

Career Integration of Internationally Trained Lawyers by Lola Ayotunde

For most professionals who decide to migrate to other countries, one question resonates: “How do I integrate into my profession in my new home country?” As a lawyer planning to migrate to Canada, I found out that the door to my career integration is the National Committee on Accreditation (NCA).

The NCA is the standing committee of the Federation of Law Societies of Canada that assesses the legal education and professional experience of Internationally Trained Lawyers (ITLs). This article focuses on the challenges of ITLs who received their legal education outside Canada.

This is not an attempt to understate the plight of Canadian lawyers who received their legal education outside Canada or immigrants who received their legal education from a Canadian University. However, this article brings to light the challenges of migrant-ITLs who received their Certificate of Qualification from the NCA.

After crossing the rigorous hurdles of the NCA exams, I obtained my Certificate of Qualification. Becoming a lawyer is challenging everywhere but the process of searching for an articling position was one of the most difficult hurdles I have crossed in my career.

Although I received my Master of Laws degree from a Canadian University, I was not prepared for the realities that confronted me in my search for an articling position through countless calls, emails and visitations to law firms. I took the proactive step of applying for articling positions while I was writing my NCA exams, but the lawyers I was fortunate to meet either did not understand my position as an NCA student or were unwilling to commit to an NCA student because they were not sure I would obtain the Certificate of Qualification.

I received responses like “come back when you are qualified”. It was clear to me that many lawyers did not know about the NCA stream of lawyers/applicants and did not understand the evaluation of foreign law degrees and certificates. I must say, however, that some lawyers spared time to ask questions and showed interest in knowing my capabilities and how my professional qualifications compared to the Canadian legal system, but for the most part, my endeavors to become a lawyer in Canada were met with several obstacles.

ITLs are saddled with unanticipated stumbling blocks in the process of seeking articling positions and, unfortunately, after call-to-the-bar. I found out that different factors worked against me as an ITL/NCAcertified applicant:

1. Recruitment Calendar

Most law firms and government organizations recruit articling students who are in the second year of law school a year before the students intend to commence articling. The process is totally different for ITLs because of the NCA schedule. I was unable to secure an articling position while writing my NCA exams because the lawyers were not sure of my success in the NCA process and were unwilling to commit to a yet-to-be-certified ITL.

When I completed my NCA exams and received my Certificate of Qualification, I was ready to start articling, immediately. Unfortunately the big law firms had already recruited articling students during

the recruitment period. Other firms have either not decided to take on an articling student for that year or already have an articling student or need some time to decide whether to take on articling students.

Of course most law firms do not recruit articling students spontaneously, hence the benefit for a second year law student. For an ITL looking for an immediate placement, and depending on when the Certificate of Qualification was obtained, this may mean waiting for months or a year before the recruitment window opens again and/or before a law firm decides to advertise for articling position.

2. Lack of Mentors

Most law schools have career officers that assist students with securing articling positions. ITLs do not have access to the services of career officers. More so, law schools often organize career workshops that give law students the opportunity to meet lawyers while in law school.

Law students can cultivate mentorship relationships with lawyers in this process and receive valuable guidance in their career path. ITLs do not have the same access to career officers and mentors. It is a daunting task to navigate through and sometimes against the conventions and practices of the legal society you are about to join.

3. Systemic Discrimination

Underlying discriminatory factors can influence hiring practices or create roadblocks for ITLs. From my experiences thus far, I must respectfully suggest the matter is a systemic one. Persons in charge of hiring can be taken aback by an applicant's name, professional background, accent or race, and this systemic discrimination can shut the door on an ITL's integration into the legal profession.

The unfortunate impression that is left is that future colleagues, because of your name or background or race, may see you as less intelligent. Many ITLs come from countries that speak differently from Canadians. Even those that have English as their first language sometimes have a differentiating accent.

This sometimes creates communication gaps and some lawyers, colleagues and judges do not have the patience to listen and understand a different communication style. Having a senior lawyer advise an ITL/articling applicant to "consider taking a course at the Open Door" without ever meeting or talking to the aspiring lawyer is discouraging and disheartening. Such perceptions about ITLs are difficult to dispel even if the preconceived notion does not apply to that applicant you may be about to decline.

4. NCA Students or ITLs are not the same

Painting people with the same brush and making negative assumptions about them is perhaps another indication of systemic discrimination. Similarly, judging ITLs by the experience or job performance of another ITL or articling student is also common. No one should be judged by the capability and performance of another person, especially someone they have never met or identified with. No one should be visited with the repercussions of the actions of another person on the sole basis of sharing a similar racial or professional background.

Conclusion

In our progressively globalizing world, diversity is the new norm and the value an ITL can bring to a firm or organization cannot be understated. The international experience and exposure of ITLs has great potential to the legal profession and the evolution of law in Canada.

With the increasing number of ITLs routing through the NCA stream, our law societies need to affirm their commitment to embrace diversity and inclusiveness and develop effective plans to do so. The starting point is to educate lawyers about the NCA stream of lawyers and how foreign legal credentials compare to Canadian credentials.

In furtherance of a fair recruiting system, lawyers and hiring personnel should bear in mind that academic grading systems differ when analyzing foreign law school transcripts. Sensitizing lawyers about ITLs and the importance of a diverse and inclusive legal profession in the global legal industry is a good way of encouraging lawyers and others in the legal profession to welcome the change and prospects ITLs bring to the table. We all have a role to play; having a self-assessment and consciously dispelling the myths or notions about ITLs will help lawyers evaluate all applicants with open mind.