings revealed three key findings:

1. Of the 549 (student and new lawyer) respondents in Alberta, nearly one in three (32 per cent) reported experiencing discrimination or harassment, primarily based on gender or race / ethnicity, during recruitment or articling.
2. There is inconsistency in the competencies learned and whether students felt that articling prepared them for entry level practice.
3. There are challenges with mentorship and feedback for both articling students and principals / mentors. Students desire mentorship and feedback while principals and mentors mention lack of resources and training.

Discrimination and Harassment Findings

4. What were the reported rates of discrimination and harassment?

Of the 549 respondents in Alberta, nearly one in three (32 per cent) reported experiencing discrimination and harassment during recruitment or articling. Some of the demographics of those who reported were:

- 54 per cent female;
- 22 per cent male;
- 15 per cent chose not to specify gender; and
- 9 per cent reported as other.

In addition to gender identifiers, other demographics of those reporting issues were:

- 27 per cent were internationally trained (attended law school outside of Canada);
- 28 per cent identified as visible minorities;
- 81 per cent in large urban centers; and
- 34 per cent articulated in law firms with 2-10 lawyers.

The firm setting statistics track with our overall membership proportions in relation to firm type and urban / rural setting. We do not consider this to be an issue related to firm size or setting.

5. How much of the discrimination and harassment reported was during recruitment?

During recruitment, nearly one in five reported experiencing discrimination or harassment.

6. What were the most common types of discrimination and harassment reported?

It is important to note that the survey did not provide a definition for discrimination or harassment. As the target audience has legal knowledge, we did not define it, the respondents did.

The most common types of discrimination and harassment reported by the survey respondents include:

- Being asked about marital status, plans for having children, and sexual orientation.
- Females being given less challenging, administrative or non-billable work.
- Fewer positions being offered to older students, those educated abroad, those with foreign names, or those without connections in the profession.
- Clients expressing preference for male lawyers.

The survey results also reveal an average annual salary gap between minorities (\$48,000) and non-minorities (\$51,000), as well as those educated internationally (\$46,000) and those educated in Canada (\$52,000).

7. What was reported about discrimination and harassment by principals, recruiters and mentors?

The results showed that 9 per cent of principals, mentors and recruiters reported having articling students' express concerns about discrimination or harassment during recruitment or articling.

8. How were the reported discriminations and harassment issues addressed?

The survey also revealed that 74 per cent of students and new lawyers who experienced discrimination and harassment felt that resources, either within the firm or from the Law Society, were unavailable to address issues. Whereas, 82 per cent of recruiters, principals and mentors reported that resources are available.

This discrepancy in perception about the availability of resources highlights an opportunity for education and awareness of the resources provided in both law firms and the Law Society.

It is also telling that 37 per cent of those who shared experiences of discrimination and harassment did not act either due to lack of resources or for fear of reprisal or losing their articling position.

9. How do these discrimination and harassment statistics compare to other law societies or other professions?

The Law Society of Ontario survey of articling students and young lawyers conducted in June 2017 revealed that one in five respondents faced discrimination and harassment during articling.

The [American Bar Association](#) released a report called [You Can't Change What You Can't See](#) in fall 2018 confirming [systemic bias in the legal profession](#).

The International Bar Association released a report called [Us Too? Bullying and Sexual Harassment in the Legal Profession](#) based on information collected from nearly 7,000 legal professions in 135 countries, including Canada. The survey focuses on sexual harassment and bullying in the legal workplace.

The legal profession does not stand alone with discrimination and harassment issues. According to Statistics Canada (2016 General Social Survey on Canadians at Work and Home) overall, 19 per cent of women and 13 per cent of men reported that they had experienced harassment in their workplace in the past year. Workplace harassment includes verbal abuse, humiliating behaviour, threats to persons, physical violence, and unwanted sexual attention or sexual harassment.

10. How is the Law Society going to respond to the discrimination and harassment issues reported in the survey?

We want to be thorough and work directly with lawyers and students to focus on areas where we, as the regulator, can have an impact. Our immediate priority is to address the issues of discrimination and harassment. The Practice Foundations Task Force, comprised of Law Society Benchers, has developed a workplan for immediate steps to be taken.

The Task Force put forward immediate steps for the Law Society to take to address the issues of discrimination and harassment, as well as competency and readiness to practice, within the articling system in Alberta. They are:

1. Launching a Respectful Workplace Model Policy (October 2019)
2. Establishing a Practice Foundations Advisory Committee (October 2019)
3. Reviewing Discrimination and Harassment revisions to the Code of Conduct
4. Developing a proposal for safe reporting to the Law Society
5. Investigating mandatory training for principals

Detailed information on these steps can be found in Question 15 below.

