

SUMMARY REPORT
VIRTUAL ROUNDTABLE: WOMEN IN THE LAW
MARCH 8, 2023 | 5:00-7:30 PM

ROUNDTABLE:
WOMEN IN THE LAW

MARCH 8, 2023 5:00 - 7:30 PM

PRESENTED BY:



THE CANADIAN
BAR ASSOCIATION
Saskatchewan Branch



CREATE Justice

Centre for Research, Evaluation,
and Action Towards Equal Justice

Access to Legal Services - Dispute Resolution - Systemic Justice



Law Society
of Saskatchewan



International Association
of Women Judges

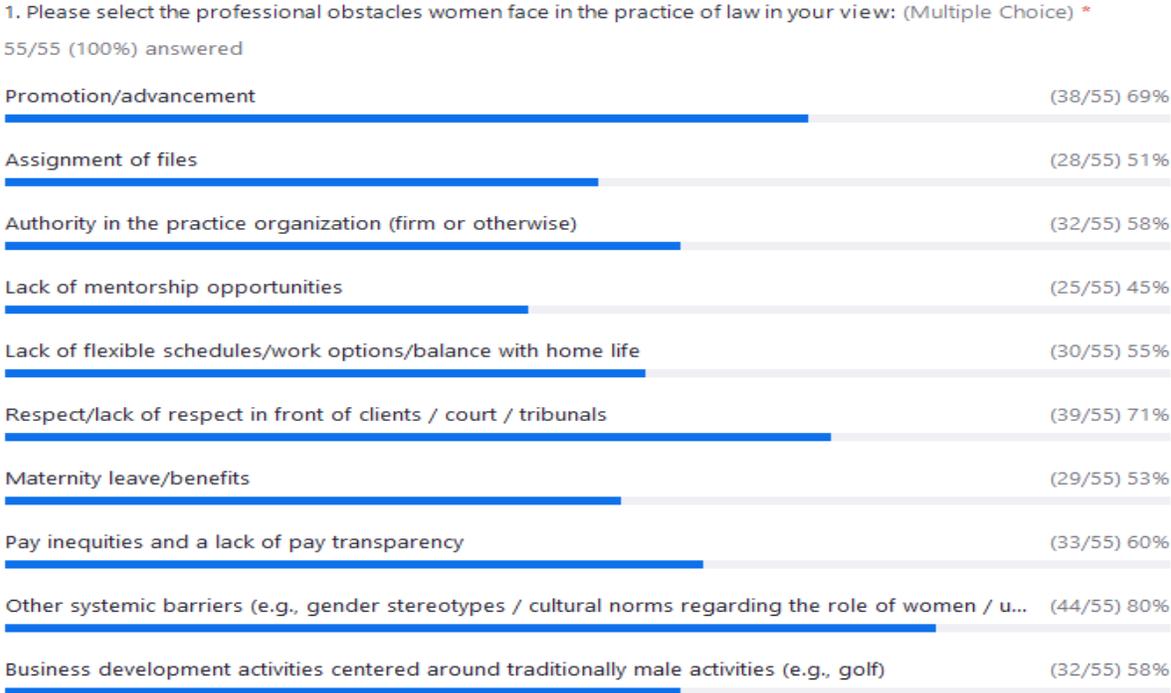


On International Women’s Day 2023, a virtual gathering open to all genders was hosted collaboratively by the Canadian Chapter of the International Association of Women Judges, the Canadian Bar Association – Saskatchewan Branch, CREATE Justice, and the Law Society of Saskatchewan.

From 125 registrants, 74 participants attended and represented diverse perspectives including differing years of practice, legal practice area, career arcs, workplaces, and demographic backgrounds. The discussion centered on the experiences of those present with guiding questions related to ongoing structural barriers for women in the law, discrimination and sexual harassment, and actions that can be taken to address known issues. **Annex I** outlines the Concept Note and Agenda.

When some participants were invited to comment on why they attended the event, indications were a sense of responsibility to support women in the profession and be part of the change they want to see through community-building. There was recognition that while progress has been made, there is still much to be done, and many expressed a desire to leave the profession better than they found it. Additionally, some participants expressed a direct connection to the issues, either due to their own experiences or the experiences of those they know. Overall, there was a shared interest in learning, growing, and being part of the solution to improve equity and inclusion of women in the legal profession.

