

The Law Society of British Columbia



Report of the Retention of Women in Law Task Force

For: Benchers

Date: June 30, 2009

Kathryn Berge, QC (Chair)
Gavin Hume, QC
Richard Stewart, QC
Jan Lindsay
Jennifer Conkie, QC
Anne Giardini
Rosanne Kyle
Maria Morellato, QC
Elizabeth Vogt

Purpose of Report:

Information and Decision

Prepared on behalf of:

The Retention of Women in Law Task Force

Policy and Legal Services

Susanna Tam 604-443-5727

TABLE OF CONTENTS

Introduction	3
▫ Strategic Objective	
▫ Task Force Mandate	
The Need for a Business Case	4
Summary of the Business Case for Retaining and Advancing Women in Private Practice in BC	5
▫ Description of Business Case Reference Materials A – E	
Recommendations – Next Steps for Retaining and Advancing Women in Private Practice	7
▫ Adopt, Publish and Promote the Business Case	
▫ Task the Equity and Diversity Advisory Committee with Monitoring and Promoting Existing Law Society Programs and Resources	
▫ Enhance Existing Law Society Programs	
▫ Consider the Feasibility of Creating a BC Think Tank for Regional/Mid-Size and Smaller Firms	
▫ Consider the Feasibility of Additional Law Society Programs	
Appendix 1 – Review of the Law Society of Upper Canada’s 2008 Report on the Retention of Women in Private Practice	12

REPORT OF THE RETENTION OF WOMEN IN LAW TASK FORCE

INTRODUCTION

Strategic Objective

The Law Society of BC's 2009-2011 strategic plan is grounded on three principal goals:

1. Enhancing access to legal services;
2. Enhancing public confidence in the legal profession through appropriate and effective regulation of legal professionals; and
3. Effective education, both of legal professionals and those wishing to become legal professionals, and of the public.

In early 2008, the Benchers identified the need to improve the retention rate of lawyers in BC as a strategic objective towards achieving the first goal of enhancing the public's access to legal services. The Benchers identified the preparation of a business case for the retention of women in private practice as a key initiative in support of this strategic objective.

Task Force Mandate

The Retention of Women in Law Task Force (the Task Force) was established by the Benchers in April 2008 with a mandate to review issues related to, and prepare a business case in support of, the retention of women in private practice.

The Task Force arose from a recommendation by the former Women in the Legal Profession Task Force (WILP) in its final report from January 2008, which advised the Benchers on ways to address these complex issues. Specifically, WILP recommended that a group be struck to draft a business case for the retention of women within law firms, taking into consideration the Law Society of Upper Canada's (LSUC's) 2008 report, the Women's Bar Association of the District of Columbia's reports on this topic, and other material gathered by WILP¹.

The Task Force was appointed in May 2008 and had its first meeting on June 3, 2008. Since that time it has held monthly meetings as well as a retreat in November 2008. In its review of relevant resources, the Task Force identified additional key material including material from the Project for Attorney Retention (PAR), an extensive initiative of the Center for WorkLife Law of the University of California Hastings College of the Law that focuses on reducing unwanted attrition among lawyers by promoting work/life balance and the advancement of women in the legal profession².

Through its research, the Task Force recognized that focusing on retention alone could, in fact, help create a "glass ceiling". Best practices in the advancement of women are of

¹ Law Society of BC, *Final Report – Women in the Legal Profession Task Force*, January 25, 2008 at p. 15.

² See www.pardc.org.

equal importance and are strategically linked to the retention of women in private practice. The Task Force's approach and analysis in its business case and reference materials reflects both women's retention and advancement in private practice³.

THE NEED FOR A BUSINESS CASE

The former WILP Task Force identified the need for a business case for the retention of women in 2006. This need was recognized when WILP conducted a focus group discussion with CBA representatives and lawyers from several large firms and the City of Vancouver to consider whether a *No Glass Ceiling Commitments* program (which asks firms to set voluntary goals for women in leadership positions) would be viable in BC⁴. WILP determined that such a program might not be feasible in BC at that time, and instead recommended that a business case for the retention of women be developed specifically for the legal profession in BC. Once the business case was developed, next steps could be considered.

While the Task Force recognizes that the public is best served by a profession that includes women and reflects the gender diversity of society, the business case highlights the competitive advantages, profit-potential and business opportunities that can arise with making workplaces more inclusive and maximizing the value of the perspectives and talent that women and other under-represented groups contribute to decision making and success. The business case outlines how increasing diversity makes good business sense, beyond moral arguments that diversity is an important social goal or is "the right thing to do".

