



**TOWARDS A MORE REPRESENTATIVE LEGAL PROFESSION:
Better practices, better workplaces, better results**

THE LAW SOCIETY OF BRITISH COLUMBIA
June 2012



New lawyers at the September 23, 2011 call ceremony in Vancouver.

Report and appendix prepared on behalf of the Equity and Diversity Advisory Committee by

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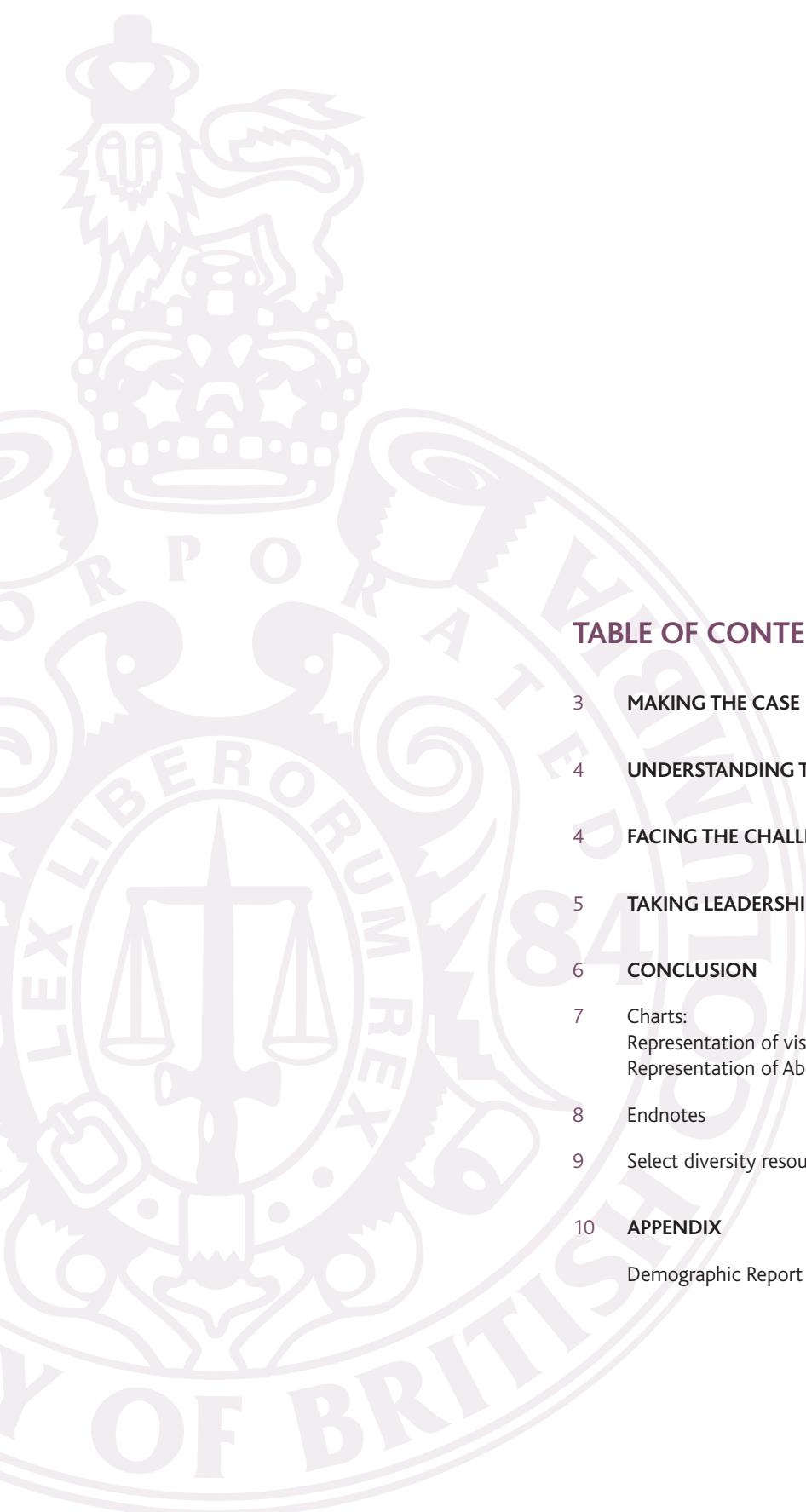


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LETTER FROM THE CHAIR



I am pleased to present *Towards a More Representative Legal Profession: Better practices, better workplaces, better results.*

The Law Society believes the public is best served by a more representative and inclusive legal profession that reflects the diversity of British Columbia. In support of this vision, the Equity and Diversity Advisory Committee prepared this report, which provides research and best practices for consideration by the legal profession. In addition, this report promotes workplaces where all lawyers have equal opportunities to succeed. The appendix provides a demographic snapshot of BC's legal profession, which highlights the under-representation of both Aboriginal and visible minority lawyers. The report also strives to raise awareness of the benefits of creating strategies to overcome the often unintentional barriers that some lawyers may face.

When providing legal advice, lawyers need to be able to see all sides of an issue – diversity enables multiple perspectives, which can result in enhanced creativity in problem-solving. Moreover, firms can realize the many competitive advantages of diversity when recruiting talent, attracting clients, and avoiding turnover costs.

I would like to thank the committee members for their commitment to this project, which began in 2011 under the leadership of Robert Brun, QC (then Chair), Catherine Sas, QC, Elizabeth Hunt, Jennifer Chow, Patrick Kelly, June Preston, Karen Whonnock and me; and continuing this year with the current committee of myself, Satwinder Bains, Maria Morellato, QC, Barry Zacharias, Aryn Lalji, Suzette Narbonne and returning committee member Elizabeth Hunt.

We hope our report will form the foundation to get the legal community working together to create effective solutions. As the regulator we're only one piece of the puzzle, so we can't fix this on our own. As a profession, we can do better. Not just because it's the right thing to do, but because everyone benefits from it. We all have an interest in ensuring the legal profession continues its long-held tradition of striving to serve the public the best way it can. I encourage you to read this report and consider how your firm can develop and implement solutions to advance diversity in the legal profession.

A handwritten signature in black ink that reads "Thelma O'Grady". The signature is fluid and cursive.

Thelma O'Grady
Chair, Equity and Diversity Advisory Committee

TOWARDS A MORE DIVERSE LEGAL PROFESSION: BETTER PRACTICES, BETTER WORKPLACES, BETTER RESULTS

MAKING THE CASE FOR DIVERSITY

The Law Society of British Columbia is committed to the principles of equity and diversity and believes the public is best served by a more inclusive and representative profession. The demographics of the population in BC have shifted dramatically in past decades. The demographics of the legal profession, however, do not reflect these changes. Visible minority lawyers and Aboriginal lawyers continue to be under-represented in BC.

Law firms are encouraged to consider the competitive advantages of increasing diversity, in order to meet clients' demands for diversity in legal representation, to better serve an increasingly diverse society, and to attract, retain and advance the best and brightest lawyers, particularly young lawyers from a generation with expectations of equality.¹

Law firms are also encouraged to understand and address barriers often faced by visible minority lawyers and Aboriginal lawyers,² and to consider best practices for creating more inclusive work environments in which all lawyers have equal opportunities to contribute and succeed, maximizing performance for better results.

