



COMMITTED TO
JUSTICIA
ON S'Y ENGAGE

Gender Data Collection Guide for Law Firms

October 2010

The Law Society of
Upper Canada

Barreau
du Haut-Canada

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Gender Data Collection Template

Introduction

1. The Justicia Project is an initiative of the Law Society of Upper Canada designed to retain and advance women lawyers in private practice. In that context, participating Justicia law firms have committed to collecting and maintaining gender demographic data. While the collection of this data will be used to identify principles and best practices that can accomplish these goals, there is no requirement for Justicia firms to report such data either to the Law Society of Upper Canada or publicly.
2. However, firms may wish to release their gender demographic data to highlight their progress related to the inclusion and gender diversity of lawyers and paralegals at various levels of the organization. Firms that demonstrate gender diversity should pride themselves for being representative of the community they serve. Firms can also use the information as a marketing tool with clients and potential recruits.
3. The Ontario Human Rights Commission recently released *Count me In!*¹, a report intended to be a practical resource for organisations that wish to gather information about their employees. The report recognizes the benefits of data collection stating that “[o]rganizations that collect such data recognize that to effectively thrive in an increasingly globalized, competitive business environment, they must promote an inclusive and equitable work culture throughout the organization, take steps to attract and retain the best and brightest people available, and find innovative ways to improve service delivery and programming to meet the needs and wants of an increasingly diverse population base.”²
4. The Law Society of Upper Canada also recognizes the value of collecting demographic data. It has maintained gender data of lawyers for a number of years and in 2009 began collecting broader self-identification demographic information about its lawyers and paralegals. Lawyers and paralegals are asked whether they are members of racialized, Aboriginal, Francophone, minority religious, disability, lesbian, gay, bisexual or transgender communities. Such data will provide a benchmark for the legal profession and law firms.
5. It should also be noted that gathering quantitative information is not the only method to monitor and measure the progress within a firm. The Ontario Human Rights Commission interprets the term “data collection” broadly to include gathering information using both quantitative *and* qualitative research methodologies.

¹ *Count Me In!: Collecting Human Rights-Based Data* (Toronto: Ontario Human Rights Commission, 2010).

² *Ibid.* at 8.

6. In addition to collecting quantitative gender demographic data, firms may wish to establish a process by which qualitative data is gathered, for example through exit interviews with departing lawyers. This practice can assist in better understanding reasons for departures and developing programs to address identified issues. In 2009, the Law Society began collecting information about lawyers who change their status in the legal profession, to identify trends, including gender based trends related to the movement of lawyers. This report provides an outline of those findings.
7. This guide will also provide the following information to assist firms in collecting gender demographic data:
 - a. Statistical norms based on Law Society data;
 - b. The profession in movement;³
 - c. Benefits and challenges of collecting data in your firm;
 - d. Human rights obligations;
 - e. Steps to collecting data;
 - f. Template to collect gender demographic data;
 - g. How to report gender demographic data;
 - h. Collecting demographic data beyond gender;
 - i. Developing exit interview processes for law firms;
 - j. Exit interviews – the principles;
 - k. Exit interview templates.

Statistical Norms Based on Law Society Data⁴

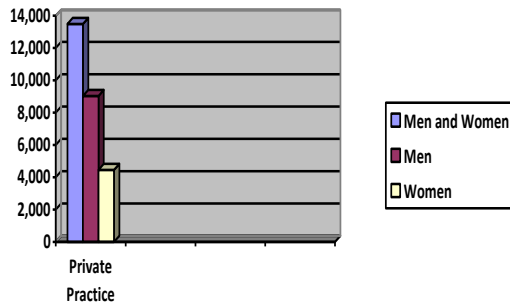
8. The Law Society collects gender based information, including the following:
 - a. The number of men and women in private practice;
 - b. The number of men and women in firms of 2 to 5 lawyers, 6 to 25 lawyers, 26 to 100 lawyers and more than 100 lawyers;

³ (Toronto: Law Society of Upper Canada, 2010). See http://www.lsuc.on.ca/media/convmay10_change_status_report.pdf

⁴ Note that all data presented in this section is as of June 2010.

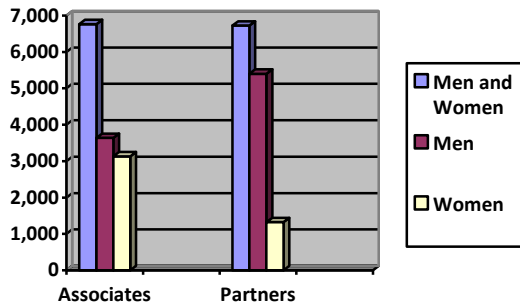
- c. The number of men and women associates (including employees); and
- d. The number of men and women partners.

9. The following diagram represents the number of men and women in private practice (excluding sole practitioners):



The diagram shows that there are almost 13,500 lawyers in private practice. However, men outnumber women at a ratio of 2:1. There are over 9,000 men in private practice, while only 4,500 women.