After a land acknowledgment and opening remarks from the hosting organizations, participants were invited to vote in several polling questions. The first question asked about professional obstacles women face in the practice of law. Fifty-five participants responded to this question, with perspectives ranging from 45-80% agreement. The most respondents identified systemic barriers (80%) and lack of respect (71%) as obstacles and the fewest respondents identified a lack of mentorship opportunities (45%).



The second polling question revealed there is 78% agreement that particular practice areas can be more or less challenging for women. The third polling question asked whether particular work environments tend to be more challenging for women and there was again a high positive response (87%).

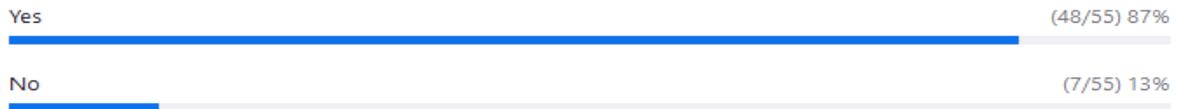
2. Do particular practice areas (e.g. criminal, family) tend to be more or less challenging for women? (Single Choice)

55/55 (100%) answered

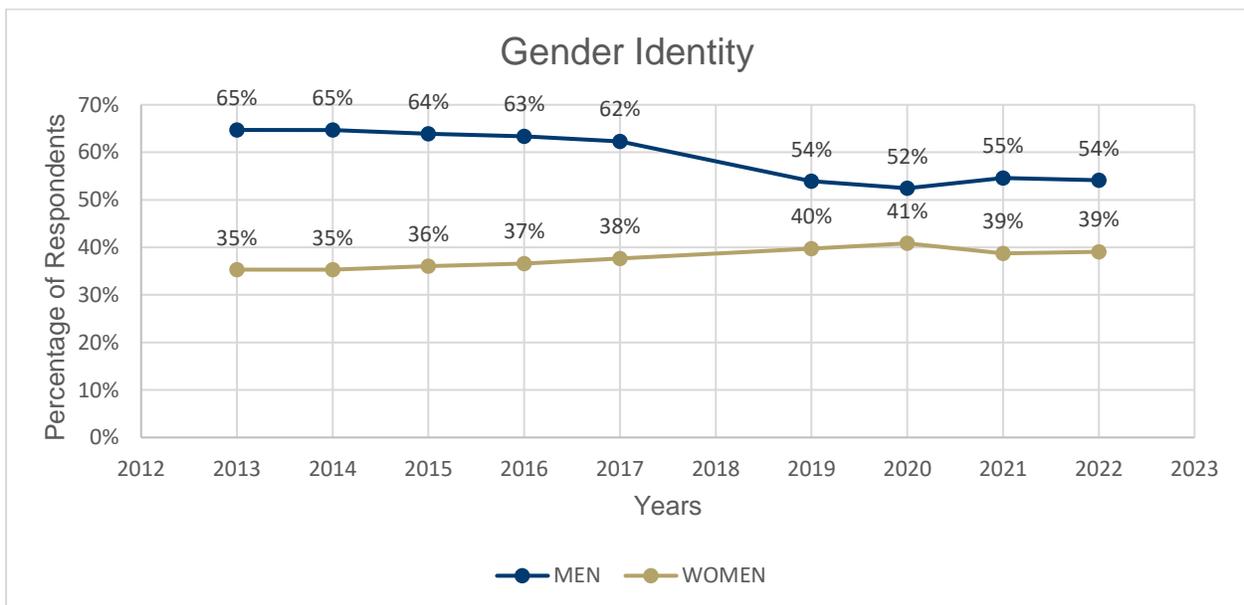


3. Do particular work environments (e.g. firms, government) tend to be more challenging for women? (Single Choice) *

55/55 (100%) answered



Participants then viewed two presentations by the Law Society of Saskatchewan and Canadian Bar Association on data and research on gender equity themes. Notably, over a ten-year period there has been a narrowing gap between the number of men and women practicing law, however, women still do not reach equal participation.¹



¹ Data gathered from Law Society of Saskatchewan Annual Reports between 2012 and 2022. Importantly, 2018 data was not available and 2019-2022 data of non-binary (<1%) and prefer not to answer (6-7%) is not shown.

Discussions were then held in small groups on guiding questions and whether the poll and research results resonated with participants or if the results were surprising. Several thematic areas of conversations emerged:

- OBSTACLES FOR WOMEN IN THE LEGAL PROFESSION

In line with the poll results, participants highlighted issues and experiences that women in the legal profession find frustrating and pervasive. It was noted that some of the highest scoring obstacles in the poll results touch on systemic barriers or issues and that systemic change is challenging. Participants highlighted that the available choice is often to work within the system, making modifications in ways that work individually.