Competing for clients

In today's global business environment, corporate counsel clients more than ever seek greater diversity in the legal teams they engage. Most recently, Canada's general counsel community introduced a new initiative, Legal Leaders for Diversity: A Statement of Support for Diversity and Inclusion by General Counsel in Canada.³ Through this initiative, almost 60 signatories have committed to practising and advancing diversity and inclusion by promoting diversity within their own departments, considering diversity in their hiring and purchasing practices and, among other actions, encouraging Canadian law firms to follow their examples. Signatories include general counsel from DuPont, Deloitte, Bell, Royal Bank of Canada and Bombardier. Another legal diversity initiative, A Call to Action Canada, also highlights the commitment of corporate counsel to promote diversity in the legal profession and includes Accenture, Ernst & Young and GlaxoSmithKline amongst its signatories.⁴ Firms competing for corporate clients are increasingly being expected to demonstrate their commitment to diversity.

Responding to a changing society

According to Statistics Canada projections, the demographics of both Canada and BC will continue to shift dramatically. By 2031, about one third of Canada's population will be from visible minority communities. In Vancouver, the visible minority population is projected to reach 59 percent, up from 42 percent in 2006.⁵ Aboriginal populations are also growing significantly. In 2006, Aboriginal peoples surpassed the one million mark in Canada, up 45 percent from the previous decade. The Aboriginal population is also growing at a rate six times greater than the non-Aboriginal population.⁶ BC is home to the second largest Aboriginal population in Canada, and the age profile of this population is much younger than the non-Aboriginal population. In 2006, the median age of the Aboriginal population in BC was 28 years compared to 41 years in the non-Aboriginal population.⁷

Vying for talent

Law firms aim to have the best lawyers in order to meet their clients' needs effectively, particularly in an increasingly competitive market. With the aging of the legal profession in BC, firms are recruiting from the "millennial" generation, young lawyers who are more diverse and have different expectations regarding the practice of law. These women and men believe in equality and expect equal opportunities for advancement. They are more likely to seek work-life balance and flexibility, and they are more likely to consider diversity and representation when evaluating firms.⁸ When it comes to effectively recruiting and retaining talent, law firms should also be aware of the enormous costs of lawyer turnover and attrition, which has been estimated at anywhere between \$250,000 to \$315,000 per lawyer who leaves a firm.⁹

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Attendees at "Inspiring stories connecting future leaders." The June 16, 2010 Law Society event allowed Aboriginal leaders to share their inspirational stories and strategies for success in the legal profession.

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UNDERSTANDING THE CHANGING PROFESSION

Despite dramatic shifts in the population demographics in BC, the legal profession lags significantly behind. The proportion of visible minority lawyers in the profession is a little over half of the visible minority share of the total population. Moreover, Aboriginal peoples represent only one third of the proportion of lawyers compared to their proportion of the total population.¹⁰

Recognizing the representation of visible minority lawyers

Only 14.6 percent of lawyers are members of visible minorities, compared with 25.3 percent of the total population in BC.¹¹ However, visible minorities represent 32.6 percent of university graduates with an occupation, which suggests that their under-representation in the legal profession is not related to an inability to access university education. The data suggest there may be other reasons affecting the participation of visible minorities.¹²

One reason might be found in research from the US, which suggests that visible minorities are not advancing to leadership positions in the legal profession. A recent survey showed that minority lawyers represent almost 20 percent of associates, but only six percent of law firm partners.¹³ Another study found that, while lawyers of colour have been awarded about 20 percent of all JD degrees for over 10 years, in the average US firm men of colour account for only eight percent of associates and four percent of equity partners. For women of colour, the situation is worse; in the average US firm visible minority women account for about 11 percent of associates, but represent only 1.4 percent of equity partners.¹⁴ Recent research in the Greater Toronto Area (GTA) shows similar under-representation, with visible minorities representing 14.4 percent of all lawyers in the GTA, but only 6.8 percent of those in leadership roles in the legal sector.¹⁵



The then Chair of the Equity and Diversity Advisory Committee Robert Brun, QC, with some of the approximately 50 people who attended a gathering for Aboriginal lawyers that was organized by an Indigenous lawyer and held in Vancouver on September 17, 2010.

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Raising concerns regarding the participation of Aboriginal lawyers

Aboriginal lawyers represent only 1.5 percent of the profession while Aboriginal peoples represent 4.6 percent of the total population in BC. More concerning, the percentage of Aboriginal lawyers did not increase from 1996 to 2006. However, the 1.5 percent of Aboriginal lawyers is slightly above the 1.3 percent of Aboriginal university graduates with an occupation, which suggests that one of the many factors involved in the under-representation of Aboriginal lawyers may be related to social and economic conditions that may limit access to university education for Aboriginal peoples.¹⁶ For Aboriginal lawyers, however, the concern regarding their significant under-representation is much more than a pipeline issue. Aboriginal lawyers have spoken to the Law Society about the many systemic barriers they face, including racism and isolation and lack of mentors, role models and access to networks.

FACING THE CHALLENGES IN FIRMS

While overt discrimination based on race and gender is arguably less prevalent today than 30 years ago, it still occurs and demands an appropriate response.¹⁷ However, visible minority lawyers and Aboriginal lawyers also continue to face systemic barriers in the profession created by unconscious bias, resulting in more insidious, albeit unintended, forms of discrimination.

Identifying unconscious bias

Research in the US has identified how unconscious bias based on gender and race impacts lawyers in the profession. For example, women lawyers face “attribution bias,” in which a woman’s success is assumed to be based on external circumstances and luck, compared with a man’s success, which is assumed to be based on personal skill and competence. In other words, he’s skilled and she’s lucky.¹⁸ More importantly, men benefit from an assumption of competence (until proven otherwise) while women need to prove their competence again and again.¹⁹ Unconscious bias based on race also creates a negative competence assumption. For women lawyers of colour, the intersection of both race and gender bias results in a multiplication of bias effects rather than an addition. This can create significant career obstacles.²⁰

Racism and unconscious bias based on race plays out differently for different lawyers. In the US,

for example, research shows that African American lawyers, particularly women, are perceived as less intelligent, less qualified (benefitting from affirmative action) and more aggressive. Asian American lawyers, stereotyped as part of a “model minority,” may be perceived as smart and diligent, but are considered not sufficiently assertive to be effective.²¹ In BC, Aboriginal lawyers have identified biased perceptions of being less qualified and less competent, and only participating in the profession because of special treatment rather than merit.

Reinforcing and exacerbating unconscious bias is the tendency of people to notice and remember incidents and behaviour that correspond with their biases, and reject those that counter or conflict (stereotype-consistent information is recalled better than stereotype-inconsistent information). For example, a person holding the unconscious bias that mothers are less committed to their careers will notice every time a mother leaves the office early and not remember all the times she stays late.²² For visible minority lawyers and Aboriginal lawyers who may face stereotypes and negative competence assumptions, this leaves little room for mistakes.

Uncovering systemic barriers

The legal profession is grounded in the belief that individual effort, competence, talent and skill are the keys to success. Lawyers are assumed to be recruited, retained and advanced based on objective merit criteria, with the most deserving rising to the top. While this may be the case in some environments, research has shown that in-group bias (based on the tendency to favour people like oneself) can create discriminatory barriers within seemingly neutral and objective law firm processes. These barriers can negatively impact visible minority lawyers and Aboriginal lawyers.