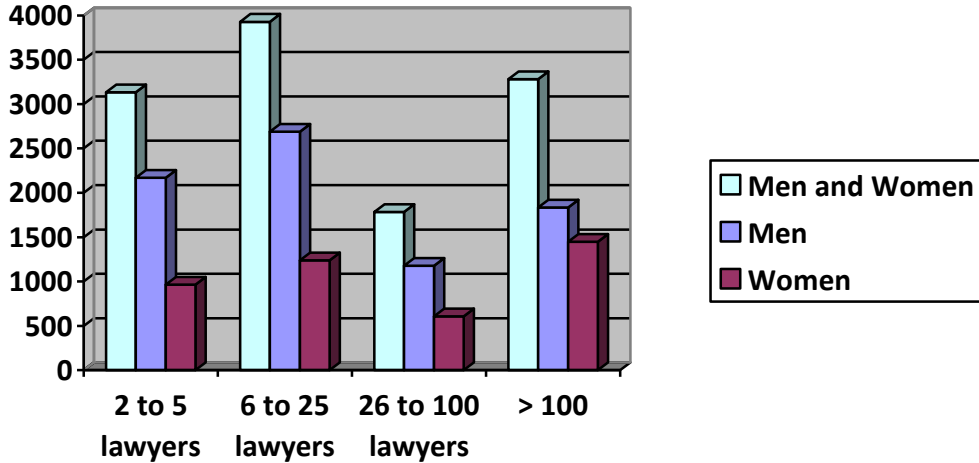
10. The following diagram represents associates (including employees) and partners (excluding sole practitioners) in private practice:



The breakdown of lawyers in private practice at the associate level based on gender is almost identical (Men = 3636 and Women = 3129). However, there is a 5:1 ratio of male partners compared to female partners. There are approximately 5400 male partners in private practice, but only 1325 female partners in private practice.

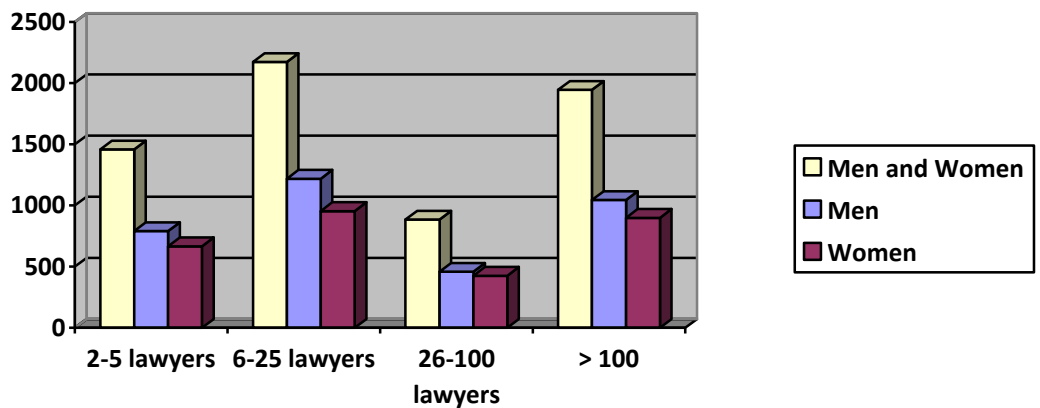
- 11. Women represent forty-six percent (46%) of associates and employees in law firms and twenty percent (20%) of partners (excluding sole practitioners).
- 12. Gender differences in law firms by size of firm are very similar with women lawyers representing between 31% and 34% of lawyers (31% in firms of 2 to 5 lawyers, 32% in firms of 6 to 25 lawyers, 34% in firms of 26 to 100 lawyers and over 100 lawyers respectively).

Men and Women Lawyers by Firm Size



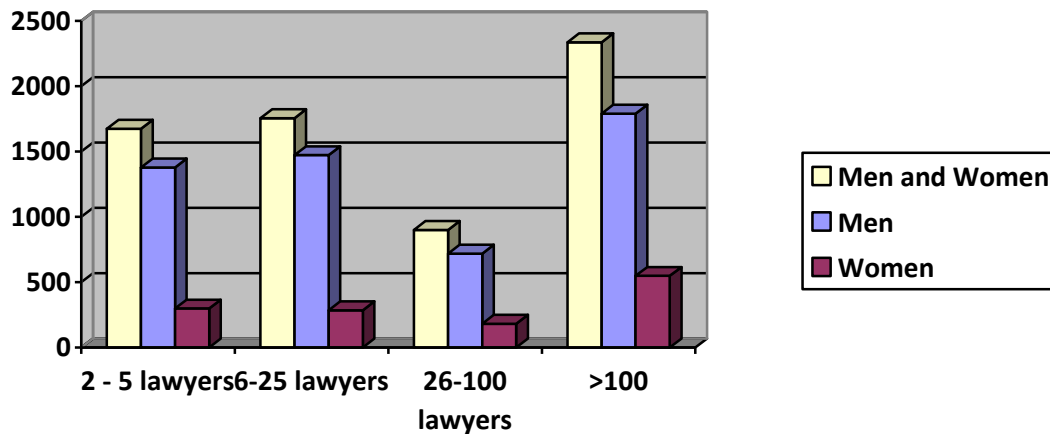
13. The gender differences of associates and employees by size of firm (sole practice is not included), are not significant. For all firm size, women represent between 44% and 48% of associates and employees (firms of 2 to 5 - 46%; firms of 6 to 25 - 44%; firms of 26 to 100 - 48%; and firms of more than 100 lawyers - 46%). The highest number of women associates and employees is in firms of 6 to 25 lawyers and in firms of more than 100 lawyers.

