THE CANADIAN
BAR ASSOCIATION

L'ASSOCIATION DU
BARREAU CANADIEN

February 12, 2019

Via email: rearnshaw@flsc.ca

Ross Earnshaw, President
Federation of Law Societies of Canada
World Exchange Plaza
Suite 1810 – 45 O'Connor Street
Ottawa, Ontario K1P 1A4

Dear Mr. Earnshaw:

Re: CBA Proposal for Articling Student Survey

We write on behalf of the Canadian Bar Association Law Students and Young Lawyers Sections (the CBA Sections) to encourage the Federation and its member law societies to take action in monitoring and improving the experience of articling students across Canada.

The CBA is a national association of 34,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Law Students Section represents the interests of over 2500 Canadian law students and articling students, and the CBA Young Lawyers Section promotes the interests of young lawyers under the age of 40, or at the Bar for 10 years or less.

In June 2017, the Law Society of Ontario published the results of a survey[i] of Ontario articling students and young lawyers. One in five respondents confirmed they faced harassing or discriminatory comments or conduct based on their gender, race, sexual orientation, citizenship, disability or other personal characteristics during their articling terms.

The CBA Sections are concerned by the results of the Ontario survey. We believe a positive articling experience has the potential to offer a strong foundation for practice-ready, ethical and competent practitioners.

We urge all law societies across Canada to conduct a similar survey. It is reasonable to conclude that this situation is not isolated to Ontario, but without knowing the full extent of the problem, the profession is unable to effectively respond. In December 2018, the CBA Sections encouraged CBA Branches across Canada to recommend this action to their respective law societies. To date, we understand that the Law Society of Alberta is working on a similar survey and is in discussions with

counterparts in the Canadian Centre for Professional Legal Education in Saskatchewan, Manitoba and Nova Scotia to determine their interest in participating.

A cross-country survey also presents an opportunity to compile important demographic and situational information from participants, giving a better picture of the articling experience to support future research, consultation and advocacy efforts. We recommend expanding on the Ontario survey to seek demographic information about participants' age, gender identity, sexual orientation and ethnicity, as well as questions to determine the location and setting of their articles, salary (if any), law school, status as an NCA student and the amount (and type) of student debt carried. Information along these lines will generate valuable statistical data in the dearth of information on the legal profession nation-wide.[ii]

We urge the Federation to take the lead in developing a standardized survey, modelled after and expanding on the Ontario survey. Creating one survey for use across the country would increase the chances of even distribution and result in the most useful, comparative data set.

This initiative has the potential to create a pool of invaluable data about the legal profession and those seeking to enter it. We would be pleased to discuss our proposal with you further and to assist in its development as needed.

Sincerely,

(original letter signed by Sarah MacKenzie for Kanika Sharma and Kang Lee)

Kanika Sharma   Kang Lee
Chair, Law Students Section   Chair, Young Lawyers Section

cc: FLSC Equity Network (Elizabeth.aspinall@lawsociety.ab.ca)
      Jonathan Herman, CEO, FLSC (jherman@flsc.ca)

---

[i]   Law Society of Upper Canada, Summary of Articling Experience Survey Results (June 1, 2017); see also Canadian Lawyer, "Survey finds 21% of articling students face harassment, discrimination (January 26, 2018)

[ii]   CBA Futures Report, Futures: Transforming the Delivery of Legal Services in Canada, pp. 37-38