In-group bias (“like choosing like”) can be reflected in formal and informal law firm processes. For example, with informal work assignment systems, senior lawyers may give interesting, career-advancing files to lawyers with whom they feel most comfortable—lawyers most like themselves.²³ Given the lack of diversity at senior levels in law firms, informal work assignment systems may serve to exclude lawyers of colour and Aboriginal lawyers.

Similarly, in-group bias can also be reflected in the development of informal networks and mentoring relationships. Research has shown that women and visible minority lawyers are often excluded from these networks and relationships, with negative impacts on their retention and advancement.²⁴ In addition, recent research has uncovered the importance of having access to mentors and networks in order to understand and properly navigate the “unwritten rules” of organizations.²⁵ Lack of understanding of unwritten rules can seriously hamper success.

Unconscious bias and in-group favouritism may be reflected in formal processes as well, such as performance review and evaluation systems. While these systems may appear, on face value, to be objective and neutral, bias can be unintentionally integrated through subjective processes, for example, by relying on subjective merit criteria in job reviews such as “leadership,” without using more competence and behaviour-based actions.²⁶ Research has also shown how in-group favouritism can seep into subjective considerations related to broader compensation structures.²⁷

TAKING LEADERSHIP TO PROMOTE DIVERSITY

Law firms aiming to recruit, retain and advance the best and brightest lawyers and to realize the competitive advantages of diversity should strive to create more inclusive work environments. Research related to lawyer retention identifies many best practices for law firms to consider. A few are highlighted here.²⁸

Raising awareness of and correcting unconscious bias

Firms can demonstrate commitment to diversity and inclusion by implementing meaningful workplace equality policies and developing clear processes for addressing discrimination and harassment.²⁹ Firms may also consider raising awareness about gender and racial stereotypes and unconscious bias by promoting diversity-related resources. Lawyers should also be supported in developing skills and competencies in addressing bias, and responsibility for dealing with discrimination should be shared by everyone, not left to visible minority lawyers and Ab-

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The experience of some US firms has shown that developing bias-free systems is a best practice that demonstrates results.



Grand Chief Edward John, retired Judge Alfred Scow and Elizabeth Hunt at “Inspiring stories connecting future leaders.”

original lawyers. Unconscious bias is difficult to identify for both individuals and systems. Once awareness is raised, however, biases can be corrected.

Developing bias-free performance evaluation and work assignment systems

The experience of some US firms has shown that developing bias-free systems is a best practice that demonstrates results. For example, some firms have revised their evaluation systems to focus on competencies and behaviours rather than subjective impressions: for example, “can conduct dispositions with minimal supervision,” instead of more ambiguous attributes, such as, “shows initiative.” These evaluation systems work best when one person is trained with respect to cognitive bias and serves to review all evaluations based on identified competencies to look for trends.³¹ While implementing bias-free evaluation processes takes more time and resources, it has been suggested that failing to do so may lead to other “significantly greater costs, including attrition, poor morale, diminished productivity, lower client satisfaction and exposure to discrimination claims.”³²

Formal work assignment systems are also showing results as a best practice. Some firms have developed assignment systems through which associates can indicate their availability and the skills and experience they wish to gain, which can be matched by partners assigning files. This type of system may also help handle workflow and volume.³³

Promoting flexibility

The Project for Attorney Retention (PAR) has recently focused its research on the evidence-based link between diversity and flexibility. Results to date suggest that more inclusive work environments are not likely to be developed without balanced hours programs and more workplace flexibility, particularly for women and women of colour lawyers, who often carry disproportionate family and community responsibilities.³⁴ Best practices include developing non-stigmatized flexible work policies and ensuring that work is referred to lawyers working balanced hours.

Promoting mentoring and sponsoring

Mentoring can be a powerful tool for lawyer retention. Mentors can provide advice and support related to practice management, meeting client needs and managing workload. Mentors can also provide critical access to informal networks and intelligence regarding the “unwritten rules” in a work environment that can significantly impact advancement.³⁵ In the US, women of colour have identified the lack of influential mentors as an important barrier to advancement.³⁶ Mentors may not be enough; while mentors can provide access to networks and information, sponsors can be powerful and influential voices at leadership and decision-making tables.³⁷

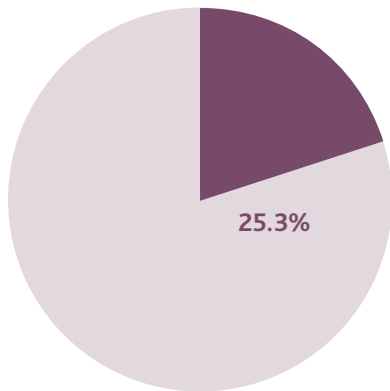
For visible minority and Aboriginal lawyers, mentors can be an invaluable resource for sharing experiences and for seeking advice related to navigating the racism and unconscious bias that they encounter in their firms and in the profession.³⁸

CONCLUSION

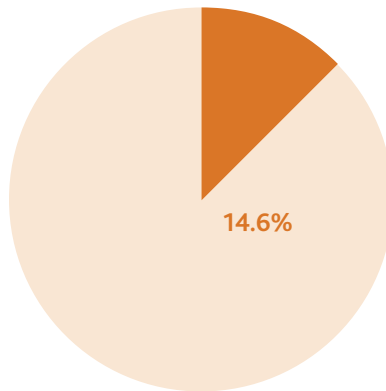
The Law Society believes that everyone in the legal community shares responsibility for promoting equality and diversity in the profession and hopes that this report will contribute to the discussion and to the development of effective strategies to break down unintentional barriers. The Law Society recognizes that everyone holds unconscious biases; identifying them and understanding how they might inadvertently be integrated into law firms’ systems is the first challenge. Uncovering these barriers and finding ways to overcome them will help lawyers and law firms succeed in today’s legal marketplace.

Members of the legal community need to work together to create equal opportunities for all lawyers to succeed. There is no one-size-fits-all solution and there is always room for improvement. Together, the Law Society, law firms and lawyers can consider the research and best practices and develop tailored solutions to fit unique environments. Enhancing diversity is not just the right thing to do; a more diverse legal profession benefits everyone—lawyers, law firms and clients.