Associates and Employees by Firm Size (excluding sole practice)



14. There are more significant gender differences at the partnership level. For all firm sizes (excluding sole practice) the number of women partners is significantly lower than men, with 18% women partners in firms of 2 to 5 lawyers, 16% in firms of 6 to 25, 20% in firms of 26 to 100 and 23% in firms of over 100 lawyers.

Partners in Law Firms (excluding sole practice)



The Profession in Movement

Entry Into the Profession

15. Women have been entering the legal profession in larger numbers than men for more than a decade. The following table outlines call to the bar statistics between 2005 and 2010.

Year	Total Called	Female	% of Total	Male	% of Total
2005	1,422	789	55%	633	45%
2006	1,431	745	52%	686	48%
2007	1,484	803	54%	681	46%
2008	1,479	762	51.5%	717	48.5%
2009	1,544	815	53%	729	47%
2010	1,433	740	52%	693	48%

16. Law Society data⁵ indicates that, although women enter the profession at a greater rate than men, upon entry into the profession fewer women than men join private practice as associates or employees of law firms. The chart below, which sets out lawyers' positions at the end of their first year of call, confirms this trend.

	2005		2006		2007		2008		2009	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
Sole practitioners	55%	45%	58%	42%	57%	43%	63%	37%	66%	34%
Partners	58%	42%	62%	38%	75%	25%	82%	18%	66%	34%
Associate or employee	58%	42%	51%	49%	49%	51%	52%	48%	48%	52%
Education	27%	73%	40%	60%	40%	60%	40%	60%	33%	67%
Government	37%	63%	45%	55%	36%	64%	33%	67%	49%	51%
Retired or other	34%	66%	43%	57%	39%	61%	39%	61%	43%	57%

Changes of Status

17. In 2009, the Law Society of Upper Canada retained The Strategic Counsel to undertake a longitudinal study of lawyers who change their professional status. The *Change of Status Quantitative Study – Report of Research Findings* provides the results of an online survey among lawyers who changed status in the 2009 calendar year.⁶
18. In total, 5263 men and women lawyers filed a change of status with the Law Society and a total of 1257 respondents completed the survey, a strong response rate of 31%.⁷ The

⁵ The data is as at December 31 for the year of the data.

⁶ *Supra* note 3.

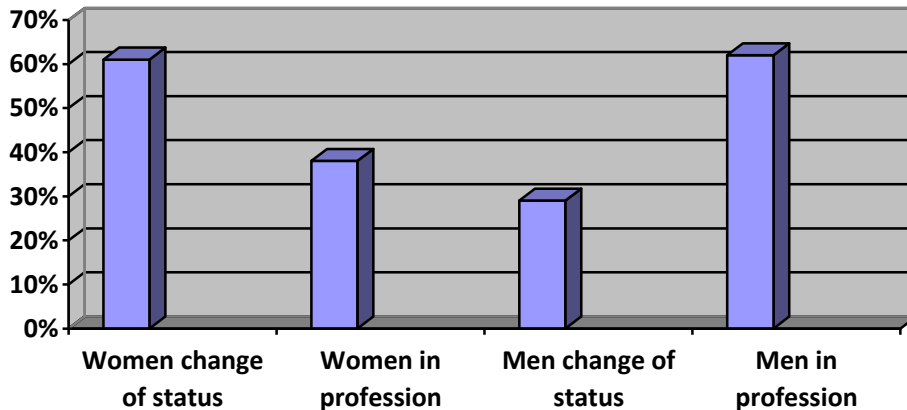
⁷ 5263 lawyers represents approximately 12.5% of the Law Society's total lawyer membership.

following is a summary of the findings, which may be helpful to law firms in understanding some of the reasons for leaving private practice.

Respondent Characteristics – Gender Differences

- 19. The Change of Status Survey demonstrates that in 2009, six-in-ten (61%) lawyers who changed their status were women, compared to 29% who were men. The disproportionate number of women changing their status stands in stark contrast to the composition of the legal profession of which 38% were women.
- 20. The survey also confirms that it is also more common for lawyers under the age of 45 to change their status. While half the legal profession is under 45 years old, of those who changed their status, 64% were under the age of 45.

