

NALP THIRD QUARTERLY BOARD REPORT

Date: February 1, 2024

To: NALP Board of Directors (via e-mail)
Cc: Ryan Baker and Grace Premachandran
(Canadian Region Regional Reps)
Keya Dasgupta (NALP Board Member)
From: Myriah Graves (Canadian Section Co-Chair)
Christi McAuley (Canadian Section Co-Chair)

Please see below the summary from the Canadian Section, which includes a summary of the Canadian NALP Bulletin contributors and an update from the Working Groups.

Overview

- 1. NALP Canadian Section 2023/2024 Bulletin Contributors
- 2. Updates from the Working Groups

1. NALP Canadian Section 2023/2024 Bulletin Contributors

The upcoming Canadian Bulletin contributions for 2023/2024 are as follows:

ARTICLES and COLUMNS

Author(s) Name, Email	Tentative Topic	Preferred Issue Months
Ebony Rose	Lawyer Learning in a Post- Pandemic World	October
Selina Mamo & Grace Smith	Importance of Real Time Feedback	December
Lisa Del Col	Supporting Trans and Non-Binary Students and Lawyers	January
Lynn Iding	Responding to Microaggressions (and coaching others on how to respond)	February
Ashley Thomassen & Lauren Sigal	Engagement Strategies and Generational Differences in Law Firms	March

FEATURE ARTICLES

Author(s) Name, Email	Tentative Topic	Preferred Issue Months
Kohi Richardson	Impact of Disclosure: Sharing and Identifying with your Team	November

2. Updates from the Working Groups

A. *Diversity Working Group*

Co-Chairs: Bethany McCoy (Cassels) and Nicole Salama (Minden Gross LLP)

Members:

- Anna Maria Decia-Gualtieri (Windsor Law)
- Glenn Chu (City of Toronto, Legal Services)
- Lisa Del Col (Osgoode Hall Law)
- Neil Dennis (Blaney McMurtry)
- Myriah Graves (Fogler Rubinoff)
- Jen Quito (Dentons)
- Kyle Elliott (Blakes)

Update

The DEI Working Group is in the process of reviewing the NALP DEI Best Practices and adapting it to the Canadian market. They are hoping to have a draft version ready for the end of March, 2024.

B. *CDLE Working Group*

Co-Chairs: Kara Sutherland (Dentons) & Maryanne Forrayi (U Calgary Law)

Members:

- Ryan Baker (Bereskin & Parr)
- Lisa Cunningham (Wildeboer Dellelce)
- Glenn Chu (City of Toronto, Legal Services)
- Kyle Elliott (Blakes)
- Myriam Lapierre (Osler)
- Robyn Marttila (Western Law)
- Jina Dhillon (UVic Law)
- Samantha Samuels (Cassels Brock)
- Analea Wayne (DLA Piper, Calgary)

Update

Since our last report, we are very pleased to report that the changes to the demographics section for the CDLE have been completed and are now live. Our thanks to Lisa Quirk for her work in getting this over the finish line. For context, when we launched the CDLE many years ago getting these demographic questions was not something we could get consensus on, as very few firms were collecting this information and there was some member opposition. We are very pleased that we have been able to engage in a process that allowed for consultation with our students on their needs and with our members on their views. The Working Group is pleased that we were able to advance this important DEI initiative in the Canadian Market over the last two years. Our thanks to NALP and the Board for their continued support of the CDLE. Our next task will be to monitor the response rate and to continue to encourage employers to complete this section.

C. SAWG Toronto

Co-Chairs: Myriah Graves (Fogler, Rubinoff) & Robyn Martilla (Western Law, UWO)

Members:

- Teri MacDonald (Osler, Hoskin & Harcourt LLP)
- Megan Percy (Aird & Berlis LLP)
- Cheryl Biehler (Fasken)
- Georgia Brown (Emma Sako while Georgia is on leave) (Torys LLP)
- Stacy Keehn (University of Ottawa)
- Amanda Fiorelli (Davies)
- Hakim Kassan (McCarthy Tetrault)
- Mya Rimon (Osgoode Hall Law School)
- Michel Lederman (Goodmans LLP)
- Stephanie Mui (Peter A. Allard School of Law)
- Shawn Swallow (Schulich School of Law)
- Scott Warwick (Department of Justice)
- Brian Puddington (PPSC)
- Glenn Chu (City of Toronto, Legal Services)
- Mya Rimon (Osgoode Hall Law School)
- Tierny Read Grieve (Hicks Morely)
- Lindsay Kantor (Torkin Manes)