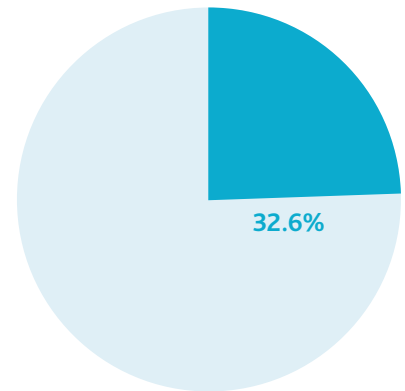
REPRESENTATION OF VISIBLE MINORITY LAWYERS¹



VISIBLE MINORITIES
% OF TOTAL POPULATION

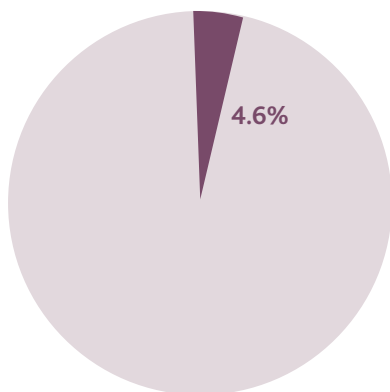


VISIBLE MINORITIES
% OF LAWYERS

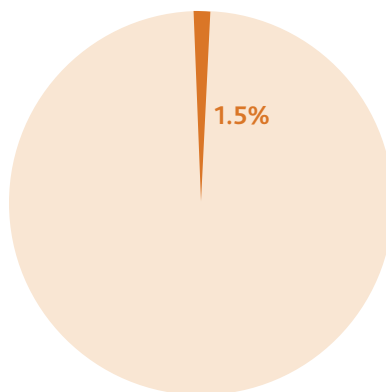


VISIBLE MINORITIES
% OF UNIVERSITY GRADUATES
WITH AN OCCUPATION

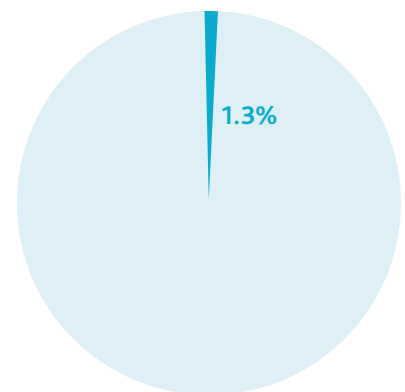
REPRESENTATION OF ABORIGINAL LAWYERS¹



ABORIGINAL PEOPLES
% OF THE POPULATION OF BC



ABORIGINAL PEOPLES
% OF LAWYERS



ABORIGINAL PEOPLES
% OF UNIVERSITY GRADUATES
WITH AN OCCUPATION

1. Based on 2006 census data provided by Statistics Canada.

ENDNOTES

1. The Law Society has already considered the costs and implications of failing to retain women lawyers: The Law Society of BC, *The business case for retaining and advancing women lawyers in private practice* (2009). Here, the Law Society examines the under-representation of Aboriginal and visible minority lawyers and considers best practices for enhancing diversity within the profession.
2. In this report, the term "visible minority lawyers" is used to reflect the definition of "visible minority" in the Canadian census, rather than the terms "lawyers of colour" or "racialized lawyers." The term "Aboriginal lawyers" is also used to reflect the definition of "Aboriginal" in the census, to include First Nations, Métis and Inuit lawyers, rather than the term "Indigenous." For more information regarding language use in this context, see the Law Society's *Respectful Language Guideline*: lawsociety.bc.ca.
3. ryerson.ca/content/dam/about/generalcounsel/pdfs/LLDUUpdated.pdf
4. acalltoactioncanada.com
5. Statistics Canada, *The Daily*, March 9, 2010.
6. Statistics Canada, *The Daily*, January 15, 2008.
7. BC Stats, "The Aboriginal Population of BC: Highlights from the Statistical Profiles of Aboriginal Peoples in BC", *Business Indicators*, August 2009, p. 1.
8. In the US, firms are rated on diversity metrics. Vault and the Minority Corporate Counsel Association have partnered to develop the Law Firm Diversity Database (mcca.vault.com). Anecdotally, young women in Ontario are considering firms who participate in Justicia, a project led by the Law Society of Upper Canada, which is focused on developing strategies for retaining and advancing women in private practice.
9. *Supra*, note 1, p. 6.
10. The Law Society of BC, *Demographic Report on Aboriginal and Visible Minority Lawyers in BC* (2012), appended to this report, pp. 11 and 15.
11. *Ibid*, p.14. Note that the percentage of visible minority lawyers doubled from 7.3% in 1996 to 14.6% in 2006.
12. *Ibid*, p.15.
13. NALP The Association for Legal Career Professionals, "Law Firm Diversity Demographics Show Little Change, Despite Economic Downturn" (2009 Women & Minorities Press Release), October 21, 2009, p. 4.
14. National Association of Women Lawyers (NAWL), *Report of the Third Annual National Survey on Retention and Promotion of Women in Law Firms* (2008), pp. 7-9. Later annual reports do not specifically address lawyers of colour.
15. DiverseCity: The Greater Toronto Leadership Project, *DiverseCity Counts 3 – A Snapshot of Diverse Leadership in the GTA* (2011), pp. 24-26.
16. *Supra*, note 10, p. 11 and appendix endnote 5.
17. The Law Society of BC's Equity Ombudsperson is available to address issues of workplace discrimination and to promote respectful workplaces: lawsociety.bc.ca.
18. American Bar Association Commission on Women in the Profession, *Fair Measure: Toward Effective Attorney Evaluations* (2008), Second Edition (Joan C. Williams and Consuela A. Pinto), p. 20. Chapter 2 provides a summary of how hidden bias affects workplace interactions.
19. Project for Attorney Retention (PAR), "Patterns of underlying gender bias", found in conference materials from PAR second annual conference, *Strategies for Advancing Women Lawyers in Turbulent Times*, March 5, 2009, Washington, DC.
20. *Ibid*. The concept of "intersectionality" is also explained in Catalyst, *Women of Color in US Law Firms*, (2009), pp. 2 and 4.
21. Deborah L. Rhode, "From Platitudes to Priorities: Diversity and Gender Equity in Law Firms," *Georgetown Journal of Legal Ethics*, Vol. 24 No. 4 (Fall 2011), p. 1050.
22. *Supra*, note 19. Leniency bias includes men being given the benefit of the doubt, men's mistakes being forgotten, and rules being applied less rigidly to men.
23. Research in the US has shown that such informal "hey you" assignments systems and networks serve to exclude, or fail to include, those outside of the majority group, leading to a lack of equal access to high-quality training and assignments, networking, business development opportunities and relationships with rainmakers and champions: Women's Bar Association of the District of Columbia (WBA), *Creating Pathways to Success for All – Advancing and Retaining Women of Colour in Today's Law Firms* (2008), pp. 11-12.
24. Minority Corporate Counsel Association, *Sustaining Pathways to Diversity: The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms* (2009), pp. 21-24.
25. Catalyst, *Unwritten Rules: Why Doing a Good Job Might Not Be Enough* (2010).
26. *Supra*, note 18, provides comprehensive analysis of hidden bias in performance evaluations, as well as best practices for bias-free processes.
27. Project for Attorney Retention and Minority Corporate Counsel Association, *New Millennium, Same Glass Ceiling? The Impact of Law Firm Compensation Systems on Women* (2010).
28. There are many more best practices identified in the research related to lawyer retention. A select list of diversity resources is included in this report.
29. For example, the Law Society of BC has developed a number of model policies, including a Workplace Equality policy. See also the Equity Ombudsperson program, note 17.
30. See list of diversity-related resources.
31. Best practices as described by participants at PAR annual conference, *As the Legal Profession Turns: New Challenges for Diversity & Flexibility*, March 30, 2011, Washington, DC.
32. *Supra*, note 18, p. 14.
33. *Supra*, note 31. One conference participant described the firm's system as a "dashboard" where lawyers can indicate "red light/green light" availability for work.
34. Project for Attorney Retention, *Diversity and Flexibility Connection: Best Practices* (2009). See also PAR, *Flex Success: The Lawyer's Guide to Balanced Hours* (2011), Cynthia Thomas Calvert & Joan C. Williams.
35. *Supra*, note 25.
36. *Supra*, note 20, p. 27.
37. Catalyst, *Sponsoring Women to Success* (2011).
38. Aboriginal and visible minority lawyers have spoken to the Law Society about the importance of this component in a mentoring relationship.