Changes of Status Compared to the Profession



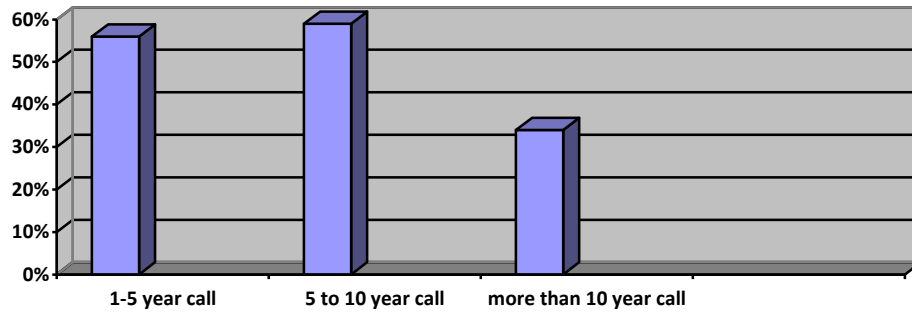
Work Setting

- 21. Among the changes of status in 2009, 50% indicated that they were in private practice prior to the change while 38% remained in private practice after the change. The greatest departure from private practice was away from larger firms (those with 50 or more lawyers).
- 22. Overall, women who changed status were more likely to have moved out of private practice than men. The proportion of women who were in private practice before their change was 15 points higher than the proportion of women in private practice following

the change (47% and 32% respectively). Among men, there was also a decrease, although less pronounced (54% and 46% respectively).

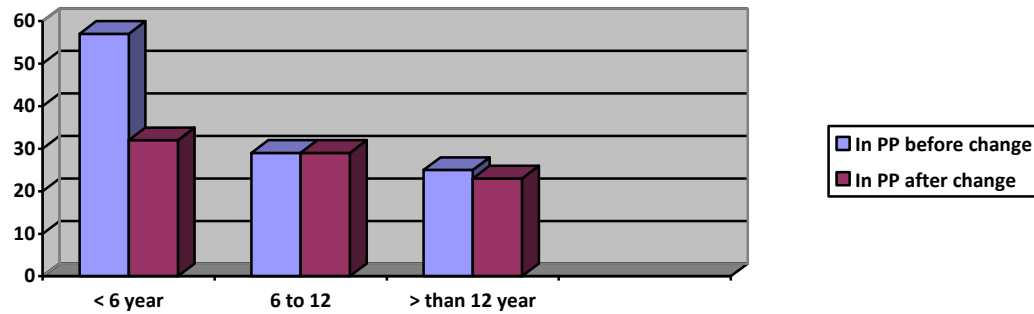
23. Over one-half (56%) of women in their first 5 years of call or between five to ten years of call (59%) reported that they moved out of private practice while one-third (34%) of women who had been practising for eleven to nineteen years reported a move out of private practice.

Women Who Have Moved out of Private Practice

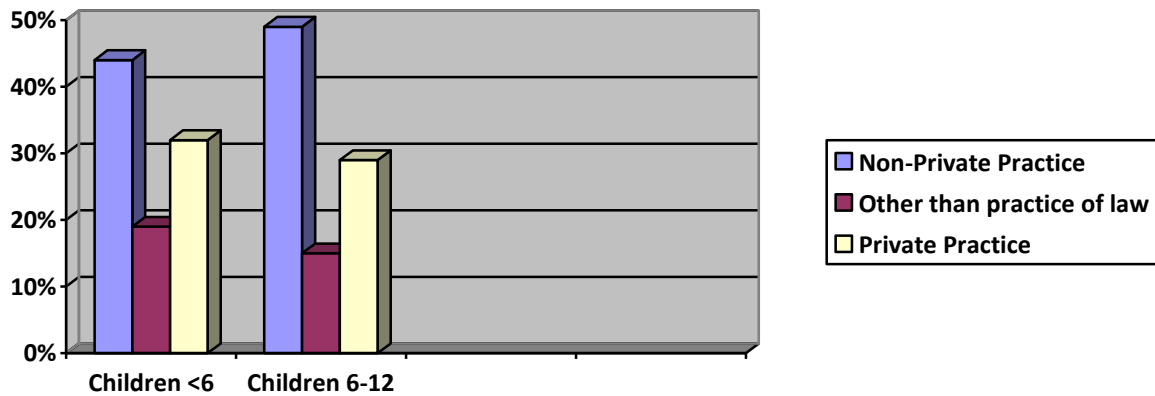


24. The survey results suggest that a change of status out of private practice is more closely related to life stage, than simply years of call. The survey confirmed that both women and men with young dependent children (less than 6 years old) were more likely to move out of private practice than those in other stages of life.
25. Twice as many women with dependent children were moving out of private practice compared to men. Among women with dependent children under six years of age, over half (57%) were in private practice prior to their change of status. However, only one-third (32%) reported being in private practice after the change of status. While there was a similar shift among men, it was less pronounced (a 12 per cent decline compared with the 25 per cent decline among women).
26. The greatest proportion of women with younger dependent children is currently in a non-private practice setting. Forty-four percent (44%) of women with dependent children under 6 years of age and 49% of women with children ages 6-12 are in non-private practice settings and 19% of women with children under 6 years of age and 15% of women with children ages 6-12 are in positions other than the practice of law. This is compared to 32% of women who have dependent children under 6 years of age and 29% of women with children ages 6-12 who remained in private practice.

