

Law firms are trying to bridge gender gap

Women

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the profession will become more tuned to child-rearing and families, more accommodating to outside demands, with less pressure on billable hours.

Professional associations have conducted many studies on gender equality in recent years, and these studies show just how far apart men and women lawyers are.

There are many other differences between the careers of men and women lawyers. Women gravitate to in-house jobs, government and major law firms. They prefer family law or litigation and, if they work in criminal law, it is usually as a Crown attorney where the hours are regular.

Women also tend to cut back their working hours so they can juggle a home life with their career. They tend to part-time work and, if they take a maternity leave, they keep it to a minimum.

“It’s hard to come back after a long time away,” Symons said. “A one-year leave won’t put you behind in terms of technology and skills, but I can’t imagine coming back after a long time. Maternity leaves slow down the track to partner.”

Many lawyers dismiss the gender gap without realizing how much it costs the profession. The 2008 LSUC study referred to the high attrition rate of women lawyers, and “the staggering cost” of associate turnover, which it estimated at \$315,000 for a four-year veteran.

Quality is also an issue. The legal profession cannot afford to lose its women, often its “best and brightest” practitioners, while Symons said clients risk losing their access to high-quality lawyers and to justice itself.

There are other, more subtle, costs associated with the gender gap. Linc Rogers, a partner in the restructuring and insolvency group of Blake, Cassels & Graydon LLP in Toronto, notes that women bring depth to a law firm.

“The pool of talent that is available is much broader than the historical demographic,” he said in an interview. “Clients demand

diversity in gender and visible minorities.”

That is especially true nowadays, when many of the top corporate clients are women, who have worked their way up in industry and now run their own companies. Those women clients often prefer women lawyers, Rogers said.

Women can add their own unique perspective to a file. They have different life experiences from their male counterparts, and they are often seen as more nurturing, an important quality in family law and other fields.

Women lawyers have another argument up their sleeve — “what’s good for the goose is good for the gander.” Many male lawyers, especially the younger ones, bristle at too many billable

hours. They want sabbaticals and sick leaves, and a chance to just sit back and think. Men also suffer over-work and burn-out, and like a break once in a while. They want to see their children and participate in their upbringing. And they want a life outside the law firm.

That sounds just like what some have derisively dubbed as “women’s issues,” doesn’t it?

The problem of gender equality is so pervasive that the LSUC has come up with a precedent-setting, province-wide initiative that is designed to keep women lawyers happily working as lawyers, to help women advance in their practice and to help women lead a healthy family life on the side.

More than 45 firms have com-

mitted to the LSUC’s “Justicia Project,” which includes a series of best practices and ambitious goals. These goals would seem old hat to any number of industries but they are, surprisingly, considered innovative for the legal profession.

The “Justicia Project” includes nine recommendations, which were explained in the retention of women report last year. They include:

- Firms adopt programs for the retention and advancement of women;

- The LSUC and legal associations should help with leadership and professional development;

- The LSUC should promote practice locums so lawyers can take a leave knowing that somebody is looking after the practice;

- The LSUC should implement a parental leave benefit program that would offer up to \$9,000 over three months;

- The LSUC should offer on-line resources, practice management and career advice to women in small firms and sole practices;

- The LSUC should work with law schools to provide career advice;

- The LSUC should create an advisory group of women lawyers from aboriginal, francophone and equality-seeking communities to help follow through with these recommendations;

- The LSUC should help aboriginal and francophone women lawyers network;

- The LSUC should take a look at these programs after three years.

There are, of course, many other programs that are available to help women maintain their way in what is a difficult profession. Many firms offer BlackBerry devices or cellphones to their staff lawyers, both men and women, so they can work from home after the children go to bed.

And many firms offer a range of work options to make it easier to juggle family and work commitments.

Blakes, for instance, has experimented with part-time and flex-time work, and with work-share arrangements whereby two mothers share one position. It has tried flexible working arrangements, whereby staff lawyers take one or two days off every week or lower their billable hours target to, say, 70 percent of the associate norm.

One Blakes associate works 100 hours a month as a consultant on an hourly basis. Another works every day, but makes sure she leaves in time to pick up the kids from school. Others work in fields where the hours are regular and usually nine-to-five.

But not every option works, or works with every lawyer or every client.

“We have a long way to go,” said Mary Jackson, Blakes’ chief officer, legal personnel and professional development. “We do a good job but we could do more. We want people to be proud to work here.” ■

PROFILE

Glass ceiling feels like ‘titanium’ sometimes

OLIVER BERTIN TORONTO

Julie Hannaford has experienced the glass ceiling first hand.

She was an equity partner at Borden Ladner Gervais LLP (BLG) in downtown Toronto, a deputy judge of the Ontario Small Claims Court and involved in the leadership of the American Bar Association. She was a member of the part-time faculty at the University of Toronto Faculty of Law and at Harvard, Notre Dame and Louisiana State universities.

She represented Tie Domi’s wife when the hockey enforcer allegedly had an affair with auto parts heiress and former politician Belinda Stronach. She was involved in the world’s first same-sex divorce case, and she successfully sued a child’s grandparents for child support.

After hours, she is chair of the University of Toronto student tribunal, was president of the prestigious Empire Club and a board member of several other clubs.

