

Advice to lawyers from diverse groups:

## 'Forget the big-firm structure and start your own thing'

BY MICHAEL MCKIERNAN  
Law Times

The face of the profession may be changing, but the leadership still looks the same as it ever did, according to a social justice advocate.

Roger Rowe, who co-founded the Canadian Association of Black Lawyers, was part of a panel at Osgoode Hall Law School last week discussing the racialization and gender of lawyers in Ontario stemming from a report prepared for the Law Society of Upper Canada by York University sociology professor Michael Ornstein.

The report showed women and visible minorities make up a larger proportion of lawyers in the province than ever but highlighted significant differences in earnings between those groups and their white male counterparts. Rowe told the audience things aren't changing fast enough for his liking, especially in the upper echelons of the profession.

"I'm impatient," he said. "There's a lot of good data, and the problem persists. The state of our profession is not reflective of the diversity in the population that it purports to serve. Where I see it particularly is our judiciary, which from where I sit is diversity-challenged and has been for too long."

In Rowe's view, the situation may even pose a risk to the public's perception of the justice system. He noted as well that everyone stands to benefit

from a more inclusive profession. "If the status quo continues, we are losing out as a society because a whole range of human experience that could inform and breathe life into the law and the profession is being shut out."

Ornstein, using census data from 2006, found that visible minorities make up 11.5 per cent of Ontario's lawyers, up from 9.2 per cent in 2001. That number rises to 20 per cent for lawyers between 25 and 34, which is close to their level of representation, 23 per cent, in the province's population. Women make up almost 60 per cent of lawyers in that youngest age group and 38 per cent of all lawyers in Ontario.

Beth Symes, a partner at Symes & Street, said she was excited by the shift, which she has witnessed up close, first when she taught at Osgoode and later when she began attending call-to-the-bar ceremonies as a bencher of the law society. But she's concerned by statistics in Ornstein's report that show increasing disparity in earnings as time passes.

According to data from 2005, white men, white women, and their racialized counterparts are all paid roughly the same in the youngest age group of those between 25 and 29 years old where they're just starting their careers. For lawyers between 30 and 34, the gap has opened up. White females make 12-per-cent less than the white men, while racialized men are even worse off



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earning 25-per-cent less. For lawyers between 40 and 44, Symes said the gaps have become "canyons." White women earn 27-per-cent less than the white men. Racialized men face a 38-per-cent disadvantage on average, and racialized women make 42-per-cent less.

"That is unacceptable," Symes said. LSUC equity adviser Josée Bouchard said other studies commissioned for the law society have shown that women are more likely to practise in less lucrative

fields of the law, which may explain some of the difference in earnings. They're also more likely to leave private practice than men due to factors like childcare.

"If you look at the experienced lawyers, that's where you see the profession is really lacking in diversity," Bouchard said. "Twenty per cent of partners are women in Ontario."

But retention efforts such as the Justicia project show signs of progress, Bouchard noted. "It's not changing as quickly as it should be. They've committed to at least trying to make systemic change. There has been a move from avoiding the topic to at least being at the table."

Symes hopes the number of women and racialized lawyers in the profession will soon reach a critical mass that forces firms to change their recruitment and retention practices. "I think law firms will change out of economic necessity. When 60 per cent of lawyers in the first age group are women and racialized lawyers are clearly a significant part of the talent pool, how can a law firm that needs the brightest and the best say no?"

For those young lawyers unwilling to wait, Rowe said they should seize the initiative. "We need a more entrepreneurial spirit. There are a lot of corporate entities that would love to do business with a black firm, but for whatever reason they're not out there. Forget the big-firm structure and start your own thing." **LT**

## OBA Institute provides easy way to get CLE hours

BY ROBERT TODD  
Law Times

The Ontario Bar Association is promising lawyers its flagship continuing legal education conference this week will continue its 36-year tradition of providing good value and quality content.

"We run this as a member service," says OBA president Lee Akazaki. "So you get the top-flight programming for a lower price than you would get anywhere else."

Event co-chairman Andrew Pinto of Pinto Way James LLP also highlights the fact that the OBA will be holding the Institute 2011 conference at downtown Toronto's Fairmont Royal York Hotel for the second year in a row. The new location, which is close to a multitude of transit options at Union Station, was popular with some people last year.

Some lawyers appreciated the ease of access, and an overwhelming response from trusts and estates practitioners created high demand for specialized programming for them weeks in advance of the conference. Pinto expects other offerings to fill up as well as about 1,300 attendees are expected to participate in the 22 programs available from Feb. 3-4. Criminal lawyers should note that a program tailored to their needs will take place at the OBA Conference Centre on Feb. 5.

The rise in interest may also be due to the presence this year of keynote speaker Steve Paikin, host of TVO current affairs

program *The Agenda*. Pinto explains that Paikin is exactly the type of person the OBA was looking to attract to get Institute 2011 rolling with the 8:30 a.m. address on Feb. 3.

"We were looking for someone who was of national prominence, someone who can talk about public life and current affairs," says Pinto. "Steve, virtually every day of the week, interviews someone who is right at the top of their game, and it really varies from international figures to local issues."

Pinto expects Paikin will link his observations on pressing issues in public affairs to the challenges lawyers face in their lives and practices.

Organizers are also shaking things up with a welcome reception during the first evening of the conference headlined by comedy from Second City. Pinto expects the event will help lawyers share some camaraderie and perhaps enjoy a breath of fresh air after a day of brushing up on their skills.

The OBA also aims to keep the interest of new members of the profession with its young lawyers' division. It hopes to do so with a program on building a brand and practice. According to Pinto, the topic is a reflection of what appears to be a trend in the profession of more young lawyers opting to hang their own shingle. "They don't necessarily want to do the firm thing," he says.

If all of that isn't enough to convince lawyers that Institute 2011 has something for them, there's the fact that it will help

lawyers meet their annual quota of continuing professional development hours. The conference programs offer between one and three hours of certified programming towards the 12

hours the Law Society of Upper Canada mandates each year in ethics, professionalism, and practice training.

Those participating in the corporate counsel/labour and

employment law program, for example, can get their entire year's quota of three hours of professionalism training out of the way in a single day through Institute 2011. **LT**

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