

MEMORANDUM

Date: January 31st, 2019

To: Fred Thrasher, NALP Deputy Director
Michelle Gage, NALP Board Liaison, Canadian Section

Cc: Jennifer Nadon, Canadian Regional Representative

From: Danica Steadman, Canadian Section Chair

Re: NALP Canadian Section January Board Report

The following is an update from the Canadian Section on the activities of the Working Groups. Jennifer Nadon, the Canadian Regional Representative, has submitted a separate report to you focusing on activities and trends in the Canadian Region.

Bulletin Articles

The following NALP Bulletin article, written by our Canadian members, have been published since the last Board Report:

- Avoiding Job-Search Fatigue: Keeping Your JDs-Fresh, Energetic & Engaged*, by Mike Molas and Jenny DeBruyn (December issue)

- Privilege- What It is and How to Interrupt It*, by Sacha de Klerk (January issue)

Working Group Reports

1. OCI Working Group

Vice Chairs:

Anna Decia-Gualtieri (University of Windsor) and Chris McKenna (Bennett Jones, Toronto)

Members:

Kimberley Bonnar (Cassels Brock), Chira Perla (University of British Columbia), Ilana Schragar (McMillan, Vancouver)

Report:

The Working Group is very close in confirming the 2019 OCI schedule. We shared the draft 2019 OCI schedule with the CLCDN members at the December meeting in Toronto and solicited feedback. We are in the process of following up with only a few schools to ensure that the schedule is satisfactory. We hope to circulate the schedule to employers for discussion/feedback very soon.

In addition, we have surveyed the schools for their date preferences so that we can begin drafting the 2020 OCI schedule.

2. Mid-Winter Meeting Working Group

Vice Chairs:

Darcy Legros (Bennett Jones, Toronto) and Lisa Cunningham (Wildeboer Dellelce)

Members:

Madeleine Natale (University of Calgary), Pat Neil (University of Alberta), John McDonald (University of Alberta), Catherine Bleau (Osler, Montreal), Myrah Graves (Folger Rubinof), Lisa Carty (Hicks Morley)

Report:

The mid-winter meeting was held in December 2017. The theme of this year's meeting was *Recruitment, Engagement and Retention* and, as always, was a great success. Speakers included Dr. Karyn Gordon, who presented on the Power of Emotional Intelligence, Hilary Clarke, who presented on Tips for Successful Associate and Lateral Retention and Ruth Williams, who presented on the Practice of Mindful Lawyering. Other conference sessions included: Shifting Career Goals, New approaches to Performance Review/Feedback Processes, NALP working group updates and a recruitment debrief.

3. Canadian Industry Data Working Group

Vice Chair:

Kirsten Parkers (Lerners, LLP)

Members:

Jim Liepold (NALP), Margaret Seko (Bereskin & Parr), Lisa Blair (Borden Ladner Gervais), Nanci Shipp (Davies), Kathleen Behan (University of Windsor), Kirsten Parker (Lerners), Christi McAuley (Thompson Rivers University), Chantal Riendeau (U Ottawa), Leanne Shafir (Osgoode), Laura MacLelland (U Alberta), Laura Pringle (U Vic)

On leave: Jennifer Lau

Report:

We have had 5 new members join our working group and we are very excited! We are currently focusing on our 2019 surveys including the NALP Snap Shot Survey and the Canadian Law School Career Services survey. A conference call is being scheduled for next week to confirm who will take the lead on the 2019 NALP Snap Shot Survey and the 2019 Canadian Law School Career Services survey.

We are still looking to identify Eastern and Western Canada firm representatives to join the group.

4. National Recruitment Survey Working Group

Vice Chairs:

Mike Molas (Queen's University) & Jennifer Nadon (University of Ottawa)

Members: Lesley Bell (Lenczner Slaght Royce Smith Griffin LLP - Toronto); Nicole Lecours (Stikeman Elliott LLP - Calgary); Nicola Martin (Osgoode Hall Law School); Christi McCauley (Thompson Rivers University)

Report:

Christi McCauley from Thompson Rivers University has returned from leave and will be resuming her role with the group, helping us to liaise with BC employers. Jayne Rossworn, who had generously agreed to keep things afloat for Christi during her leave, has moved on to UBC.