Update

SAWG has been working with the OCI Advisory Group to work with the LSO with respect to a change in the Call Day date for 2024. We met in November to discuss the timing of November interview, the recruitment process survey, and social events during recruitment. Here are the notes from our last meeting:

1. DE-BRIEF OF TORONTO 2L RECRUIT

- **Timing of Nov Interviews** - Recommendation re synchronizing interview times
 0. Some employers conduct all of their 1st round interviews on Day 1, so they need to have several different interview start times to accommodate the volume of interviews, most run for 90-minutes
 1. CDOs advise students to schedule interviews in 2-hour increments, the LSO procedures state at least 90-minutes apart
 2. The interview process at government offices is usually shorter (45 minutes)

Difficult to get consensus on a set interview start time but employers are understanding of the scheduling challenges student face if there are staggered start times

Recommendation: amend the Best Practices to strongly encourage employers to complete the CLCDN Recruitment Process Survey as early as possible and provide clear expectations re interview start times and duration to help students plan accordingly, where possible employers are encouraged to offer 1st round interviews in 2-hour increments at 8am, 10am, 12pm, 2pm and 4pm

- **Recruitment Process Survey** – add to BPs employers encouraged to complete as early as possible – provide transparency re ITCs and interview process

Recommendation: see above – re completing survey to provide as much detail about hiring process including whether an employer sends intent to call (ITC) emails and the timing

- **Social Events** – adding time limits to Best Practices – e.g. employers encouraged to end any social events by no later than 10PM
 0. A few employers have returned to hosting receptions and dinners, employers are conscious of how demanding the November interview process is for both the students and their lawyers and typically try to wrap up events by 9pm or 9:30pm, although there can be delays beyond their control employers agree with updating the Best Practices to encourage a cut off time for evening social events

Recommendation: Best Practices be amended to strongly encourage employers to wrap up any evening social events by 10PM at the latest

- **Other** (open discussion)
 0. Discussion re increasing pressure on students to use 1st choice language and say it earlier in the process
 1. Students have the option to report undue pressure to the LSO – given the unequal power students do not report and there are questions about the LSO's ability to enforce the rules
 2. Some employers (particularly mid-size firms) place weight on 1st choice language, while others do not
 3. Employers reported instances of students declaring a firm was their 1st choice but then declining the offer, most CDOs advise students if they have a 1st choice let the firm know but they can only use 1st choice once
 4. There were reports of students receiving early offers and then cancelling their interviews on Day 2 and 3, this is a clear breach of the LSO recruitment procedures the question again is how to enforce the rules as right now it seems like there are no repercussions
 5. Discussed various modifications to the recruitment process to alleviate pressure on students including:
 1. Allowing early offers – that would be in writing and held open until the offer time, some employers are already extending early offers outside the rules with no consequences, there are concerns this would become a first to the post process and defeat the purpose of allowing students to get to know employers during the interview period
 2. Reducing the time offers are left open – some employers felt this would alleviate some of the pressure and reliance on 1st choice, under the current procedures students can hold employers 24 hours causing an employer to loose out on candidates on their waitlist, in practice very few (2-3) students take the evening to consider an offer, most spots are filled with 30-minutes, in the East Coast recruit (which is a smaller market) offers are open for up to 30-minutes and that works well, to make a difference for employers the time offers expire would need to be early evening otherwise the offers might as well be open until the next morning, the "no contact period" should

also be factored in when considering any change, reducing the time offers are to be left open would require engaging the LSO to change the recruitment procedures

3. Publishing the Best Practices – some employers are having difficulty accessing or may not be aware of the Best Practices

Recommendation: continue to solicit feedback on reducing the offer time and engage with the LSO on any potential changes and mechanisms for enforcement of the recruitment procedures

Recommendation: in addition to posting the Best Practices on NALPConnect, make a regular practice of emailing the Best Practices ahead of each recruit, re-approach the LSO about linking the Best Practices to the recruitment procedures and having them on the LSO website, and see if Aderant could post a link to the Best Practices on the viLaw Portal