Participants in WILP's focus group expressed the need for a business case for BC to help persuade their firms to take action to retain and advance women lawyers. An initial draft business case that had been developed by Law Society policy staff in April 2007 was determined by WILP to be suitable for some purposes but in need of development in other respects, particularly given the complex nature of the issues and the ongoing and extensive work being done in Ontario on the same issues. WILP decided that additional research in BC was needed and developed a questionnaire to determine what information was required to persuade law firms to develop and improve policies and programs aimed at retaining and advancing women lawyers. The questionnaire was circulated to over 30 large corporate employers. Responses generally indicated that many employers recognized the business value of talented women lawyers and that, to the extent that law firms fail to retain women, in-house and government departments benefited from being able to hire from this talent pool. While clients at that time did not in general expressly require diversity in their outside legal teams, they valued diversity and were interested in knowing what law firms were doing to retain and advance women. Some respondents

³ "Advancement" is understood by the Task Force as women reaching partnership and visible leadership positions.

⁴ The *No Glass Ceiling Commitments* program started by the San Francisco Bar Association in 2001 asks firms to voluntarily agree to a number of goals within certain time frames, such as having at least 25% women at the partnership level, retaining men and women attorneys at approximately equal rates, and embracing concepts of part-time partners and flexible work schedules: www.sfbar.org/diversity/no_glass_ceiling.aspx.

said retention of women would be a persuasive factor in determining which firms received their business⁵.

As WILP wound up its mandate at the end of 2007, it recommended that a follow-up group be created and tasked with developing the business case further, anticipating that the 2008 release of the Law Society of Upper Canada's extensive report on retention of women in private practice would be invaluable. WILP expected the new group would consider the LSUC report and build on its strengths to make recommendations for BC.

The Retention of Women in Law Task Force acknowledges that many firms in BC – particularly larger firms – already understand the need to retain and advance women. Having seen that women are leaving private practice in significantly greater numbers than men, these firms have developed and implemented, to varying degrees, constructive policies and initiatives. The Task Force believes that these firms may wish to consider additional best practices to improve retention and advancement of women associates and partners. Further, the Task Force recognizes that some medium and larger sized firms have not yet identified or implemented the best practices necessary to effect change. At the same time, many regional and small firms in BC may not yet perceive that retaining and advancing women is relevant to them or that they could adopt policies and initiatives to create change appropriate for their needs. The Task Force aims to address these varying levels of firm knowledge and management practices.

SUMMARY OF THE BUSINESS CASE FOR RETAINING AND ADVANCING WOMEN IN PRIVATE PRACTICE IN BC

In delivering on its mandate, the Task Force has extensively reviewed issues related to the retention of women in private practice and has developed a stand-alone business case to support law firms in BC in developing policies and programs for retaining and advancing women lawyers in private practice, *[The Business Case for Retaining and Advancing Women in Private Practice in BC](#)*.

The business case outlines the demographic issues facing the legal profession in BC and explains the business advantages of retaining and advancing women. These include the following⁶:

- Women have been entering the legal profession in BC in numbers equal to or greater than men for more than a decade, yet represent only about 34% of all practicing lawyers in the province and only about 29% of lawyers in full-time private practice;
- The legal profession in BC is aging and there will be a net reduction in the number of practicing lawyers – a looming shortage – as older lawyers retire without a corresponding increase in younger lawyers joining the profession;

⁵ WILP, *Final Report*, *supra* note 1 at p. 12.

⁶ References have been omitted in this summary of the business case. Full references can be found in the companion business case document at www.lawsociety.bc.ca.

- In the competition for clients, particularly in an increasingly demanding and diverse market where a growing number of corporate counsel and corporate clients are women, firms that demonstrate a commitment to diversity by retaining and advancing women will have a business advantage;
- The financial and opportunity costs of lawyer turnover are significant for both large firms and smaller firms. Turnover may also compromise the quality and continuity of service to clients;
- Persuading women to stay in their careers and return after maternity or parental leaves increases their profitability and their contributions to firms and the profession;
- The population of BC is increasing and social and business arrangements are growing more complex and litigation more common. Notwithstanding measures such as more work conducted by paraprofessionals, more tools for public self-help, greater use of technology, greater use of in-house lawyers and legal outsourcing offshore, it is anticipated the demand for legal services will continue to grow for the foreseeable future;
- In the competition for talent, particularly for women and younger “Millennial” lawyers, firms that create equal opportunity environments where women succeed will have a business advantage with respect to both groups; and
- Women decision makers contribute to organizational excellence and financial performance in business environments.