Jennifer Nadon will be leaving as co-chair of the group and NALP member/Regional Rep effective March 1st as she will be starting a maternity leave. In the meantime, she is working on securing a bilingual Ottawa-based member to join the group and assist with survey translation and liaising with Ottawa employers. Mike Molas and Jennifer are also planning a call with the group prior to Jennifer's leave to discuss and divide up upcoming tasks to be done.

5. Canadian Directory of Legal Employers Working Group

Vice Chairs:

Madeleine Natale (University of Calgary) and Myriah Graves (Fogler Rubinoff)

Members:

Danielle Laflamme (Borden Ladner Gervais), Catherine Bleau (Osler), Robyn Marttila (Western), Nicole Lecours (Stikeman) Clea Ward (McInnes Cooper)

Report:

The Canadian Directory of Legal Employers Survey was finalized late last year and was also sent out to the law students across Canada. Mary Beal has graciously been providing updates and, to date, approximately 93 students have completed the survey.

The plan is to close the survey at the end of January, 2019.

6. Summer and Articling Working Group Toronto (Toronto SAWG)

Vice Chairs:

Natalie Zinman (Gowling WLG); Robyn Martilla (University of Western Ontario)

Members:

Kari Abrams (Blake, Cassels & Graydon LLP); Christina Beaudoin (Osler, Hoskin & Harcourt LLP); Lesley Bell (Lenczner Slaght Royce Smith Griffin LLP); Ari Blicher (Aird & Berlis LLP - Toronto); Georgia Brown (Torys LLP); Maryanne Forrayi (University of Calgary); Stacy Keehn (University of Ottawa); Frances Mahil (Davies Ward Phillips & Vineberg LLP - Toronto); Eowynne Noble (Fasken, Toronto); Mya Rimon (Osgoode Hall Law School); Angela Sordi (Borden Ladner Gervais LLP); Nancy Stitt (Goodmans LLP); Kara Sutherland (Dentons Canada); Scott Warwick (Department of Justice)

Report:

In response to a voiced concern that, as currently named, the Toronto SAWG appears to have too narrow of a geographical focus, the vice-chairs agreed that, subject to NALP Board approval, the former Toronto SAWG be re-named: National Articling Working Group (National SAWG)

Once again this year, the working group presented its lively, annual recruitment debrief at the NALP Mid-Winter Meeting in December.

7. Summer and Articling Working Group Vancouver (Vancouver SAWG)

Vice-Chairs:

Pam Cyr, Norton Rose Fulbright
Chira Perla, Peter A. Allard School of Law

Members:

•Carol Chestnut, Stikeman Elliott•Cheryl D'Sa, Narwal Litigation (Vancouver Bar Association (VBA) Rep)•Marianne Johnstone, Singleton Reyonlds•Jennifer McNaught, Blakes•Karine Russell, Blakes•Ilana Schragar, McMillan•Kerry Sheppard, DLA Piper•Jennifer Vermiere, Lawson Lundell•Christine York, Alexander Holborn Beaudin + Lang

Report:

The purpose of the Vancouver Summer and Articling Working Group (V-SAWG) is to provide employers, law schools, and law students with guidance and clarity on the Vancouver Bar Association's (VBA) Articling Interview Guidelines governing Summer and Articling Recruitment. V-SAWG finalized its Best Practices document after meeting on November 19, 2018. As you may recall, the purpose of the Best Practices document is to provide further clarity to students and employers with respect to certain aspects of the recruitment process that are not directly addressed by the VBA Guidelines. This document has been e-mailed to Vancouver law firm and Canadian law school representatives and was also distributed via NALPconnect. The second document on which we have been working is the Employer Recruitment Process Survey. Members of V-SAWG have settled on a form of survey and UBC is creating a survey link for the VBA to use when it distributes the survey to employers when it asks for their hiring intentions. Copies of the final versions of both documents are attached.