Women in Private Practice with Dependent children before and after Change

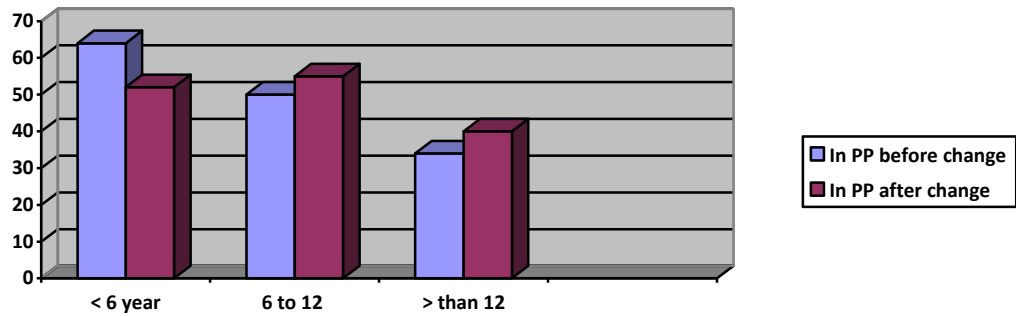


Women in Various settings with Dependent Children after Change

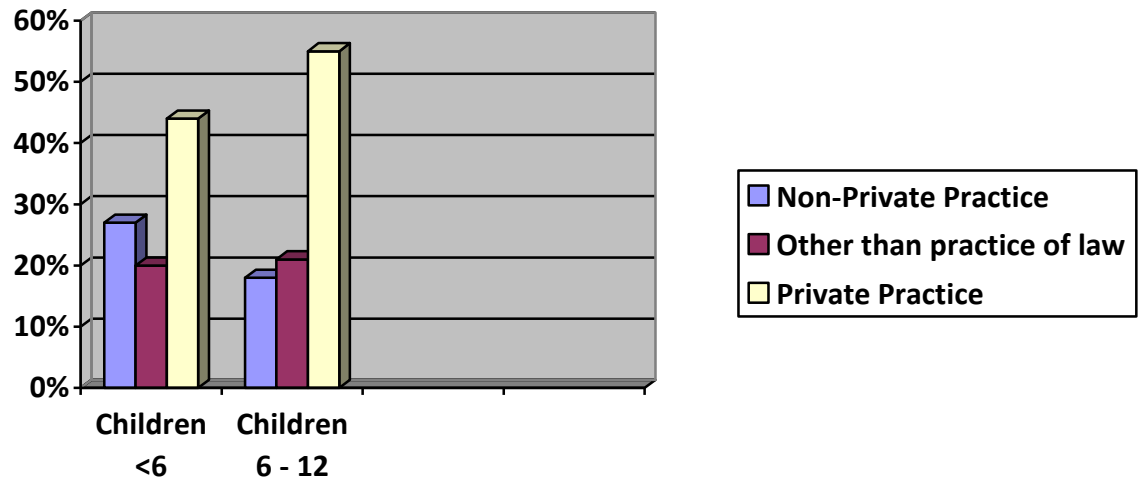


27. While there was a decrease in the proportion of men in private practice, the greatest proportion of men remained in private practice. (44% of men with children under 6 years of age, 55% of those with children between the ages of 6-12 and 40% with children 13 years of age or older are currently in a private practice positions).

Men in Private Practice with Dependent children before and after Change



Men in Various settings with Dependent Children after Change



Unaided Reasons for Change of Status

28. One of the key objectives of the research of the *Change of Status Report* was to explore reasons for leaving or staying in private practice. Those who changed status were asked to describe in their own words why they made the change. The reasons given were varied and no single issue or set of issues dominated.

29. Generally, there were few differences between men and women in the reasons noted for a change of status. However, work-life balance was one area where differences were observed. Twice as many women as men (21% and 9%, respectively) indicated that they changed their status due to needs related to balancing work with other responsibilities and needs. These included work/family balance; better hours/ control over hours/ better control of schedule/ flexible work schedule; reduction in stress; child care/ wanting to spend more time with children or family; workload; spousal requirements; burn out at job.
30. The greatest proportion of respondents (31%) indicated that they changed their status because of the end of an existing contract or position, due to a corporate restructuring (e.g., downsizing) or as a result of personal circumstances, such as a decision to retire or the need to take a parental leave.
31. About one-quarter (26%) of respondents reported that their change of status was due to the appeal of certain characteristics of the position to which they have moved (excluding increased remuneration or benefits), such as better opportunities/new challenges/better quality of work, the ability to better use their skills area to focus on a different area of law. Remuneration and/or benefits were noted by just over one-in-ten respondents (11%).