SELECT DIVERSITY RESOURCES

American Bar Association Commission on Women in the Profession. *Fair Measure: Towards Effective Attorney Evaluations*, Second Edition (2008), Joan C. Williams and Consuela A. Pinto.

American Bar Association Commission on Women in the Profession. *From Invisible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms* (2008).

American Bar Association Commission on Women in the Profession. *Visible Invisibility: Women of Color in Law Firms* (2006).

American Bar Association Presidential Initiative Commission on Diversity. *Diversity in the Legal Profession: The Next Steps* (2010).

Canadian Bar Association. *The CBA Equity and Diversity Guide and Resource Manual for Successful Law Firms and Legal Organizations* (2007).

Catalyst. *Sponsoring Women to Success* (2011).

Catalyst. *Women of Color in US Law Firms* (2009).

Minority Corporate Counsel Association. *Sustaining Pathways to Diversity: The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms* (2009).

NALP The Association for Legal Career Professionals. *2009 Diversity Best Practices Guide* (2009).

Project for Attorney Retention. *Diversity and Flexibility Connection: Best Practices* (2009).

Project for Attorney Retention. *Flex Success: The Lawyer's Guide to Balanced Hours* (2011), Cynthia Thomas Calvert and Joan C. Williams.

Project for Attorney Retention and Minority Corporate Counsel Association. *New Millennium, Same Glass Ceiling? The Impact of Law Firm Compensation Systems on Women* (2010), Joan C. Williams and Veta T. Richardson.

Women's Bar Association of the District of Columbia. *Creating Pathways to Success for All: Advancing and Retaining Women of Colour in Today's Law Firms* (2008).



The BC Chapter of the Canadian Association of Black Lawyers met on February 23, 2012 to mark Black History Month. Among those attending the event were (L-R): Satwinder Bains (Law Society Appointed Bencher), Arlene Henry, QC, Rashida Usman (Secretary, CABL BC), Zahra Jimale (Vice President, CABL BC), Karen Ameyaw (President, CABL BC), Natasha Allen (Treasurer, CABL BC), Susanna Tam (Law Society Staff Lawyer, Policy & Legal Services) and Bruce LeRose, QC (Law Society President).

APPENDIX:

Demographic Report on Aboriginal and Visible Minority Lawyers in BC

Introduction

The Law Society of British Columbia values the principles of equity, diversity, accessibility and inclusiveness. In the face of shifting demographic trends and an aging profession, the public is best served by a more inclusive and representative profession. The Law Society supports the promotion of a profession that reflects the diversity of the province, and presents this *Demographic Report on Aboriginal and Visible Minority Lawyers in BC* to prompt greater discussion within the profession.¹

The Law Society has a very good understanding of the representation of women lawyers, based on demographic data gathered over time. Women have been entering the BC legal profession in numbers equal to or greater than men for more than a decade, and in substantial numbers for 30 years, yet they are under-represented in private practice. The society has studied this issue and has developed and promoted a resource to support the retention of women lawyers.²

The Law Society is now working to better understand the representation of Aboriginal and visible minority lawyers. This *Demographic Report on Aboriginal and Visible Minority Lawyers in BC* is the result of an extensive examination of 2006 census data, and is specifically intended to provide an objective, fact-based "snapshot" that benchmarks the diversity of the profession. The Law Society will continue to gather demographic data related to diversity in order to track progress.

The Law Society believes that the findings of this demographic report will advance discussion about the importance of diversity, and will support initiatives that promote equity. The Law Society will use these critical data to inform its strategy and policy development. Further, the society encourages concerned groups and organizations to use the data to inform their own specific and collaborative efforts. Supporting Aboriginal lawyers and promoting diversity within the profession are responsibilities we all share.

This demographic report

This demographic report provides a study of Aboriginal and visible minority lawyers in BC to further our understanding of the participation of these groups within the legal profession. Our objective is to facilitate consideration of the barriers to entry into and participation in the legal profession.

This assessment of the Aboriginal and visible minority participation in the BC legal community involves four comparisons. First, a comparison to the population of BC measures the profession's capacity to serve and represent Aboriginal and visible minority communities. Second, a comparison to the number of university graduates with occupations measures equity in access to the profession. And, third and fourth, we can contextualize the degree of diversity in the legal profession in the province with comparisons to lawyers in other provinces and territories and to other professions and managers in BC.³

This demographic report is based mainly on the long form 2006 census, which collected detailed information about one in every five Canadian households, including approximately 2,100 BC lawyers. Since each person completing the long form census questionnaire represents an average of five people, this statistical treatment of the census returns means that a figure in a table indicating that there are 100 people in a particular group does not mean that there are exactly 100 such persons in the population or that the estimate is based on counting exactly 20 persons in the census sample.

While the Canadian census data are of excellent quality, they are not perfect. Respondents make occasional errors in answering questions, some do not answer all questions and, despite the legal requirement to do so, some households do not complete the form. Using a specialized survey for comparison, Statistics Canada found that the 2006 census missed about three percent of the Canadian population. This demographic report follows Statistics Canada's practice of not compensating for this "under count" in reporting findings.

In this demographic report, a lawyer is anyone who enters "lawyer" as her or his occupation on the census form. For a person to have a valid occupation, he or she must have worked in the profession at some time in 2005 or in January to May of 2006. While almost all lawyers were employed at the time the 2006 census was conducted, an instruction on the form asks persons who are not working at the time to indicate the occupation of "the job of longest duration since January 1, 2005." Lawyers in this study also include a small number of law professors, who chose to give their main occupation as "lawyer" rather than "professor."

In BC, as in a number of other provinces, the 2006 census was not able to carry out a complete enumeration on some Indian reserves. As a result, Statistics Canada reports on Aboriginal persons in BC, and in a number of other provinces, include the statement that each figure "excludes census data for one or more incompletely enumerated Indian reserves or Indian settlements." In addition, there is some evidence that the rate of under-reporting of the Aboriginal population in on- and off-reserve areas that were enumerated is higher than average. While no exact estimate is available, a good guess is that between 10 and 15 percent of the total Aboriginal population of BC may have been missed by the census, with the missed rate much higher for the population living on reserves. The size of the Aboriginal populations reported here is likely to be 10 to 12 percent lower than the true value. The estimate of the number of Aboriginal lawyers will hardly be affected, since most do not live on reserve, but estimates of the number of Aboriginal lawyers relative to the population will be too optimistic by 10 to 12 percent.

This difference is quite small relative to differences between Aboriginal peoples and other sectors of the population in BC.

The terminology in this demographic report follows Statistics Canada's practice. "Aboriginal" refers to all First Nations, Inuit and Métis people, irrespective of their legal status. The sample is not large enough to provide separate figures for First Nations, Inuit and Métis people without breaching confidentiality. Members of a "visible minority" are people who are not of European origin and not Aboriginal, while "White" refers to people of European origin.