The Task Force recommends that the Law Society of BC adopt and publish this business case and promote it to the profession.

Business Case Reference Materials: Research, Resources and Best Practices

While preparing the business case, the Task Force identified a wealth of relevant research, resources and best practices that law firms may find useful to consider in developing their own strategies and solutions. The Task Force has prepared the following reference materials to support the business case (available at www.lawsociety.bc.ca):

- Reference Material A – *Questions & Answers Regarding the Business Case*, which address specific, anticipated questions and concerns;
- Reference Material B – *Summary of Research Supporting the Business Case*, which outlines research related to women in the legal profession and some reasons women leave private practice, and explains the economic and career consequences to women who leave, and how hidden gender bias can create obstacles to women’s equal opportunities in law firms;

- Reference Material C – *Resources and Best Practices for Retaining and Advancing Women in Private Practice*, which lists resources and best practices that law firms may wish to consider, including mentoring, networking and business development programs for women, workplace flexibility policies and bias-free evaluation processes;
- Reference Material D – *2008 BC Law Firm and Member Demographics*, which helps to make the business case for the retention of women in the practice of law by showing that the need for women lawyers will increase in order to deliver legal services to a growing population in BC; and
- Reference Material E – *Response of the BC Ministry of Attorney General to Law Society Questionnaire Regarding Retention of Women*, which shows the length to which at least one provider of legal services is going in order to attract and retain women lawyers.

RECOMMENDATIONS – NEXT STEPS FOR RETAINING AND ADVANCING WOMEN IN PRIVATE PRACTICE

The Task Force’s mandate was to review issues related to women in private practice and to develop a business case to support the retention and advancement of women in private practice. However, the Task Force strongly believes that the business case, while valuable and a first step in the process, is not sufficient to increase the retention and advancement of women lawyers in BC. While the business case explains “why” the retention of women is a critical issue and encourages law firms to develop effective programs and policies, additional steps are necessary to develop initiatives for “how” the Law Society and law firms can move forward. In fulfilling its responsibility to report to the Benchers, the Task Force has included a number of potential programs in its recommendations as next steps for the Benchers to consider.

In making its recommendations, the Task Force specifically recognized the firm-size demographics in BC and considered the needs of large firms, regional/medium-size firms, small firms and sole practitioners. According to 2008 Law Society statistics, out of a total of 3,205 law firms in BC, there are 14 firms with more than 50 lawyers, 34 firms with 16-50 lawyers, 143 firms with 6-15 lawyers, 628 firms with 2-5 lawyers and 2,386 sole practitioners.

The Task Force acknowledges that many national firms are sharing information through LSUC’s *Justicia Think Tank*⁷. However, the Task Force recognizes that there are few BC-specific resources available to regional mid-size firms and even fewer for small firms and has focused its recommendations accordingly.

⁷ LSUC’s *Justicia Think Tank* is a three-year pilot project for over 50 participating firms to develop policies and strategies to retain and advance women in private practice, *infra* note 11.

Recommendation #1: Adopt, Publish and Promote the Business Case

The Task Force recommends that the Benchers adopt and publish *The Business Case for Retaining and Advancing Women in Private Practice in BC* as the Law Society's business case and promote it to the profession and to the media. Possible promotional opportunities include the Law Society website, media releases, the Benchers' Bulletin, and a Notice to the Profession.

Recommendation #2: Task the Equity and Diversity Advisory Committee with Monitoring and Promoting Existing Law Society Programs and Resources

The Task Force recognizes that the Law Society's Equity and Diversity Advisory Committee's mandate includes monitoring developments affecting equity and diversity in the legal profession and the justice system in British Columbia. The Task Force expects that the Advisory Committee will monitor research regarding the retention of women in law, which is extraordinarily active, and advise the Benchers on these issues particularly as they affect access to legal services.