Other Key Survey Findings

11. What does inconsistencies in competencies learned through articling mean?

The inconsistent training of students is concerning as it can leave articling students without the confidence or the skills necessary to start their legal careers on the right path.

The Law Society requires both students and principals to sign off on a learning or education plan, yet only one third of students and new lawyers stated that a learning plan was used during their articles.

The Law Society rolled out a new education plan in 2015 that shifted the focus from a substantive law approach toward entry level competencies which aligned with nationwide standards for entry to the profession. These are: ethics and professionalism, practice management, client relationship management, conducting matters and adjudication/alternative dispute resolution.

The survey results yielded that four out of the five competencies covered in the education plan were noted as the weaker areas of training.

12. Why does inconsistency in articling matter?

This information was eye-opening and gives us cause to re-examine our process around the education / learning plan and to better understand why key competency areas are being missed during articling.

Competency areas covered in training or the lack of materials in certain areas was mentioned as the top reason for how prepared students feel to begin practice. This sentiment is echoed by principals, recruiters and mentors as they stated delivering a variety of experiences for training is their top challenge.

By way of articling requirements, we are trying to set new lawyers up for success with training before the career. It is our responsibility as the regulator to ensure the training requirements within the articling system exposes all articling students to key competencies that will help them begin successful legal careers.

13. What are the challenges related to mentorship?

Students feel receiving feedback on work performance, skills and development are areas for improvement. On the other hand, principals and mentors mention lack of time, resources and training as key challenges with mentoring articling students.

The survey results revealed good mentorship is directly related to feeling prepared and satisfied with the articling experience. We know that a positive mentorship experience greatly assists students on the right path. Unfortunately, a negative mentorship experience can take students down a bumpy path often riddled with issues throughout their career.

14. Do the survey results cover compensation and workload of articling students? What were the findings?

The survey found that over two-thirds of articling students reported heavy workloads to be their top challenge. In addition to completing bar admission requirements, 68 per cent of articling students work(ed) over 50 hours per week. Combining articling with bar admission course requirements was noted as challenging but most Alberta students are given some time to work on their bar admission course requirements during business hours.

While we have received anecdotal reports of unpaid articling positions, the survey found that 93 per cent of articling students receive(d) a salary while articling. Almost half of Alberta's current articling students/new lawyers made between \$40,000 - \$59,999 during their articles. The survey also uncovered that 81 per cent of firms paid for their articling student's bar admission course.

Next Steps

15. What are the next steps being taken by the law society to address these survey findings?

While there are three key takeaways, our immediate needs are to address the issues of discrimination and harassment. This does not diminish the importance of the other findings, but we need to put our resources into the most urgent needs and develop a longer-term approach to address all of the findings.

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4. Developing a proposal for safe reporting to the Law Society
5. Investigating mandatory training for principals

16. Can you provide details on these steps?

While details are still being worked out, the following is an overview of some of the programs or initiatives being planned or already underway:

Launching a Respectful Workplace Model Policy

- The Respectful Workplace Model policy is a springboard for firms and organizations to enhance or develop policies and have conversations in their organizations about issues of discrimination and harassment.
- The survey data suggests that while many firms may have policies in place, they are either not well known, not well used or simply not trusted. The launch of a new model policy provides an opportunity to re-open conversations on how these matters are handled in law firms and organizations.

Establishing a Practice Foundations Advisory Committee

- The Law Society alone cannot address all of the issues identified in the survey. Further engagement with students and the profession is required.
- The Advisory Committee will serve as an important and meaningful link and “sounding board” to the legal community and the current state of articling.

Reviewing Discrimination and Harassment revisions to the Code of Conduct

- While it is preferable for the Law Society to remain in step with the Model Code changes when they are recommended by the Federation of Law Societies of Canada, there may be an opportunity to accelerate implementation of the discrimination and harassment revisions to the Model Code in Alberta.

Developing a proposal for safe reporting to the Law Society

- Respondents indicated they were hesitant to report discrimination or harassment to the Law Society for either fear of reprisal or lack of effective action.

Investigating mandatory training for principals

- One suggestion for improving the use of the education plan and strengthening mentorship skills may be to require mandatory training for principals. This could include training on how to respond to discrimination or harassment issues and how to give appropriate feedback and mentorship.

17. Will I, as a member of the profession or a student, get a future say?

This work of the Practice Foundations Task Force will be informed by ongoing engagement with students and the profession.

While it is not feasible to develop recommendations with all stakeholders, it is imperative to solicit the input of key stakeholder groups and incorporate their perspectives.

One way we are doing this is by establishing a Practice Foundations Advisory Group with members of the legal community. We will also continue to look for ways to engage with segments of the profession and the profession-at-large as more recommendations and solutions are developed.