8. Diversity Working Group

Vice Chairs:

Neil Dennis (University of Toronto) and Laleh Moshiri (Borden Ladner Gervais)

Members:

Anna Decia-Gualtieri (University of Windsor), Danica Steadman (Gowling WLG, Ottawa), Lynn Iding (McInnes Cooper), Susanna Tam (McCarthy Tetrault), Margaret Seko (Bereskin & Parr, Toronto)

Report:

The Diversity Working Group is pleased to welcome its newest vice-chair Neil Dennis! A number of NALP members have also reached out and voiced an interest in joining the committee. These new members will be included in the group's next conference call- scheduled to take place on February 11th, 2019.

The group is currently working on planning the 2019 Diversity Meeting- scheduled to take place in December 2019. The two following topics have been suggested:

1. The use of/need for accommodations for lawyers/students with disabilities (especially mental or invisible disabilities)
2. First generation and fiscal diversity

Initial suggestions have also been made for potential speakers and members have agreed to reach out to potential speakers or panelists during the NALP Annual Conference in April.

Employer Recruitment Process Survey – Vancouver 20XX 2L Summer Positions

The VBA, in conjunction with NALP's Vancouver Summer & Articling Working Group, is surveying Vancouver employers on their intended process for the upcoming 20XX 2L Summer Student Recruit. The survey results will be provided to Canadian Law Schools to share with their students to help them best anticipate and plan their Interview Week schedules. Please complete as many of the below fields as possible to ensure your recruitment process is accurately captured.

Employer Information

1. Employer Name [Free text field]
2. Employer Contact, First Name [Free text field]
3. Employer Contact, Last Name [Free text field]
4. Employer Contact, E-mail [Free text field]

Intention to Call (ITC) Emails

5. Do you send Intention to Call (ITC) emails to students? [Y/N/Undecided]
6. Do you include an invitation to one or more Interview Week event(s) in your ITC emails? [Y/N/Undecided]

Interview Call Day

7. In addition to scheduling interviews, do you use Interview Call Day to invite students to Interview Week events [Y/N/Undecided]

Interview Week

Interviews

8. What time slots are typically available for interviews? (e.g., 8am-4pm, with interviews starting on the hour; 8:30am-4:30pm, with interviews starting every half hour; etc) [free text field]
9. What is the average length of your first interview? [free text field]
10. What is the typical structure for your first interview? (e.g., 2 consecutive 30 mins interviews, each with a team of 2 lawyers; 30 mins interview with a lawyer, followed by an office tour with a current articling student; offsite meal with 2 lawyers; etc) [free text field]
11. Are you willing to conduct first interviews on the Wednesday of Interview Week? [Y/N/Undecided]
12. Do you conduct second interviews? [Y/N/Undecided]
 - If Y/Undecided:
 - Additional information (e.g., length, structure, etc) [free text field]

Events

13. Do you hold the any of the following events during Interview Week?
 - Coffee Meetings [Y/N/Undecided]
 - If yes:
 - Days (please select all that apply):

- Monday
 - Tuesday
 - Wednesday
 - Thursday
 - Format:
 - Individual (i.e., 1 student candidate per coffee)
 - Group (i.e., 2 or more student candidates per coffee)
 - Other [Free text field]
- Meals [Y/N/Undecided]
 - If yes:
 - Days (please select all that apply):
 - Monday
 - Tuesday
 - Wednesday
 - Thursday
 - Format
 - Individual (i.e., 1 student candidate per meal)
 - Group (i.e., 2 or more student candidates per same meal)
 - Other [Free text field]
- Reception [Y/N/Undecided]
 - If yes:
 - Days (please select all that apply):
 - Monday
 - Tuesday
 - Wednesday
 - Thursday
 - Format
 - Select (i.e., a subgroup of student candidates invited to attend)
 - All (i.e., all student candidates invited to attend)
 - Other [Free text field]
- Other [free text field]
 - Days (please select all that apply):
 - Monday
 - Tuesday
 - Wednesday
 - Thursday
 - Format [free text field]

Other

14. Please share any other helpful details on your intended recruitment process [Free text field].

BEST PRACTICES FOR VANCOUVER SUMMER AND ARTICLING RECRUITMENT ACTIVITIES

1. Introduction

These “*Best Practices for Vancouver Summer & Articling Recruitment Activities*” (“Best Practices”) were prepared by the Vancouver Summer and Articling Working Group of the Canadian Section of NALP (the “Working Group”) in consultation with the Vancouver Bar Association (“VBA”). The Working Group consists of recruitment professionals including legal employers and the Assistant Dean, Career Services from Allard Law at the University of British Columbia.