The Task Force recommends that the Benchers task the Equity and Diversity Advisory Committee with monitoring, promoting and reporting to the Benchers regarding progress on the following Law Society programs and policies that may assist women lawyers:

- a) Locum Program – the Advisory Committee should review the design and promotion of this program to ensure that it meets the needs of women seeking assistance in maintaining their practices during leaves and women seeking work flexibility by contracting for locum work;
- b) Maternity Loan Pilot Program – the Advisory Committee should expedite the implementation of this program, promote the program together with the locum program, monitor uptake and review the program after the two year pilot period to determine whether it meets stated objectives;
- c) Equity Ombudsperson Program – the Advisory Committee should continue to seek opportunities to increase program promotion and support the Ombudsperson's educational efforts, particularly in relation to sexual discrimination and harassment, which continue to be the most significant problems reported; and
- d) Law Society Appointments Policies – the Advisory Committee should encourage the Law Society to observe existing policies that promote gender equity and cultural diversity in Law Society committee appointments, and promote gender equity in external appointments⁸.

⁸ As recommended in WILP, *Final Report*, *supra* note 1 at p. 6, regarding "Bencher Committee Principles" in the *Bencher Governance Policies* and the Executive Committee's *Appointments Policy*.

Recommendation #3: Enhance Existing Law Society Programs

Through its work, the Task Force identified a number of initiatives that would enhance existing Law Society programs, could be developed and implemented by staff within the organization, and would not require coordination with other groups. While the Task Force has not developed these initiatives, it believes that these useful, straightforward steps could be efficiently delivered using existing Law Society resources.

The Task Force recommends that the Benchers approve the following initiatives to be implemented by Law Society staff:

- a) Small Firm Program – the Law Society should develop an additional module for this program, specifically to address issues faced by women in small firms;
- b) Communications Toolkit – the Law Society should develop an additional component regarding training in respectful and inclusive communications⁹;
- c) Exit Survey – the Law Society should take steps to have the current exit survey assessed, revised and re-launched in a more user-friendly and effective format;
- d) “Recruiting, Interviewing and Hiring Practices” Guidelines – the Law Society should highlight these guidelines as a tool for law firms¹⁰;
- e) Bencher Interviews of Articled Students – the Law Society should include questions related to discrimination and harassment in Bencher interviews, to identify and assist students who may be encountering problems;
- f) Website – the Law Society should create a webpage that links all the equity and diversity-related initiatives (including model policies and the practice locum program) in a user-friendly format for members, law firms and in-house counsel; and
- g) Connect with *Justicia* – the Law Society should ask the Equity and Diversity Advisory Committee to connect with and support LSUC’s *Justicia Think Tank* to gain information that may assist members and firms in BC.

Recommendation #4: Consider the Feasibility of Creating a BC Think Tank for Regional/Mid-Size and Smaller Firms

Over 50 national and regional firms in Ontario are participating in LSUC’s *Justicia Think Tank*¹¹ and pledging to develop initiatives for the retention and advancement of women lawyers, such as:

⁹ The Canadian Bar Association’s *Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations* (2008) include some helpful information regarding inclusive workplaces.

¹⁰ See “Model Policies” on the Law Society’s website:

www.lawsociety.bc.ca/practice_support/articles/practice_intro.html#policies.

- Developing parental and flex work policies;
- Developing networking, business development, mentoring and leadership programs for women; and
- Gathering gender-specific demographic data for benchmarking and monitoring progress.

The Task Force recommends that the Benchers task this or another group to consider the strategic value, cost and feasibility of the Law Society developing and operating a similar project involving regional/mid-size and smaller firms in BC that are not part of national *Justicia Think Tank*-participating firms. Given the different distributions of firm sizes in BC, a tailored initiative could provide a valuable opportunity to create and develop best practices and solutions that are appropriate for firms in BC of various sizes with different structures and economics. For example, as in the case of *Justicia*, participants could be divided into smaller working groups of firms with 10-20 lawyers, 20-50 lawyers and 50+ lawyers. This project should be coordinated with LSUC's *Justicia Think Tank* to ensure that the work is complementary and supportive rather than duplicative.

The project could also develop a template for firms to track gender-specific demographic data.

Before approval or implementation, such a project would require a feasibility report with an initial budget for consultation with firms around the province to assess interest, before planning an effective approach and ongoing coordination with participating firms.

Recommendation #5: Consider the Feasibility of Additional Law Society Programs

Through its work, the Task Force identified a number of potential initiatives for the Law Society to consider that would require further discussion, planning and possible coordination with other groups.