2. POSTINGS ON THE VILAW PORTAL

0. With more employers participating in the post-OCI recruit and wanting individual postings on the viLaw Portal this is causing a strain on resources at Aderant
1. The portal is set up by recruiting sessions and is not very well equipped as an individual job board

Recommendation: create a November and January 2L Toronto recruitment sessions for any employers wanting to hire after the LSO dates

D. SAWG Vancouver

Chairs: Pamela Cyr- Norton Rose Fulbright and Stephanie Mui- Allard Law, UBC

Members:

Lisa Anderson – Singleton Reynolds

Evan Atkinson – Allard Law, UBC

Tory Brown – Allard Law, UBC (on maternity leave as of August 2023)

Jina Dhillon – University of Victoria

Heather Doi, Niall Rand, Elise Kohno, Catherine Repel, David Penner – Vancouver Bar Association (VBA)

Allison Jackson – Lawson Lundell

Christi McAuley – Thompson Rivers University

Jennifer McNaught – Blakes

Ilana Schrager – McMillan (on maternity leave as of August 2023)

Stacy Shields – Norton Rose Fulbright (on maternity leave as of August 2023)

Christine York – Alexander Holburn Beaudin + Lang

Update – November 22, 2023 Meeting

1. **Debrief on Summer 2024 Recruit** – The primary focus of our meeting was a debrief on the Summer 2024 recruit, which was held the week of October 23-26, 2023. The below themes emerged.
 - a. **Increased levels of student stress**
 - i. UBC noted this was due to a number of factors, including:

1. firm-initiated coffee chats after OCIs before the blackout period; firms asking students to hold a time to meet in the ITC e-mail;
 2. firms monopolizing student time during interview week (e.g. significant interactions on days 2 and 3; and
 3. pressure to give “first choice” language.
- ii. UVic noted that some students reported that they felt like they were being kept very late at events (for e.g. entrees served as late as 9 or 10 pm).
 - iii. TRU noted that student stress this year was “ramped up”, due in part to pressure by some firms to indicate “first choice” to proceed through that firm’s process. Also, more firms appeared to be doing dinners and doing dinners earlier, and there was also an increase in receptions (including amongst smaller firms), therefore an increase of events for students to attend.
 - iv. Some employers also noted that students seemed more stressed this recruitment cycle compared to prior years.
- b. **Positive Employer Conduct**
- i. UBC noted that students provided very positive feedback on clear communication from employers regarding the process. TRU similarly noted that students continue to appreciate if employers advise them if they were not moving forward in the process.
 - ii. UVic noted that many firms stood out for their professionalism, organization and friendliness.
- c. **Employer Misconduct I Students Revoking “First Choice”**
- i. **Calling students before 8 am on Call Day** – some employers suspect that others are calling students to schedule interviews well before 8 am as when the student is called at 8:00 am their day has already filled up. Note: it is possible that the student is “holding” interview times for another employer, for example on a Monday, but from students hired at NRF I have heard second-hand that some firms are calling well before 8 am on interview call day and offer day.
 - ii. **Pressure to indicate “first choice” I Early Indication of Offer** – as noted above, some firms monopolized students time and exerted inappropriate pressure on students to indicate “first choice” language and let firms know where they stand. Perhaps because of this general pressure and/or other firms providing an early indication of an offer, two UBC students retracted their “first choice” language to a large regional Vancouver firm at 9 am on the Wednesday morning of interview week, which caused that firm to scramble to buttress their offer pool. The reasoning for one UBC student was that the recruiter at the firm where they revoked their offer did not respond in a way that they hoped her to, which left the recruiter with the impression that other firms may be breaching the guidelines after receiving first choice language. The second UBC student had a sudden change of heart and went to a smaller firm.
 - iii. **Firms pre-booking dinners** – some recruiters wondered whether some firms were including dinner invites in ITC e-mails (which is not allowed- only a general note regarding a reception or meal to which all candidates are invited is allowed) as many students had already arranged dinners by interview call day. This may cause firms to arrange dinners on interview call day rather than waiting to schedule after the candidate’s interview during Interview Week. Again note that it is possible that students may be holding dinner spots for their preferred firm.