Statistics Canada distinguishes ten visible minority groups: Blacks, South Asians, Chinese, Japanese, Koreans, Southeast Asians, Filipinos, Arabs, West Asians and Latin Americans. These categories vary in specificity. For example, persons of Vietnamese, Laotian and Khmer origin are included in the "Southeast Asian" group, while the Japanese and Korean populations are counted separately.

Aboriginal peoples in the BC legal profession

In 1996, an estimated 130 lawyers in BC identified as Aboriginal. By 2006, that number had increased to an estimated 160, which would amount to a 2.1 percent net annual increase over this period.

Table 1 - Aboriginal lawyers in British Columbia 1996 and 2006

	Percentage of Lawyers		Number of Lawyers	
	1996	2006	1996	2006
Aboriginal	1.5%	1.5%	130	160
Other	98.5%	98.5%	8,295	10,525
Total	100%	100%	8,425	10,685

As Table 1 shows, while the estimated total number of Aboriginal lawyers increased from 130 to 160 between 1996 and 2006, the proportion of Aboriginal lawyers within the legal profession in BC did not increase.

Table 2 - Aboriginal lawyers compared to population with an occupation, British Columbia 2006

	Lawyers	University graduates with an occupation	Population with an occupation	Total population	Lawyers	Total population	Persons per lawyer
Aboriginal	1.5%	1.3%	4%	4.6%	160	186,950	1,168
Other	98.5%	98.7%	96%	95.4%	10,525	3,888,240	369
Total	100%	100%	100%	100%	10,685	4,075,190	381

Comparing the number of Aboriginal lawyers to the total population of Aboriginal peoples in BC provides some measure of the availability of legal services for Aboriginal people by an Aboriginal lawyer. Comparing the proportion of Aboriginal lawyers with the proportion of Aboriginal peoples with an occupation and with a university degree with an occupation provides a comparison of the relative access to a career in the profession.⁴

While 1.5 percent of BC lawyers are Aboriginal, slightly above the 1.3 percent of university graduates with an occupation who are Aboriginal, it is only one-third the Aboriginal share of the total population of BC.⁵

Table 3 - Aboriginal lawyers compared to other professions and managers, British Columbia 2006

	Lawyer	Physician	Engineer	Academic	High-level managers	Middle managers
Aboriginal	1.5%	0.3%	0.8%	1.7%	2.1%	2.3%
Other	98.5%	99.7%	99.2%	98.3%	97.9%	97.7%
Number	10,680	10,565	25,760	8,385	24,540	216,705

Compared to 1.5 percent of BC lawyers who are Aboriginal, Table 3 shows that only 0.3 percent of BC physicians are Aboriginal, as were 0.8 percent of BC engineers. Aboriginal representation is higher for academics, 1.7 percent, high-level managers, 2.1 percent and middle managers, 2.3 percent.

Table 4 - Aboriginal lawyers by age, British Columbia 1996 and 2006

	Number of lawyers and percentage of group by age									
	25-34		35-44		45-54		55-64		Totals	
Aboriginal 1996	60	46%	40	31%	30	23%	0	0%	130	100%
Other 1996	2,205	27%	3,040	38%	2,250	28%	565	7%	8,060	100%
Aboriginal 2006	25	17%	60	40%	45	30%	20	13%	150	100%
Other 2006	1,985	20%	2,785	28%	3,175	32%	1,935	20%	9,880	100%
Total 1996	2,265	28%	3,080	38%	2,280	28%	565	7%	8,190	100%
Total 2006	2,010	20.0%	2,845	28%	3,220	32%	1,955	20%	10,030	100%

The age distribution of a profession affects the prospects of all its members, not only new entrants. There is considerable evidence of a demographic transformation of the entire legal profession over the last 20 years.

Table 5 - Practising lawyers in British Columbia 1990 - 2010

Age	1990	1995	2000	2005	2010
25 - 34	1,862	1,744	1,705	1,485	1,714
35 - 44	3,122	3,117	2,985	2,787	2,643
45 - 54	1,229	2,267	3,155	3,055	2,821
55 - 64	490	573	1,012	1,911	2,520
>= 65	163	204	309	428	704
Total	6,866	7,905	9,166	9,666	10,402

Source: Law Society of BC membership information

Between 1990 and 2010, the number of lawyers between ages 25 and 34 declined by about eight percent. In the same period the number of lawyers between ages 55 and 64 increased by more than 400 percent. The approximately equal numbers of lawyers in the 35 to 44, 45 to 54 and 55 to 64 age groups in 2010 is evidence that, while new lawyers have continued to enter the profession over the past 20 years, younger lawyers have not remained in the profession at the same rate as their older colleagues. Barring an increase in the number of new lawyers or transfers from other jurisdictions or a change in the retention patterns, in a few years the profession will no longer be growing.

Comparing the age distribution of Aboriginal lawyers from the census data, we can see that 46 percent of Aboriginal lawyers in 1996 were between the ages of 25 and 34 and none were over 55. By 2006, fewer than 17 percent were between age 25 and 34, while slightly more than 13 percent were now between 55 and 64. The trend overall among Aboriginal lawyers is similar to that of the entire BC legal profession. However, the much smaller number of younger Aboriginal lawyers in 2006 suggests that efforts to support and encourage Aboriginal recruitment and retention in the legal profession are not resulting in greater recruitment of younger Aboriginal lawyers, although they may be supporting retention. If this pattern continues, we will not see an increase in the proportion of Aboriginal lawyers in the BC legal profession.

Table 6 - Aboriginal lawyers by location, British Columbia 2006

	Lawyers		University graduates with an occupation		Population with an occupation		Total population	
	Vancouver CMA	All other BC	Vancouver CMA	All other BC	Vancouver CMA	All other BC	Vancouver CMA	All other BC
Aboriginal	1.0%	2.8%	0.7%	2.5%	1.7%	6.4%	1.8%	7.6%
Other	99.0%	97.2%	99.3%	97.5%	98.3%	93.6%	98.2%	92.4%
Number	7,795	2,885	354,620	173,500	1,264,120	1,156,020	2,104,720	1,970,465

As defined by Statistics Canada, a Census Metropolitan Area (CMA) covers the commuting radius of a city. The Vancouver CMA extends as far into the Fraser Valley as Langley and Maple Ridge and includes Bowen Island and Lions Bay. Approximately 73 percent of all lawyers in BC live in the Vancouver CMA, compared to 67.1 percent of all university graduates with occupations and 52.2 percent of all persons with occupations.

The number of Aboriginal lawyers in BC is equally divided between the Vancouver CMA and the rest of the province, with an estimated 80 lawyers within the CMA and 80 outside. In terms of the proportion of Aboriginal lawyers to the rest of the legal profession, 2.8 percent of all lawyers outside of the Vancouver CMA are Aboriginal, compared to one percent of lawyers in the CMA. Aboriginal people as a whole account for only 1.8 percent of the population of the Vancouver CMA but 7.6 percent of the population in the rest of the province. As a result, there is about one Aboriginal lawyer for every 461 Aboriginal persons within the Vancouver CMA but only one Aboriginal lawyer for every 1,875 Aboriginal persons outside the CMA. While this discrepancy reflects the general distribution of the legal profession around BC, with one lawyer for every 270 persons in the Vancouver CMA compared to one lawyer for every 683 persons outside the CMA, the gap inside the Vancouver CMA and outside the CMA is much greater for Aboriginal persons.