Participants also reflected on discriminatory treatment and specific obstacles. These included [cultural obstacles](#), some set by male colleagues, but some also perpetuated by female colleagues. Participants noted that there is sometimes the view that ‘I went through this – you need to go through it too’ or ‘no gender talk’ so the status quo prevails.

Also referenced were [collective mindsets](#) in society and by clients that diminish or lack respect for the quality of women’s contributions by focusing on appearances or perceptions of gender roles. Participants recounted needing to respond to sexist comments at mediations and client meetings, being labelled as ‘the girl lawyer’, and being confused for an assistant.

Participants also discussed how legal employers reinforce rather than challenge these mindsets. A participant noted how a firm would send out male lawyers with female lawyers when meeting with clients as this was seen as needed for safety and socialization. At one client dinner, a participant reported that when asked why no women lawyers were present, a senior partner answered, “they have a family.”

Many of these experiences were linked by comments that it is perceived that women lawyers put family ahead of the workplace, while male lawyers do not. Shared themes were diminished acceptance of ability and belonging. Participants also highlighted a [lack of choice or flexibility](#) and the need to choose between a legal career and a relationship or family or to ‘give up’ some of themselves to have a legal career. One participant spoke about how after the birth of her child she felt compelled to return to work after one month of maternity leave. Others mentioned experiences at job interviews and being asked about having a family and being told about parental leave while male candidates were not.

Women without children also noted instances of differential or discriminatory treatment. Participants shared stories of [limited advancement and career opportunity](#). There was discussion of receiving “pink law” files such as family law matters, undisputed wills, and no corporate commercial or complex matters while less experienced male lawyers are offered different and more lucrative opportunities.

Notably, while common themes emerged, there were also unique experiences. Participants noted that experiences can depend on where you work, who you are working with, and who your clients are. These are factors that influence experiences within the span of broader systemic issues and obstacles.

Practice areas / work environments

It was also referenced that there are differences in experiences depending on the practice setting and type of legal practice. For instance, several women working in government highlighted a tendency to work collectively and have more female colleagues, while those in private practice identified higher numbers of male partners and colleagues and the demands of clients. In-house and government positions were noted as often favourable for work-life balance, yet work overload can be challenging in all contexts and participants noted issues can cross work environments.

Participants also highlighted examples of good experiences where firms have stood steady when clients request male lawyers or developed supportive flexible work arrangements. In private practice in particular it was also queried whether experiences are shaped by a lack of policy and attention to managing and running a business. This also extended to discussion of the need to rethink the billable hour as the primary business model.

Discrimination / sexual harassment

Participants identified that discrimination and sexual harassment are often common experiences for women in the early years of their practice and that issues such as pay equity and advancement may surface later. The effectiveness of standard complaint processes and policies was questioned as their usage may depend on how other types of complaints are handled and the culture of the workplace.

Some participants identified that if someone is experiencing bullying or being talked down to, they should stop doing work in this environment. While many participants supported speaking out and challenging bad or discriminatory treatment, this also raised concerns about fear of retribution or having no available avenues for redress. One participant stated it was hard to use a workplace's complaint mechanism while getting paid by the workplace, and this was viewed as more of an option if leaving or being terminated.

Many participants also stated they had directly spoken out at the time of their experiences but, for example, received the response 'I didn't mean it like that' when raising objections or were unsure if their experience amounted to discrimination. It was reinforced that it is possible to make a human rights complaint to ensure discrimination-free workplaces.

- **ADVANCEMENTS, CHANGE, AND HOPEFUL MOMENTS**

Participants highlighted that there also have been advancements. Women now have more opportunities to choose their own career path. There has been an increase in the number of women in law school and in practice, as well as in judicial appointments. There are also positive changes in attitudes among some senior male lawyers who are more supportive of younger female lawyers. Other themes included:

Legitimacy: one substantial change is the accepted legitimacy of women in the legal profession, which is no longer questioned at large scale. When one senior participant went to law school there were only 30% women and that percentage remained the same for a long time.

Male mentorship / allyship: some have experienced strong mentorship from senior males who are "grandparent-like" and less focused on 'I went through this and you should too' and express that they feel the profession should change due to regret over missing out on life because of work and

that efforts for balance are beneficial. Examples were also given of men reinforcing positive relationships with clients, helping in tough situations, and validating rather than undermining women's experiences.