In response to the above, in particular the issues that employers and students were having around first choice language, the VBA proposes to provide more clarity and examples of appropriate and

inappropriate employer and student behaviour as well as remind employers that pressuring students to indicate first choice is damaging to their brand and counter productive.

There was some discussion of regulating when a student could provide first-choice language (e.g. a student could not provide an employer with first choice language until the Wed morning of interview week at 9:00 am), however it was felt that this could create an extra layer of stress for students and point of confusion for students and employers as well as extend the interview week well into Wednesday evening beyond when many candidates may have otherwise concluded their decision-making process. It also could require employers to keep more candidates in their offer pool longer which would be less efficient.

E. OCI Advisory Working Group

Chair: Chris McKenna (Bennett Jones, Toronto)

Members:

- Natasha Bhimji (Stikeman Elliott, Toronto)
- Shawn Swallow (Dalhousie Law)
- Tiffany Soucy (McMillan LLP)
- Gabrielle Maunier (Blakes, Calgary)
- Christine York (Alexander Holburn)

Update

We continue to work through a draft for 2024 OCIs and related in-firm issues. A recent issue has come up with Call Day in Ontario. We believe that we have resolved this issue. The Call Day will be moved to Tuesday, October 22, 2023.

F. Mid-Winter Meeting Working Group

Co-Chairs: Ellen Dalicandro (WeirFoulds) and Nicole Salama (Minden Gross)

Members:

- Lindsay Kantor (Torkin Manes)
- Megan Percy (Aird & Berlis)
- Grace Premachandran (Lincoln Alexander Law)
- Piper Riley Thompson (University of Calgary)

Update

The annual Canadian Winter Meeting took place on December 11, 2023, at Gowling WLG in Toronto. There were close to 90 attendees at the meeting from various law schools and legal employers. Sessions covered a variety of topics ranging from supporting the mental health of students and associates through the recruitment process to how to best assist students and associates with diverse physical and cognitive needs.

The meeting was a success, and the feedback was positive. For the future Winter Meetings, the following suggestions were made:

- Possibility of hosting in a different city or making the meeting hybrid so individuals outside Toronto can attend with greater ease
- Being more proactive with respect to accessibility and accommodations including continuing to offer captioning and canvassing the possible needs of attendees and speakers in advance

- Increase the number of interactive sessions
- Consider the diversity of speakers and content
- Apply for LSO accreditation in advance
- Finetune the timing – increase the buffer around sessions to allow for delays/overtime

The current committee would be pleased to provide a transition memo for next year's committee to assist with the planning of the 2024 Winter Meeting. We also welcome any additional feedback from the Canadian members.

G. Canadian Industry Data Working Group

Co-Chairs: Shawn Swallow (Dalhousie Law) & Co-Chair (Vacant)

Members:

- Christi McAuley (TRU Law)
- Ryan Baker (Bereskin & Parr)
- Nanci Shipp (Davies)

Members: Seeking School and Employer Members

Update

The Canadian Industry, Data Working Group, coordinates three surveys. The annual post-graduate snapshot survey (Graduating Class of 202x) and two biennial surveys – the Canadian Law School Career Services Professionals Salary Survey and the Canadian Legal Career Professionals (Employers) Salary Survey.

- Graduating Class of 2023 Snapshot survey will be circulated to schools in February 2024.
- The 2023 Salary Survey of Canadian Law School Career Services Professionals has been circulated, data compiled. This survey will not be conducted in 2024.
- The 2024 Survey of Canadian Legal Career Professionals will be circulated to employers in May 2024

H. National Recruitment Survey Working Group

Chair: Jennifer Nadon (uOttawa Law)

Members:

- Nicola Martin (Ontario regional member, Osgoode)
- Maryanne Forrayi (Alberta regional member, University of Calgary)
- Christi McAuley (BC regional member, TRU)
- Martha McClellan (Atlantic Canada regional member, UNB)
- Myriah Graves (employer advisor member)

Update

- We are working on compiling the results of the summer survey that was circulated at the end of the 2024-2025 structured articling recruit and we are on schedule to publish a summary report and employer reports ahead of the 2025-206 articling recruit.
- We are on track to circulate a winter survey following the conclusion of the 1L recruits and of the Ottawa recruit in March.

- We have received the results from the survey that was distributed following the conclusion of the Fall 2023 recruits and will be reporting on those results ahead of the next cycle through a summary report and employer reports.