The Task Force recommends that the Benchers task this or another group to consider additional initiatives for the Law Society. The following potential programs should be considered, prioritized with budget estimates and brought back to the Benchers with recommendations as to whether and how to proceed:

- a) CBA BC Branch's Women Lawyers Forum (WLF) – the Law Society should explore ways to enhance support for, and work in partnership with, the WLF in providing women's leadership, mentoring, networking and business development opportunities and resources, particularly for smaller firms;
- b) Practice Advisors – practice advisors should be able to provide information and resources regarding issues and best practices specific to women lawyers;

¹¹ Law Society of Upper Canada (LSUC), *Final Report to Convocation – Retention of Women in Private Practice Working Group*, May 22, 2008 at p. 87. See the list of participating firms: www.lsuc.on.ca/about/b/equity/retentionofwomen.

- c) Resources and Training on Retaining and Advancing Women in the Profession – the Law Society should create and provide resources to law firms, which may include developing a training program on best practices that enhance the retention and advancement of women;
- d) Working With Law Schools – the Law Society should consult with law schools in BC regarding the possibility of developing a course to teach students about the practical aspects of the practice of law (including communications and organizational change skills);
- e) Continuing Legal Education – the Law Society should assist the Continuing Legal Education Society of BC in developing a practice management training program focused on management best practices that retain and advance women. This program should be designed to qualify for mandatory Continuing Professional Development credit;
- f) Professional Legal Training Course – the Law Society should recommend that PLTC include a component similar to recommendation (e); and
- g) Improve Data Collection and Analysis on Retention of Women in Law – the Law Society should improve and increase its data collection and analysis related to the retention and advancement of women in the profession.

In summary, the Task Force recommends that the Law Society implement the following initiatives:

1. Adopt, Publish and Promote the Business Case;
2. Task the Equity and Diversity Advisory Committee with Monitoring and Promoting Existing Law Society Programs and Resources;
3. Enhance Existing Law Society Programs;
4. Consider the Feasibility of Creating a BC Think Tank for Regional/Mid-Size and Smaller Firms; and
5. Consider the Feasibility of Additional Law Society Programs.

The Task Force strongly believes that these initiatives have the greatest potential for sharing knowledge and creating effective strategies for retaining and advancing women in private practice, tailored for the needs of firms in BC.

Appendix 1

REVIEW OF THE LAW SOCIETY OF UPPER CANADA'S 2008 REPORT ON RETENTION OF WOMEN IN PRIVATE PRACTICE

Nine recommendations were presented in the final report of the Law Society of Upper Canada's (LSUC's) Retention of Women in Private Practice Working Group in May 2008¹, all of which were approved².

As recommended by WILP, the Retention of Women in Law Task Force reviewed and discussed each of the recommendations and has the following comments about them.

LSUC Recommendation for large (100+) and medium (5-100) size firms

LSUC Recommendation 1 – Justicia Think Tank: law firm commitment to women's advancement

For this three-year pilot project, over 50 participating law firms have signed the *Justicia* pledge and have committed to:

- Collecting and analyzing gender specific demographic data;
- Having parental and flex work policies in place by the end of the project;
- Having networking and business development programs for women in place by the end of the project; and
- Having mentoring and leadership skills development programs for women in place by the end of the project.

This Task Force is keenly interested in *Justicia* and recommends that the Law Society actively monitor this project and keep in contact with the LSUC equity advisor responsible for project implementation (Task Force Recommendation #3g at page 9)³. The Task Force has considered whether the Law Society of BC could build on the *Justicia* model to create complementary strategies adapted specifically for BC, given the large number of firms in BC that are regional, medium sized and small firms⁴. In particular, as a first step, the Task Force would like to encourage BC firms to begin tracking gender-specific demographic data. Further, the Task Force recommends that the Law Society consider the feasibility of a creating a similar BC Think Tank (Task Force Recommendation #4 at page 9).

¹ Law Society of Upper Canada, *Final Report to Convocation – Retention of Women in Private Practice Working Group*, May 22, 2008.

² Before presenting its report, the LSUC Working Group conducted an extensive consultation process with the profession throughout the province, thereby developing program recommendations that received near unanimous support.

³ This monitoring falls within the mandate of the Law Society's Equity and Diversity Advisory Committee.

⁴ In 2008 in BC, out of 3,205 law firms, 2,386 are sole practitioners, 628 are firms with 2-5 lawyers, 143 are firms with 6-15 lawyers, 34 are firms with 16-50 lawyers and only 14 are firms with more than 51 lawyers.