Area of Practice

32. There were no significant differences from previous to current positions in the area of practice. For example, lawyers who practiced litigation before the status change continued to practice litigation after the change.

Benefits and Challenges of Collecting Data in Your Firm

33. The following have been recognized as some of the benefits for collecting and analysing gender demographic data:
 - a. It is good business for law firms to be representative of their client base and the data can be used as a marketing tool to recruit talent and clients.
 - b. The purpose of collecting and maintaining gender demographic data in the context of the Justicia Project is to allow firms to analyse trends within their environment, such as number of women and men who leave, lateral hires at each level of the firm, and representation at the partnership level or in positions of leadership. This information may in turn lead to the development of strategies to remedy any gaps and underrepresentation.
 - c. When data is gathered, tracked and analyzed in a credible way over time, it becomes possible to measure progress and advancement. Budgets, policies,

practices, processes, programming, services and interventions can be evaluated, modified and improved.

34. Some may challenge the collection of data, more particularly if the firm decides to gather demographic information about characteristics other than gender, such as race, disability or sexual orientation. Some issues raised may include the following:
- a. Data collection may be seen as a way of unduly favouring specific groups – to proactively reduce and address those perceptions, the firm should clearly communicate the purpose, goals and methodology for collecting data.
 - b. Data collection is resource intensive and can be technical, complex and expensive – this may be the case for larger firms especially. However, once a system is in place, the cost of gathering, maintaining and reporting the data is reduced.

Human Rights Obligations

35. In order to assist organizations in collecting demographic data, the Ontario Human Rights Commission developed guidelines for the collection of demographic data as follows:
- a. Purpose consistent with Code: It is suggested that the collection program clearly set out a purpose that is consistent with the *Human Rights Code (the Code)*. This can be contextualized by taking into account a group's position within society. In the case of the Justicia firms, the purpose of the collection program could be to demonstrate that as compared to male lawyers, female lawyers are underrepresented within the law firm, or compared to their representation in the legal profession as a whole. The purpose could also be to demonstrate that female lawyers are leaving private practice at a rate far greater than their male counterparts. These factors support the collection of data as it would allow firms and the profession as a whole to monitor trends and address gaps.
 - b. Anonymity: Measures should be taken to protect confidentiality and privacy, although it should be noted that gender demographic data does not typically raise the same privacy concerns as other kinds of demographic data.
 - c. Link between collection, use and disclosure: There should be a link between the nature of the information being collected and its intended use.

Steps to Collecting Data

36. The following are some of the key considerations that may arise during various steps in the data collection process. This is only a reference tool. How data is gathered and

analyzed depends on many factors, including the context, the issues that need to be monitored, the purpose of the data collection, and the nature and size of the organization.

37. Goal Setting – The law firm may wish to set goals to be accomplished by the data collection. For example, Justicia firms may wish to find out whether women are leaving the firm and at what level in their career. A Justicia firm may also wish to gather gender demographic data to demonstrate the leadership roles that women have in the firm and to promote the firm as an inclusive employer or service provider.

38. Planning and Methodology– The firm may wish to consider the following checklist:

- Whether there is support from senior management or leadership of the firm, such as the executive committee
- Who will be accountable for decisions about the data collection process, such as design, logistics, communication, management, coordination and finances
- Which office locations or geographical areas will be part of the data collection and have they been notified
- What survey instrument or methodology will be used to gather the information and has it been approved
- Identify when and how the collection of data will be done and who will be asked to participate
- When and how often will data be collected
- What benchmark statistics will be used for comparison
- Who will do the analysis and report back
- What will be the method for reporting the data and who will be the recipients

39. Collecting Data – Collecting the data requires an organized approach, which includes a number of practical considerations. The firm may wish to consider the following checklist:

- Identify the logistics, resources, technology and people needed to develop and implement a data collection initiative

- Identify who will review the data to ensure that it is relevant and accurate
 - Anticipate and address concerns and questions about the project
 - Design a communication plan
40. Analyzing and Interpreting the Data – In the analysis of the data, the firm may wish to consider the following checklist:
- Identify the kind of analysis that will be used and who will perform the analysis
 - Prepare a report of the data, including charts, graphs and other forms of visual representation with a summary of findings and interpretation
 - Analyze the efficiency and efficacy of the data collection process and how it can be improved
 - Identify gaps, areas of improvement and opportunities (e.g. discrepancies in lateral hiring data)
 - Develop steps to address the findings and identify those responsibility to implement
41. Frequency of Compiling and Reporting on Data⁸ The firm should make a decision on how it will maintain gender demographic data and how often it will analyze and report on the results. For consistency, measurement and tracking purposes, a firm should collect data at the same point in time every year.