Corporate persuasion: in-house counsel noted the ability to help drive change and good practices by retaining firms that display diversity or requesting to work with other female lawyers. This also extends to managing expectations and ensuring realistic work timelines for inclusivity.

Young lawyers: there are newer lawyers exhibiting excitement and confidence about a more equitable legal profession and their role in it.

- PRACTICAL STEPS TO IMPROVE THE ROLE OF WOMEN IN LAW

Overall, participants highlighted the continued need to address issues related to gender in the legal profession and work towards a more inclusive and supportive culture. Participants noted that this can involve rethinking traditional business models, such as the billable hour, and highlighting success stories and making changes in collaboration with male allies, including systemic change. The importance of community and working together was highlighted in addition to several other themes:

Develop tools: more can be done to help law workplaces utilize strong equity, diversity, and inclusion management tools and policies (e.g., hiring, leave, benefits, etc.). Additionally, this can extend to assistance with evaluation of effectiveness (e.g. what should be done, collected, how frequently) so there can be measurement over time. Importantly, there was also reflection on differences between law workplaces and the need to consider financial realities for smaller firms and assistance (e.g., waiving fees for those returning to practice or allowing for minimal practice during leave).

Be vocal and a role model: the importance of acting and speaking when discriminatory behaviour is experienced was identified so learning can occur and behaviour can change. Modelling good behavior for others was identified as was leading by example to transition from old to new systems and a change in culture.

Talk about pay and compensate transparently: pay is often viewed as a personal matter but greater transparency can facilitate less disparity and participants voiced support for transformative change.

Involve men: meaningful change will require involving men and having candid conversations about what matters among different stakeholders (e.g., partners and associates).

Persist: challenging existing structures can take time and it is important to keep focus and not simply let things go.

Participants also highlighted how finding the right career fit can be beneficial, whether working with other women, or in different legal workplaces. Finally, participants raised that the Law Society of Saskatchewan and Canadian Bar Association have important roles in responding to issues and providing education and resources that offer meaningful access to guidance and support, including through mentoring, training, and organizing meetings.

Finally, a closing poll asked participants what initiatives they would view as most impactful to ensure equitable participation, retention, and advancement of women in the law. All areas received support and the highest response was “all of the above” signalling the importance of a multi-pronged approach. This also extended to references to intersectionality and the need to reflect and focus on this in particular as part of future events.

1. What initiatives would you view as most impactful to ensure equitable participation, retention, and advancement of women in law? (Multiple Choice) *

56/56 (100%) answered



The organizers express thanks to participants of all genders who took time to celebrate International Women’s Day and contribute to the betterment of women in law.

ANNEX I – CONCEPT NOTE & AGENDA

The equity of women in the law is foundational to advance access to justice, legitimacy, and responsiveness in the administration of justice, yet many (intersectional) barriers have been detailed and remain in relation to entry, advancement, and retention in the profession.

In 2021, active membership in the Law Society of Saskatchewan was self-reported as: 55% male; 39% female; less than 1% non-binary, transgender, or two-spirit; and 6% preferring not to answer. As compared to 2021 census data where women account for 50% of the population, women are significantly under-represented in law. This is despite proportional law school admissions in recent years. In 2021, University of Saskatchewan College of Law admissions data identifies women accounting for 54% of those admitted. Further, as the Canadian Bar Association has [highlighted](#), women do not have pay equity within the profession.

Building on the Saskatchewan [Justicia Project](#) which worked collaboratively to share good practices, develop resources, and adopt proactive programs to support retention and advancement of female lawyers in private practice, in 2021, a [book project](#) led by CREATE Justice was initiated. The project, “*Creating a Seat at the Table: Reflections from Women in Law*,” brought together a group of women alumni to reflect on their experiences in law and celebrate success as well as ongoing action towards leadership, mentorship, and networking among women lawyers.

Additionally in 2021, the Law Society undertook [research](#) to better understand member perspectives and personal experiences and to focus efforts to advance programs and initiatives that promote a non-discriminatory and inclusive legal profession. Women participated in this survey in higher numbers and identified gender discrimination related to limited opportunities, having children, client preference for male lawyers, and disrespectful treatment. The research also identified intersectionality and how social identities (e.g., race, sexual identity, age) can overlap with gender and create compounding experiences and systemic, cultural, and structural barriers.