The VBA has established guidelines with respect to interviews for both regular and summer articles (“Guidelines”). While employers are not required to abide by the Guidelines (other than the ones related to Law Society Rule 2-58), virtually all of the downtown law firms voluntarily comply in order to streamline the interview process and “level the playing field” (for employers and students) to the extent possible. Employers agreeing to abide by the Guidelines must conduct themselves according to both the letter and spirit of the Guidelines.

The Guidelines (and a list of employers who have agreed to abide by the Guidelines) can be found on the VBA website at:

<https://vancouverbar.ca/student-guidelines/articling-interview-guidelines/>

The purpose of these Best Practices is to provide further clarity to students and employers with respect to certain aspects of the recruitment process that are not directly addressed by the Guidelines. Accordingly, it is important that these Best Practices be read in conjunction with the Guidelines.

Employers who have questions or concerns at any stage of the recruitment process are encouraged to seek guidance from the VBA Articling Committee: info@vancouverbar.ca

Students who have questions or concerns at any stage of the recruitment process are encouraged to seek guidance from their Career Development or Career Services Office (“CSO”).

2. Intent to Call Communications (“ITC” emails)

Q. Are employers required to send ITC emails?

A. While not mandatory, ITC emails are a recommended practice as they greatly facilitate the interview scheduling process for both students and employers, minimizing the stress and confusion of Interview Call Day.

Q. What are the guidelines related to ITC emails?

A. Employers are permitted to notify students by email that they intend to call on Interview Call Day for the purpose of scheduling an interview. The ITC emails can be sent at any time between 8:00am PST two days prior to call day and 8:00pm PST on the day prior to Interview Call Day.

In the ITC emails, employers may advise students of any events to which ALL interviewees will be invited. However, employers are not permitted to use the ITC emails to schedule (or suggest a time or date for) individual student interviews prior to Interview Call Day. Employers are also not permitted to use ITC emails to make invitations to dinners or other Interview Week events, unless ALL interviewees are invited.

Sample ITC communication prior to Interview Call Day: "We enjoyed meeting you at the OCI [or for non-OCI employers/students, "We have received your application"] and would be delighted to offer you an in-firm interview during the designated interview period. We follow the VBA Guidelines when we recruit law students, which you may view at <https://vancouverbar.ca/student-guidelines/>.

We will schedule your interview during the designated VBA In-Firm Interview Week. We will contact you on Interview Call Day to schedule a mutually convenient time and date for this interview. Please note that we are hosting a cocktail reception for all candidates on [insert date and time] and hope you will be able to join us. There is no need to RSVP at this time for either the interview or reception. We look forward to speaking with you on Interview Call Day. However, should you decide prior to Interview Call Day that you do not intend to accept our interview invitation, we would appreciate it if you could let us know in advance of [insert date of Interview Call Day] so that we may offer your interview spot to another applicant."

Q. What should a student do if they do not intend to accept an interview?

A. If a student has been notified that an employer will be calling on Interview Call Day to schedule an interview, and the student does not intend to schedule an interview with that employer, the student is encouraged to advise the employer accordingly before Interview Call Day, as it may enable that employer to offer an interview to another candidate.

3. Declining or cancelling interviews

Q. When should students decline or cancel interviews?

A. If a student becomes unavailable to attend a scheduled interview, the student should advise the employer immediately. Cancelling interviews in a timely manner is a general courtesy, and may provide an opportunity for another student.

4. Scheduling receptions and dinners

Q. When during interview week do receptions and dinners typically take place?

A. The timing of these events is at the discretion of employers. However, scheduling receptions between 5:00 p.m. – 7:00 p.m., and dinners after 7:00 p.m., allows students to maximize their attendance at events. Students are encouraged by CSOs to meet with as many employers as possible during recruitment periods to ensure informed career decisions.