LSUC Recommendation for direct support and resources

LSUC Recommendation 2 – Direct support for women

LSUC will work in collaboration with legal associations where appropriate to provide direct support to women through the following programs:

- Women's Leadership and Professional Development Institute – to provide opportunities designed specifically to develop women as leaders and rainmakers;
- On-line Women's Resource Centre – to offer tools related to women's advancement, including information on practice management and building professional profile, maintaining profitability while having a family life, and information on networking, coaching and mentoring opportunities; and
- Gathering information about changes of status – to understand factors leading to changes in career paths.

This Task Force recognizes that many national and a few regional firms already offer women's leadership and development initiatives. However, having the Law Society involved in providing resources would lend additional support and credibility to firms' programs and give small firms access to relevant information. More specifically:

- The Task Force recognizes that the CBA BC Branch's Women Lawyers Forum (WLF) has done a great deal of work in this area and would be a valuable resource and partner if similar initiatives were considered by the Law Society. However, as not all lawyers in BC belong to the CBA, and as it is not possible for WLF as a volunteer organization to provide training and leadership support for all women lawyers in the province, the Task Force recommends that the Law Society explore ways to enhance support for, and partner with, the WLF to develop women's leadership programs (Task Force Recommendation #5a at page 10);
- The Task Force recognizes that the Law Society has been distributing an online exit survey since 2005. However, there has been limited uptake and limited data gathered. The Task Force recommends that the exit survey be assessed, revised and re-launched in a more user-friendly and effective format⁵ (Task Force Recommendation #3c at page 9).

LSUC Recommendations for small firms (5 and fewer) and sole practitioners

LSUC Recommendation 3 – Practice locums

LSUC has launched a five-year pilot project to promote and support practice locums, to help women and men maintain their practices during leaves of absence. The program will also allow women and men to undertake locum work when they wish to have flexible careers.

⁵ The Law Society may wish to consider LSUC's change of status survey in revising the exit survey.

This Task Force recognizes that the Law Society of BC has already developed a practice locum program, including a locum registry⁶. The Task Force recommends that the Law Society review the design and promotion of the program to ensure its effectiveness in assisting women to maintain their practices during leaves and provide possible flexibility for women who may want to contract for locum work (Task Force Recommendation #2a at page 8).

LSUC Recommendation 4 – Funding for leaves

LSUC has approved and launched a three-year Parental Leave Benefit Pilot Program for lawyers in firms of five lawyers or less, including sole practitioners (who have no access to other public or private benefit plans) which would provide \$3,000 a month for three months to cover expenses associated with maintaining a practice during a maternity, parental or adoption leave. This program is being implemented in combination with the practice locum pilot program.

This Task Force recognizes that the Benchers approved a Maternity Loan Pilot Project in 2007 to reduce the financial hardship of female lawyers in sole practice who give birth. The two-year pilot project was aimed at practicing self-employed lawyers who are birth mothers without access to additional maternity or parental benefits beyond government programs, and would provide \$2,000 a month for four months to cover some of the overhead associated with operating a sole practice during the maternity leave period.

WILP developed a statement of purpose for the program that emphasized the importance of diversity in the legal profession in BC and the need to retain women.

The purpose of this Maternity Leave Benefit Policy is to reduce the financial hardship of female lawyers in sole practice who give birth. The policy is not intended as income replacement but to help defray some of the cost of overhead during the time spent away from practice.

In implementing this policy, the Law Society intends to encourage diversity in the legal profession not only with regard to removing barriers to women in the profession but also by supporting sole practitioners. In this way, **the Law Society is fulfilling its primary mandate of protecting the public interest** by encouraging women in sole practice to stay in the profession and thereby increase the diversity of legal representation available to the public. In addition, by encouraging more women to stay in practice, the Law Society wishes to increase the availability of legal services in general, particularly in areas away from the major urban centres that traditionally suffer from a dearth of practitioners.

The Law Society is also fulfilling its secondary mandate of protecting lawyers' interests by assisting sole practitioners on maternity leave. This policy provides some support to those who may otherwise be discouraged financially

⁶ See www.lawsociety.bc.ca/practice_support/locums.html.

from practising and persuaded to seek other employment by allowing them to continue to provide some services and information to their clients⁷.