Template to Gather Gender Demographic Data

42. The following template was developed based on Justicia firm practices. The template is a precedent that can be adapted to the context of the individual law firm.

⁸ For consistency, measurement and tracking purposes, a firm should collect data at the same points in time every year or quarter.

Gender Demographic Data Template for Lawyers

Office Location: [Insert location]

		Men	Women	Total
Excluding anyone on Long Term Disability, please provide the following	Total women and men lawyers			
	Summer students			
	Articling Students			
	Hirebacks to Associate level			
	Junior Associate (1 to 4 years) (Total number including lateral hires)			
	Sr. Associate (5+ years) (Total number including lateral hires)			
	Jr. Associates (1 to 4 years) hired laterally from outside of the firm			
	Sr. Associates (5+ years) hired laterally from outside of the firm			
	Associates eligible ⁹ to become Income Partners			
	Income Partners appointed from Associate ranks			
	Income Partners hired laterally from outside of			

⁹ Eligible means all lawyers with sufficient years of call under firm policy to qualify.

	Men	Women	Total
the firm			
Income Partners			
Associates eligible ¹⁰ to become Equity Partner			
Equity Partners appointed from Associate ranks			
Income Partners ¹¹ eligible to become Equity Partners			
Equity Partners appointed from Income Partner ranks			
Equity Partners hired laterally from outside of the firm			
Equity Partners			
Counsel			
Other			
Maternity leaves			
Parental leaves			
Leaves other			
Reduced hours flexible work arrangements			
Full-time hours flexible work arrangements			

¹⁰ Eligible means all lawyers with sufficient years of call under firm policy to qualify.

¹¹ Eligible means all lawyers with sufficient years of call under firm policy to qualify.

	Men	Women	Total
Number of women and men by Practice Area (adapt based on practice areas in your firm)	Litigation		
	Business law		
	Property		
	Tax		
	Labour and Employment		
Number of women and men Equity Partners by Practice Area (Adapt based on practice areas in your firm)	Litigation		
	Business law		
	Property		
	Tax		
	Labour and Employment		
Number of women and men Income Partners by Practice Area (Adapt based on practice areas in your firm)	Litigation		
	Business law		
	Property		
	Tax		
	Labour and Employment		
Number of women and men Junior Associates (1	Litigation		

	Men	Women	Total
to 4 years) by Practice Area (Adapt based on practice areas in your firm)			
	Business law		
	Property		
	Tax		
	Labour and Employment		
Number of women and men Senior Associates (5+ years) by Practice Area (Adapt based on practice areas in your firm)			
Total Associate Lateral Hires by Practice Group (Adapt based on practice areas in your firm)	Litigation		
	Business law		
	Property		
	Tax		
	Labour and Employment		
Departures	Number of all women and men departures (except those who retired or died)		
	Number of women and men Equity Partner departures		
	Number of women and men Junior Associate (1 - 4		

	Men	Women	Total
<p>Senior management and leadership positions – Number of women and men in the following</p> <p>Note: Law firms are encouraged to maintain gender data about leadership positions. However, the term leader may vary from one firm to the other, and each firm should define the term to ensure consistency of approach.¹²</p>	yrs) departures		
	Number of women and men Senior Associate (5+ yrs) departures		
	Executive Committee		
	Compensation Committee		
	Finance Committee		
	Practice Group Lead		
	Department Heads		
	Committee Chairs		

How to Report Gender Demographic Data

43. Once the gender data has been collected and analyzed, the committee or individuals responsible for the initiative may wish to consider the following factors for the release of the data:
 - a. The audience – The firm should decide whether the results will be made available only to senior management (such as the executive committee and the diversity or women’s initiatives committees), to all lawyers at the firm, or to the public at large. Each strategy has different objectives, advantages and disadvantages as follows:

¹² See National Association of Women Lawyers, *National Survey on Retention and Promotions of Women in Law Firms* (2006) NAWL 95 (2) Women Lawyers Journal for an analysis of positions of leadership.