To combat these challenges, respondents identified that it was important to offer tools and resources, engage in conversations to inform and understand needs, provide mentorship opportunities, offer training, promote inclusive networking opportunities, and collect demographic data. Many of these initiatives are underway and will benefit from deeper conversation to help advance. The Roundtable was an opportunity to:

- network with other legal professionals;
- contribute to discussions about initiatives to advance equity for women in the law; and
- celebrate International Women’s Day with colleagues in the legal profession.

BACKGROUND RESOURCES

- [Book](#) - *Creating a Seat at the Table: Reflections from Women in Law* (*forthcoming*)
- [Consultation Report](#) - Model Code of Professional Conduct amendments - duties related to non-discrimination and harassment (*Federation of Law Societies*)
 - Enough Already Project: <https://enoughalreadysk.ca>
 - Shift Project: <https://shift.plea.org>
- [Report](#) – Equity, Diversity, and Inclusion: Identifying the Challenges and Possible Actions (*Law Society of Saskatchewan*)
- [Report](#) – Pay Equity in the Legal Profession (*Canadian Bar Association*)

AGENDA

DETAILS

WELCOME AND LAND ACKNOWLEDGMENT

- Julie Sobowale, Law Society of Saskatchewan

OPENING REMARKS

- Justice Krogan, International Association of Women Judges
- Tim Brown, K.C., Law Society of Saskatchewan
- Reché McKeague, K.C., Canadian Bar Association – Saskatchewan
- Brea Lowenberger, CREATE Justice

POLL AND RESULTS TO INFORM THE DISCUSSION

Attendees will complete a short poll that invites reflection on what professional obstacles women in Saskatchewan face in the practice of law, their relative importance, and whether particular practice areas and work environments tend to be more or less challenging for women.

KEY THEMES FROM RESEARCH AND SHARED EXPERIENCES AND ACTIONS

- Pamela Kovacs and Julie Sobowale, Law Society of Saskatchewan
- Carly Romanow, Canadian Bar Association

SMALL GROUP DISCUSSIONS

Attendees will be placed in a breakout room with a Facilitator, Lead Discussants, and Rapporteur and asked to:

- share a little about themselves and their role in law; and
- reflect on questions and issues regarding the role of women in law and, building on existing research and experience, raises issues and discuss how to effectively navigate and respond to challenges.

Group 1: Justice Lana Krogan (Facilitator); Beth Bilson, K.C., Titli Datta, Sonia Eggerman (Discussion Leads); Heather Heavin (Rapporteur)

Group 2: Justice Catherine Dawson (Facilitator); Mary Culbertson, Jana Linner, K.C., Reché McKeague, K.C. (Discussion Leads); Steven Dribnenki (Rapporteur)

Group 3: Justice Dorinda Stahl (Facilitator); Tiffany Paulsen, K.C., Julie Sobowale, Rochelle Wempe (Discussion Leads); Brea Lowenberger (Rapporteur)

Guiding Questions

- Did the poll results resonate with you? Did anything stand out from the poll or the presentations?
- Research highlights the importance of intersectionality - what additional systemic, cultural, and structural barriers and obstacles are faced by Black, Indigenous or other racialized groups?
- What are some of the practical tools that can address known issues? What is being done that works? What more is needed?

DETAILS

- Are some groups of women at risk of being excluded from initiatives? Who are these groups of women and how might we reach them?
- How does discrimination and sexual harassment manifest itself?
 - Do you feel there is widespread recognition and acknowledgement of the existence of sexual harassment/discrimination in the profession? How does that impact a woman's ability to come forward with these types of complaints?
 - Do women have meaningful avenues for complaint? If not, what other avenues should be available?
 - Do current mechanisms cause fear of retaliation/significant career consequences? If so, what can be done to help ensure that women can bring such complaints without fear of reprisal?
- Do women have meaningful access to other women in the profession for advice/guidance/support?
- What role can men play to foster gender equity in the practice of law?

SMALL GROUP DISCUSSION SHARING

Rapporteurs from each Small Group Discussion will share main elements of discussion and identify lessons, practical tips, or recommendations that can support women in the law.

POLL AND RESULTS TO INFORM NEXT STEPS

Attendees will complete a short poll that invites reflection on initiatives and next steps to ensure equitable participation, retention, and advancement of women in law.

CLOSING REMARKS

- Beth Bilson, K.C., CREATE Justice, University of Saskatchewan
- Reché McKeague, K.C, Canadian Bar Association – Saskatchewan
- Dr. Foluke Laosebikan, K.C., Law Society of Saskatchewan
- Justice Krogan, International Association of Women Judges