Table 7 - Comparison of Aboriginal lawyers with other provinces and territories, 2006

Province	Lawyers	University graduates with an occupation	Aboriginal	Total		
			Population with an occupation	Lawyers	University graduates with an occupation	Population with an occupation
			Percentage	Number		
British Columbia	1.5	1.3	4.0	10,680	528,120	2,420,135
Newfoundland	3.0	1.2	3.9	830	42,645	274,525
Nova Scotia	2.2	1.4	2.3	1,805	105,320	522,240
Quebec	0.4	0.5	1.2	19,405	852,405	4,245,625
Ontario	1.0	0.6	1.7	32,010	1,706,595	7,097,720
Manitoba	4.7	4.8	11.1	2,015	118,140	652,105
Saskatchewan	4.9	5.6	9.6	1,520	87,275	561,360
Alberta	1.9	1.6	4.7	7,725	407,150	2,079,915

Table 6 shows the proportion of lawyers in each province and the territories who are Aboriginal. Manitoba and Saskatchewan have the highest proportion of Aboriginal lawyers, at 4.7 and 4.9 percent respectively, which corresponds well with the proportion of Aboriginal university graduates with an occupation and the Aboriginal population with an occupation generally in those provinces. In most provinces and territories, however, the proportion of Aboriginal lawyers is roughly one-half the proportion of Aboriginal peoples with an occupation, although in most provinces and territories the proportion of Aboriginal lawyers is higher than the proportion of Aboriginal university graduates with an occupation.

Visible minorities in the BC legal profession

Between 1996 and 2006, the proportion of visible minority lawyers grew at an annual rate of 9.7 percent, the total number of visible minority lawyers increased from 615 in 1996 to 1,560 in 2006 and the proportion of visible minority lawyers in the BC legal profession doubled from 7.3 to 14.6 percent.

Table 8 - Visible minority lawyers, British Columbia 1996 and 2006

	Percentage of lawyers		Number of lawyers	
	1996	2006	1996	2006
Total visible minority	7.3	14.6	615	1,560
Chinese	3.7	6.5	310	690
South Asian	1.7	4.2	140	450
Black	0.4	0.5	35	55
Japanese	0.4	0.9	30	95
Korean*	–	0.6	–	60
Southeast Asian*	–	0.3	–	35
Filipino	0.2	0.4	15	45
Arab and West Asian	0.4	0.4	30	45
Latin American*	–	0.3	–	35
Other and multiple visible minority	0.7	0.5	55	50
Other	92.7	85.4	7,810	9,125
Total	100	100	8,425	10,685

* Statistics not available for 1996

Nearly three-quarters of all visible minority lawyers in 2006 were from one of the two largest visible minority communities: 690 were Chinese and 450 were South Asian. The number of members from the other visible minorities ranges between 35 and 95 and they account for just over 20 percent of the lawyers who self-identify as a visible minority. An additional 50 lawyers belonged to a visible minority group other than the ten listed on the census form or described themselves as belonging to two or more groups (a category that also includes individuals who indicate they are White and a member of a visible minority group). Of course, looking only at the legal profession, the numbers of visible minority lawyers reflect both differences in the access of groups to the profession and the size of each group. By a wide margin, the Chinese and South Asian groups are the largest visible minority groups in BC.

Table 9 - Visible minority lawyers compared to the population, British Columbia 2006

	Lawyers	University graduates with an occupation	Population with an occupation	Total population Percentage	Lawyers	Total population Number
Total visible minority	14.6	32.6	23.7	25.3	1,560	1,029,820
Chinese	6.5	15.1	0.7	10.2	690	414,870
South Asian	4.2	6.5	6.5	6.8	450	275,375
Black	0.5	0.7	9.0	0.8	55	32,195
Japanese	0.9	1.1	0.8	0.8	95	33,655
Korean	0.6	1.7	0.9	1.3	60	52,040
Southeast Asian	0.3	0.5	1.0	1.0	35	40,125
Filipino	0.4	3.8	2.3	2.1	45	86,205
Arab and West Asian	0.4	1.4	0.8	0.8	45	31,905
Latin American	0.3	0.7	0.8	0.8	35	31,710
Other and multiple visible minority	0.5	1.0	0.7	0.8	50	31,740
Not visible minority	85.4	67.4	76.3	74.7	9,125	3,045,370
Total	100.0	100.0	100.0	100.0	10,685	4,075,190

For the individual visible minority groups, Table 9 provides the same comparisons as shown above for Aboriginal peoples.

In 2006, 14.6 percent of BC lawyers were members of a visible minority group compared with 25.3 percent of the BC population. This compares, however, with the 32.6 percent of university graduates with an occupation who are members of a visible minority. Clearly, the under-representation of visible minorities in the legal profession is not related to their inability to access university education. Quite the opposite; the data suggest there are reasons other than access to university education that are affecting the participation of visible minorities in the legal profession. More information is required regarding the reasons against, or barriers to, choosing law as a career.

A measure of access to the legal profession can be obtained by dividing a group's share of all lawyers by its share of BC university graduates with occupations. So, a *lower* ratio indicates *greater* access to the profession.

Table 10 - Ratio of visible minority lawyers to visible minority university graduates with occupations, British Columbia 2006

Ratio proportion of lawyers to university graduates with an occupation	
Total visible minority	1 to 2.24
Chinese	1 to 2.34
South Asian	1 to 1.55
Black	1 to 1.37
Japanese	1 to 1.27
Korean	1 to 3.07
Southeast Asian	1 to 1.64
Filipino	1 to 9.10
Arab and West Asian	1 to 3.21
Latin American	1 to 2.24
Other and multiple visible minority	1 to 2.13

The ratio for Whites is 1 to 0.79, indicating that those persons who identify as White on the national census are more likely to enter the legal profession than other groups.

Not surprisingly, there is also considerable variation in the numbers of visible minority lawyers relative to the size of their communities. With about 10,685 lawyers for the BC population of 4.07 million in 2006, there is one lawyer for every 381 people. For visible minority communities, Table 11 shows that the Southeast Asian and Filipino communities have the fewest lawyers relative to community size, while the Chinese and South Asian communities do not have the most lawyers relative to community size, despite having the largest visible minority population ratios.

Table 11 Ratio of visible minority lawyers to population of visible minority communities, British Columbia 2006

Number of community members per lawyer	
Total visible minority	660
Chinese	601
South Asian	612
Black	585
Japanese	354
Korean	867
Southeast Asian	1,146
Filipino	1,916
Arab and West Asian	709
Latin American	906
Other and multiple visible minority	635

Compared to 14.6 percent of BC lawyers from visible minority groups, 26.1 percent of BC physicians and 30.2 percent of BC engineers identify as members of a visible minority. Visible minorities make up 17.6 percent of BC academics and 20.2 percent of high-level managers and 21.7 percent of middle-level managers.