But success in the legal field is different when you’re a woman. Hannaford became so frustrated with working at a big firm that she quit in 2006 at the age of 53 and set up her own family law practice

in downtown Toronto, the successful JK Hannaford Barristers.

Did she suffer from gender discrimination?

“Let’s say that if I were male, my frustration would have been different and the outcome would have been different,” she said.

As for that glass ceiling, she said it is still very real and very hard. “I don’t feel that I have cracked the glass ceiling at all,” she said. “Sometimes that ceiling feels like it’s titanium.

“I’m completely affected by gender discrimination,” she continued. “I still feel I’m working on the margins. I still haven’t cracked the big time.”

Hannaford has no fight with BLG, saying it is no different from any other big downtown law firm. Gender discrimination, she said, is an across-the-board problem that won’t disappear while men still dominate the partnership ranks and make all the major decisions.

Until then, women will continue to leave the profession in

droves. They will continue to earn less than men and they will continue to have limited access to the partnership ranks, the bench and key positions in the profession.

“And that won’t change until the old guys retire,” Hannaford said. ■



Julie Hannaford

Online System for Court Attendance Reservations a hit



HI-TECH

LUIGI BENETTON

OSCAR may soon arrive at a court near you. When he does, he will make many people a lot less grouchy.

That’s because the Online System for Court Attendance Reservations (OSCAR) offers registered users the ability to reserve court attendances online.

Canadian technology company CourtCanada Ltd. came up

with OSCAR as part of its efforts to develop web-based software to expedite and facilitate various court processes for all stakeholders in the Ontario legal system.

Former commercial insolvency practitioner Greg Azeff founded CourtCanada in August 2006, growing the company to its present full-time staff of 15.

OSCAR took an indirect route onto the Ontario Ministry of the Attorney General’s radar. “We had been working at the time on an insolvency case management solution that touches the court office in a very tangential way,” Azeff recalls.

The ministry’s court services division had been looking for a system to do what OSCAR does.

“We were already three-quarters of the way to completing a solution that would work for them,” Azeff says. “It was a minor part of the overall court management suite we were developing, but as soon as we spoke with them about this it was obvious that we had a solution that we thought would work well for them.”

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System very popular despite a few growing pains

OSCAR

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A one-year pilot project in the estates list in Toronto started in October of 2007. But the pilot was abridged after four months, when the government issued a request for proposals for an OSCAR-like system to support all civil divisions of the Superior Court of Justice.

CourtCanada’s proposal was chosen, and OSCAR is currently spreading court by court in Toronto. (The ministry will decide where to deploy it next.) Estates and trusts lawyer Kimberly Whaley appreciates other features in OSCAR. “It has links to the rules of civil procedure, practice direction, CANLII and other resources,” she says, adding: “The web site is a great resource, not just for lawyers or clerks but for the

public at large, since there’s no fee for accessing or searching it.” (Azeff notes that each user has access rights commensurate with that user’s role in the legal process.) Ontarians face no added tax burden. Lawyers support the system by paying \$15 per booking. “This is entirely voluntary,” Azeff says. “Lawyers are free to continue using traditional processes.”

He also claims that lawyers can book attendances in under a minute with no involvement from court staff at the booking stage, which helps to explain why lawyers like Archie Rabinowitz won’t go back to “traditional processes.” “When you have multi-party litigation, the logistics of trying to book court time can be a nightmare,” says the partner at Fraser Milner Casgrain LLP.

“My assistants and clerks tell me OSCAR saves them hours.” “I may go in (to OSCAR) the night before I go to court to find where I am on the list,” Whaley says. “I’ll find out who my judge is and where the court hearing is taking place.” Judges also cotton to OSCAR, since they can use it to check their schedules and matter information.

Court Services staff may be the biggest users of OSCAR. They use it to publish door lists and manage matters and users. “We estimate OSCAR can capture between 70 and 75 percent of all events booked, reducing the burden on court staff for processing routine reservations by three-quarters,” Azeff asserts. “That allows court staff, in turn, to focus on helping people (like unrepresented litigants) who need more assistance.”

The system isn’t free of omissions or glitches, but neither Rabinowitz nor Whaley can point to any of these as show-stoppers. Whaley would like to pay court filing fees when she books attendances. Both want to file documents electronically.

Azeff mentions calls for enhanced support on handhelds like the BlackBerry, the ability to import booking confirmation emails directly into Microsoft Outlook and integration with practice management solutions.

Rabinowitz notes that he sometimes gets multiple emails confirming the same reservation, “but that’s completely tolerable,” he adds. “I couldn’t care less about that.”

Requested enhancements may appear sooner rather than later. “We built a development platform that would allow us to service not just scheduling but all the different transactions in the litigation process: submitting documents online, serving documents online, entire case management solutions,” Azeff explains.

“We would like to integrate a lot of those features to create a more comprehensive solution, but we take our lead from the ministry from that.”

In its current form, the system can’t expand beyond Toronto, or to more Ontario lawyers, quickly enough for Rabinowitz’s liking. “Probate rules require probate applications to be filed in the jurisdiction where the deceased resided,” he explains. “That doesn’t mean all litigation must occur there, but that’s often the result.”

Rabinowitz insists he simply wants to see the system thrive. “I don’t get a commission for how many customers CourtCanada gets,” he chuckles. ■

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