

Article #3

Retention of Women in Law – An Opportunity for Fogler, Rubinoff LLP

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In the "Before Times" in 2020, I attended the Women in Law Summit, hosted by *Canadian Lawyer* magazine. The purpose of the conference was to focus on practical strategies that law firm leaders can employ to help attract and retain female lawyers. My biggest take away from the conference is that law firms and law firm leaders want to support women in law but there are still lots of questions, with no simple answers, about how to make this happen.

Some Interesting Stats

Women began to enter the legal profession in larger numbers in the early 1970's. Twenty years later, female students accounted for roughly half of law school students across the country. Since that time, the number of women practicing law has increased by about one per cent annually, and today women account for about one third of the legal profession. The issue is, although women have arrived into the legal profession, they are not staying at law firms and are not becoming partners at law firms.

The [LSO's 2018 annual report](#) found that about 12.4 per cent of lawyers in Ontario were male law firm partners, compared to only 4.3 per cent of lawyers who were female partners. In practical terms, what this means is that out of 23,594 male lawyers, 5,168 were partners and out of 17,982 female lawyers, 1,770 were partners. Women have arrived in the practice of law but they are not staying and rising up the partnership ranks.



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Why Do Women Leave?

At the conference, the consensus seemed to be that the traditional practice model does not generally allow for women to balance the interests of being a lawyer and the demands women face outside the office (whether this be caring for children or family members). The research supports this theory. The research shows that women lawyers leave the practice of law for a variety of reasons:

- discrimination still exists in how women are treated and offered work;
- women still carry a heavier load of childcare and domestic duties than their husbands;
- women are less likely to have stay-at-home spouses to support them in full-time work; and
- women are less likely than men to identify themselves solely by the title on their business cards. They wish to have other interests in their lives.¹

A Problem With No Easy Solution

Canadian law firms recognize the need to address this problem. Many of Canada's leading law firms, including Fogler, Rubinoff, have signed on to national initiatives to increase female ranks in senior positions, including the Law Firm Diversity and Inclusion Network and the 30% Club Canada, whose member firms commit to promoting and achieving diversity, including gender balance. Many are also signatories to the Justicia Project, a law-society initiative in several provinces where firms commit to the retention and advancement of women. While these initiatives are a great start, more needs to be done to give effect to the goal of retaining and advancing women.

There are many women who want to balance their careers with family responsibilities – this should not be the exception, it should be the rule.

Retaining and advancing women can take many forms. Creating an internal support network of women in various stages of their career can foster a community of sharing and creating solutions. With law often being a silo practice, it is important to recognize the importance of

community when conferring with individuals on a systemic group issue. As well, hiring female associates will effectively create a space where women in a similar age bracket can discuss issues that are important to them and build a voice within their firm. If women's issues are not heard, they will not be addressed. Women need an opportunity to be heard and this is increased when there is a larger voice.

This challenge provides us all with an opportunity to work to change how we practice law, to allow for more flexibility and more options (for both women and men), and to ensure that we are being more inclusive and losing less talent. There are many women who want to balance their careers with family responsibilities – this should not be the exception, it should be the rule. If the practice of law can evolve to allow all lawyers this opportunity, which will effectively normalize balance, many women may decide to stay in private practice.

Some practical suggestions that came out of the conference were:

- start networking events at 4:00 p.m. to help accommodate women that have family responsibilities at home in the early evening;
- encourage men to take parental leaves;
- pairing female partners with female associates. Young female lawyers at Fogler, Rubinoff have positively responded to working under a female partner, as it teaches them not only that it is possible to remain in (big) law, but that it is possible through effective practice management. The reality is (and without wanting to exclude or generalize), women need to learn how to balance from the individuals who know how to balance;
- after coming back from a maternity leave, be paired with a senior women in a leadership role who understands what the transition back to work is like;
- recognize female talent and invest time, money and resources into them;
- ensure that the law firm has a merit based compensation policy that recognizes firm minded behaviour and not just client origination; and
- create a space where hard conversations can take place with people that are willing to listen.

Let's continue to have these important conversations to generate ideas and strategies to create the outcome we desire. We must work to try and articulate what success means and how we all can support women generally to ensure that they are poised for success.

¹Source: Linda Robertson, "What Law Firms Can do to Stop the Exodus of Women", www.cba.org