Table 12 - Visible minority lawyers compared to other professions and managers, British Columbia 2006

	Lawyers	Physicians	Engineers	University professors	High-level managers	Middle managers
Total visible minority	14.1%	26.1%	30.2%	17.2%	20.2%	21.7%
Chinese	6.5%	11.7%	16.6%	7.3%	9.8%	9.9%
South Asian	4.2%	6.9%	4.5%	3.6%	3.8%	4.9%
Black	0.5%	0.5%	0.4%	0.5%	0.4%	0.4%
Japanese	0.9%	1.0%	1.0%	0.6%	1.3%	0.8%
Korean	0.6%	1.4%	0.9%	1.3%	1.7%	1.9%
Southeast Asian	0.3%	0.7%	0.4%	0.4%	0.2%	0.6%
Filipino	0.4%	0.7%	1.8%	0.2%	0.3%	1.2%
Arab and West Asian	0.3%	0.4%	1.2%	1.0%	0.3%	0.6%
Latin American	0.4%	2.4%	2.7%	1.6%	1.7%	0.9%
Other and multiple visible minority	0.5%	0.4%	0.6%	0.7%	0.6%	0.7%
Not visible minority	85.9%	73.9%	69.8%	82.8%	79.8%	78.3%
Number	10,680	10,565	25,760	8,385	24,540	216,705

Table 12 illustrates the considerable variation among visible minorities in terms of professions. Members of the Chinese and South Asian visible minorities account for 18.6 percent of all BC physicians and 21.1 percent of BC engineers compared to only 10.7% of all BC lawyers. There are similar differences among the proportion of members of the Arab and West Asian and Korean visible minorities who are lawyers, physicians and engineers.

Table 13 Visible minority lawyers by age, for lawyers aged 25-64, British Columbia 1996 and 2006

	Number of lawyers and percentage of group by age									
	25-34		35-44		45-54		55-64		Totals	
Visible minority lawyers 1996	325	53.3%	135	22.1%	150	24.6%	0	0%	610	100%
Other 1996	2,205	27.4%	3,040	37.7%	2,250	27.9%	565	7%	8,060	100%
Visible minority lawyers 2006	580	39.3%	515	34.9%	255	17.3%	125	8.5%	1,475	100%
Other 2006	1,430	16.7%	2,330	27.2%	2,965	34.7%	1,830	21.4%	8,555	100%

Table 13 shows the dramatically changing age profile of visible minority lawyers, in significant measure due to their much increased presence in the profession. Of course, for both visible minority and non-visible minority lawyers, the effect of aging moves individual lawyers who remain in the profession from each ten-year age category to the next. It should be no surprise that the 3,040 non-visible minority lawyers aged 35 to 44 in 1996 are similar in number to the 2,965 non-visible minority lawyers aged 44 to 54 in 2006. The translation is not exact because of latecomers to the profession, exits from the profession and sampling error in the surveys.

Overall, the entire profession aged significantly in the ten years, as the percentage of all lawyers aged 55 to 64 grew from 6.5 to 19.5 percent of the total. The continuing increase in the number of and also maturation of visible minority lawyers in the profession can be seen in the significant drop, from a remarkable 53.3 percent of all visible minority lawyers who were aged 25 to 34 in 1996, to 39.3 percent in 2006, while at the same time the number of lawyers increased from 325 to 580. A question that should be addressed in depth, with the growing number of visible minority lawyers with the seniority able to assume major roles in the profession, is whether they achieve the same recognition and financial rewards as their non-visible minority peers.

Table 14 Visible minority lawyers by location, British Columbia 2006

	Lawyers		University graduates with an occupation		Population with an occupation		Total population	
	Vancouver CMA	All other BC	Vancouver CMA	All other BC	Vancouver CMA	All other BC	Vancouver CMA	All other BC
Visible minority	18.0%	4.9%	43.8%	9.9%	38.8%	7.0%	42.3%	7.1%
Not visible minority	82.0%	95.1%	56.2%	91.1%	61.2%	93.0%	57.7%	92.9%
Number	7,795	2,885	354,620	173,500	1,264,120	1,156,020	2,104,720	1,970,465

As noted above, the Vancouver Census Metropolitan Area extends as far into the Fraser Valley as Langley and Maple Ridge and includes Bowen Island and Lions Bay. As Table 14 shows, 73 percent of all lawyers in BC live in the Vancouver CMA, compared to 67.1 percent of all university graduates with occupations and 52.2 percent of all persons with occupations.

Nearly 10 times as many visible minority lawyers live within the Vancouver CMA as live in the rest of the province, with 1,400 visible minority lawyers within the CMA and only 155 outside. Despite this, the proportion of visible minority lawyers is only 18 percent of the lawyers within the Vancouver CMA compared with visible minorities accounting for 42.3 percent of the total population of the Vancouver CMA.

As a result, there is about one visible minority lawyer for every 636 visible minority persons within the Vancouver CMA and only one visible minority lawyer for every 898 visible minority persons outside the CMA. This discrepancy reflects the general distribution of the legal profession around the province, but is actually less than the overall difference between there being one lawyer for every 270 persons in the Vancouver CMA compared with one lawyer for every 683 persons outside the CMA, the gap between visible minority lawyers within the Vancouver CMA and the visible minority population of the Vancouver CMA is much greater than we might expect.

Conclusion

This demographic report provides critical data to benchmark diversity within the profession and to highlight the representation of Aboriginal and visible minority lawyers in BC. The data reveal a particular cause for concern – the significant under-representation of Aboriginal lawyers in the BC legal community. Aboriginal participation in the legal profession is just one third of the Aboriginal share of the total population in BC, and that proportion did not change between 1996 and 2006. In addition, there are fewer Aboriginal lawyers in the younger age range, which suggests the need to increase recruitment efforts. Over time, increased recruitment of younger Aboriginal lawyers and retention of Aboriginal lawyers in the older age ranges should help increase the proportion of Aboriginal lawyers in the profession.

The data indicate that visible minority lawyers are also under-represented in the profession. While visible minority participation in the legal profession is more than half of the visible minority share of the population in BC, the proportion of visible minority lawyers is less than half of the visible minority share of university graduates with an occupation, which suggests that there may be barriers to members of visible minorities choosing law as a career.

Quantitative data are necessary for establishing baselines and benchmarks. However, the Law Society also understands that qualitative data are required to complement our understanding of diversity within the profession and to inform our policy and strategy development. The Law Society will continue to gather and disseminate relevant information, in order to measure progress and to work in collaboration with other concerned groups to support Aboriginal and visible minority lawyers and to promote diversity within the legal profession.

ENDNOTES TO THE APPENDIX

1. The Law Society of BC would like to acknowledge Michael Ornstein, York University, for his expertise in analyzing the data and providing advice on this demographic report.
2. *The Business Case for Retaining and Advancing Women Lawyers in Private Practice*, lawsociety.bc.ca
3. With permission, this demographic report follows the structure and analysis of the Law Society of Upper Canada's report: Michael Ornstein, *Racialization and Gender of Lawyers in Ontario – A Report for the Law Society of Upper Canada* (2010).
4. For the purposes of our comparison, occupation refers to the job a person held when the census was taken in May 2006 or, if he or she was not employed, the last job she or he held since January 2005. Using the population with an occupation for comparison, rather than the more conventional labour force measure compares lawyers and the rest of the population in the same way. The intention is to include in our statistics people who are temporarily out of the labour force, such as those on maternity leave.
5. This data suggests that social and economic conditions that can limit access to university education for Aboriginal peoples may be one of the many factors involved in the under-representation of Aboriginal lawyers. However, qualitative data suggests that Aboriginal lawyers also encounter systemic barriers during the process of becoming lawyers and even after they are called to the bar.

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