Employers should not pressure students to accept invitations or attend receptions and dinners.

5. Timing of job offers/communication of intention to make an offer

Q. When are employers permitted to make job offers to students?

A. Employers are permitted to make job offers, or communicate an intention to make an offer, only in accordance with timing prescribed by the Guidelines. All participants in the recruitment process should be aware of the applicable date and time. It should be noted that employers are permitted to communicate their intentions to make job offers to their own summer students (for subsequent summer positions or articling positions) prior to the prescribed timing (see #9, below).

Q. If an employer who has agreed to abide by the Guidelines makes a job offer to a student that is contrary to the prescribed timing, is it appropriate for the student to accept the offer?

A. While students are not prevented from accepting an offer extended prior to Job Offer Call Day, employers are strongly discouraged from putting students in this position, and students who receive such an offer are encouraged to seek guidance from their CSO.

6. Blackout Period

Q. The Guidelines provide that employers should not conduct interviews or hold any interview-like events, including cocktail receptions, dinners, or employer tours during the two-week period preceding the designated interview week (“Blackout Period”). What are some examples of inappropriate conduct during the Blackout Period?

A. In addition to cocktail receptions, dinners and employer tours, “interview-like events” should be interpreted to specifically include any meal, coffee or other meeting. Employers should not approach students to suggest meetings and/or to promote their firm or organization, but they may respond to inquiries initiated by students.

7. Conduct inconsistent with the Guidelines

Q. What are some examples of this?

A. Examples include, but are not limited to:

- 1) pressuring a student to reciprocate and/or express a certain level of interest in the employer;
- 2) pressuring a student to spend an excessive amount of time with the employer to the exclusion of other employers;
- 3) asking a student a hypothetical question such as “If we made you an offer, would you accept it?”; and
- 4) asking students to rank the employers with whom they are meeting.

Where questions or concerns arise, students are strongly encouraged to seek guidance from their CSO.

8. Time to consider offers

Q. Can students take time to consider offers prior to accepting or declining an offer?

A. Yes. The Guidelines dictate that all offers must remain open for at least 24 hours after the time and date made. However, students should consider the “rank order” of their preferred employers prior to the time that offers are to be made, so that they can accept or decline offers expeditiously. Declining offers quickly allows employers to make offers to other students.

9. Notifying summer students of offers to return

Q. When should employers extend offers to hire back their own summer students for an articling position?

A. With regard to an employer’s own summer students, an employer is permitted to communicate, prior to the prescribed Job Offer Call Day, an early offer of employment. Employers are encouraged to communicate these early offers to their own summer students regarding returning employment for articling before the applicable VBA articling application deadline. Summer students who receive early offers may respond by notifying the employer that the student accepts, rejects or would like more time to consider the offer.

Employers ought not put undue pressure on students to communicate an acceptance or rejection of an early offer.

Under Law Society of BC Rule 2-58, any articling offer (including early offers to an employer's own summer students) made by a downtown Vancouver legal employer to a JD student not yet in their third year must be kept open until the prescribed "Offer Date" as set by the Law Society of BC's Credentials Committee. Rule 2-58 is mandatory (i.e., applies regardless of whether an employer is following the Guidelines).

Where questions or concerns arise, students are encouraged to seek guidance from their CSO.

NALP (Canadian Section) 2018/2019 Vancouver Summer and Articling Working Group:

Co-Chairs:

Pamela Cyr- Norton Rose Fulbright (Vancouver)

Chira Perla- Peter A. Allard School of Law at the University of British Columbia

Members:

Carol Chestnut- Stikeman Elliott (Vancouver)

Cheryl D'Sa- Vancouver Bar Association

Marianne Johnstone- Singleton (Vancouver)

Jennifer McNaught- Blakes (Vancouver)

Karine Russell- BLG (Vancouver)

Kerry Sheppard- DLA Piper (Vancouver)

Jennifer Vermiere- Lawson Lundell (Vancouver)

Christine York- Alexander Holburn (Vancouver)

Last Updated: November 30, 2018