The Task Force notes that the implementation of this pilot program has been delayed until potential tax related issues are resolved. The Task Force recommends that the Law Society expedite the implementation of this program, monitor uptake and review the program after the two year pilot period to determine whether it meets stated objectives (Task Force Recommendation #2b at page 8).

LSUC Recommendation 5 – Direct resources

LSUC will work in collaboration with legal associations where appropriate to provide resources developed specifically for women in sole practices and small firms through programs such as on-line resources and practice management and career development advice. LSUC recognizes that women in sole practices and small firms have different needs than women in medium and large firms, such as regional lists of childcare services, regional lists of networks and CLE events for women, and resources to assist in setting up a business.

This Task Force recognizes that women in sole practices and small firms in BC require different resources and support than those at larger institutions and firms. The Task Force notes that the Law Society has already developed a mandatory small firm online educational program aimed at supporting small firm practice, where specific issues tend to arise⁸. This program has been well-developed and has received international attention as a learning tool. The Task Force recommends that an additional module to the course be designed specifically to address issues faced by women in private practice in small firms (Task Force Recommendation #3a at page 9).

LSUC Recommendation to work with law schools

LSUC Recommendation 6 – Beginning at law school

LSUC will work with law schools to provide access to information and education opportunities about the practice of law, the business of law, types of practices, practicing in diverse work settings and available resources. This recommendation aims to better prepare women law students for the reality of the practice of law.

This Task Force strongly believes that law schools should be offering students courses in the practical aspects of the business of law. Organizational behaviour in law firms, which particularly affects the retention of women in private practice, needs to be better understood and taught. Understanding the business aspects of practicing law will foster success for all students.

⁷ WILP, *Final Report*, *supra* note 1 at p. 6-7.

⁸ See www.lawsociety.bc.ca/publications_forms/bulletin/2007/07-03-08_small-firm.html.

The Task Force believes that preparing all students with skills such as communications and management, and an understanding of and tools to address organizational behaviour and change, will help them navigate gender, diversity, and other barriers within legal environments and cultures where their substantive legal work will be assessed. Research has shown that women, in particular, face systemic and hidden barriers in workplaces, and providing such skills may help retain and advance them. The Task Force recommends a consultative process be initiated with law schools to develop a practical, skills-based course aimed at providing men and women students with knowledge and tools that will enhance their chances of success in practice (Task Force Recommendation #5d at page 11).

LSUC Recommendations to create opportunities for women from Aboriginal, Francophone and/or equality-seeking communities

LSUC Recommendation 7 – Creation of advisory group

LSUC will create an advisory group of women lawyers from Aboriginal, Francophone and/or equality-seeking communities to assist with the implementation of the recommendations outlined in this report.

This Task Force recognizes that women lawyers from diverse communities have specific concerns that need to be considered beyond the challenges faced by all or most women in private practice. Research has shown that the combined effect of hidden biases regarding both gender and race may significantly affect the retention and advancement of women lawyers of colour. Women lawyers of colour are much less likely to be in partnership positions than white lawyers of either gender or men of colour⁹.

The Task Force did not examine issues related to women lawyers from Aboriginal or other diverse communities in detail and strongly recommends that these important issues and this LSUC recommendation be included in future Law Society equity and diversity retention initiatives.

LSUC Recommendation 8 – Networking

LSUC's Equity and Aboriginal Issues Committee will facilitate the development of networking strategies focused on the needs of women from Aboriginal, Francophone and/or equality-seeking communities in firms of all sizes.

This Task Force recommends that the Law Society, through the Equity and Diversity Advisory Committee, facilitate the development of networking strategies which will ensure the needs of Aboriginal women and women from other diverse communities are integrated into the future proposed initiatives flowing from this Report.

⁹ In the average firm, women of colour represent about 11% of associates but only about 1.4% of equity partners: National Association of Women Lawyers (NAWL), *Report of the Third Annual National Survey on Retention and Promotion of Women in Law Firms* (2008), p. 2-3.

LSUC Recommendation for assessment of effectiveness of programs and identification of further strategies*Recommendation 9 – Review programs and next steps*

After a period of three years of implementation of programs, and after a period of five years of implementation of the Practice Locum program, LSUC will assess the effectiveness of each program and identify further strategies for the retention and advancement of women in private practice.

This Task Force recognizes the importance of ongoing assessment and recommends the development of outcome evaluation plans for all its proposed initiatives.