- i. Release to management only or first– The objective of releasing the results of the report to management, practice group leaders and/or key committees allows the management of the firm to consider strategies to address any gaps and positive results without the input of the firm as a whole. If results are to be released broadly, it is a good practice for the management of the firm to consider the results, develop a strategy for action and a communication plan prior to the release of the results.
 - ii. Release to all lawyers of the firm – The objective of releasing the results or the summary of the data of the report or key data or summary of data to all lawyers of the firm is to create an awareness of the firm’s successes and gaps when it comes to gender representation, to create buy-in from all lawyers about any action plan and to make lawyers a part of the solution. It is a good practice to have a communication plan prior to releasing the results with highlights of findings and key messages.
 - iii. Release externally – The objective of releasing the results to the public at large may be beneficial if results are positive and can be used for student recruitment and client development purposes and create a competitive edge with other law firms. Results can also be published on the firm’s website and used in requests for proposals. However, if the results are not as positive as anticipated, there may be some value in promoting the results with a full plan for action.
 - The accounting firm Deloitte & Touche in the U.S. launched its women’s initiative in 1992, admitting it had a problem, addressing it openly, and pledging to share results. Going public placed a tremendous amount of pressure on Deloitte to remedy the problem of retaining women. Four years later, the culture of Deloitte and its ability to attract and retain female talent had changed considerably.
44. The Report – The firm should consider the type of information it wishes to release in the report and the method of releasing the information. For example, the results could be included on the firm’s internal or public website, in hard copy with the full analysis of the results, including charts, and in a power point presentation to lawyers. Some firms have used this initiative as an opportunity to launch the results through a networking event.
45. The firm may wish to provide the firm or committees with the following information:
 - a. benchmark statistics;
 - b. a summary of the results of the analysis and interpretation of the data;

- c. identification of the gaps and opportunities that exist or may exist;
- d. steps that will be taken to address these gaps and opportunities now and in the future;
- e. realistic, attainable goals with short-term and longer-term timelines;
- f. input sought from stakeholders and affected communities;
- g. how progress in meeting these goals will be monitored, evaluated and reported.

Collecting Demographic Data beyond Gender

46. Although beyond the scope of the Justicia project, there are numerous reasons for law firms to decide to collect demographic data based on characteristics other than gender. Law firms may wish to collect such data to,
- a. promote equality for lawyers at the firm;
 - b. prevent or address systemic barriers to access and opportunities;
 - c. plan special programs;
 - d. improve service delivery to clients and programs;
 - e. promote equity and diversity initiatives;
 - f. increase workforce productivity;
 - g. attract a diversity of talented lawyers.
47. Inclusivity and diversity within law firms may help the firm thrive in an increasingly globalized, competitive business environment. Collecting demographic data based on enumerated grounds under the *Code* may help meet such goals. Law firms may also see a need to collect data because of the increasing demand from clients, mostly at this point American clients, who request diversity as a condition for contracting with the firm.
48. If a firm wishes to collect data beyond gender, it must do so in a way that is consistent with the *Code*, including
- a. collecting the data for a purpose that is consistent with the *Code*;
 - b. consulting with lawyers at the firm;
 - c. using the least intrusive means;

- d. assuring anonymity and confidentiality;
 - e. distinguishing between collection, use and disclosure.
49. It is a good idea to also identify the categories that will be included in the data collection survey and to consult with the membership of the firm to get acceptance for those categories.
50. It should be noted that, commencing in 2009, the Law Society has included the following voluntary self-identification in the Lawyer and Paralegal Annual Reports, included:

Please check any of the following characteristics to which you self-identify (please select all that apply):

Aboriginal

- First Nations, Status Indian, Non-Status Indian
- Inuit
- Métis

Racialized / Person of Colour / Ethnic Origin

- Arab
- Black (e.g. African-Canadian, African, Caribbean)
- Chinese
- East-Asian (e.g. Japanese, Korean)
- Latin American, Hispanic
- South Asian (e.g. Indo-Canadian, Indian Subcontinent)
- South-East Asian (e.g. Vietnamese, Cambodian, Thai, Filipino)
- West Asian (e.g. Iranian, Afghan)
- White

Other

- Transgender/ Transsexual
- Gay/Lesbian/Bisexual
- Person with Disability²

- Francophone¹

Religion or Creed

- Agnostic
- Atheist
- Buddhist
- Catholic
- Christian Orthodox
- Christian (not included elsewhere)
- Eastern religions
- Hindu
- Jewish
- Muslim
- Protestant
- Sikh
- Other

51. The Law Society collection of such information will allow it to produce benchmarks for the profession about diversity in private practice and at different levels of the profession.

Developing Exit Interviews – Process for Law Firms

52. An exit interview is a way of determining the reasons why a departing lawyer or employee has decided to leave an organization.
53. There is value in taking a systematic approach to collecting information from exiting employees and lawyers, such as,

- a. gathering the data in a structured and consistent manner;
 - b. aggregating the results for the organization as a whole;
 - c. analysing the findings to identify consistent trends, patterns and themes;
 - d. using the results to determine and implement strategies to increase retention and reduce turn-over.
54. Organizations use the following practices in exit interviews:
- a. A traditional method is to have a representative in the Human Resources department, a supervisor, or a person with the authority conduct the exit interview on the last day of work, or on a day following the last day of work;
 - i. The disadvantage of this traditional face to face model is that employees may often be reluctant to reveal the full range of factors that led to a resignation and to give an honest critique of the expectations, conditions and requirements of their jobs. In order to collect the most effective information, law firms should recognize the need to provide the departing member of the firm or employee with a forum that makes them comfortable to provide an honest and complete account of the reasons for departures. Delaying the interview for a period of time following the departure may assist in making an employee or member of the firm more comfortable to provide information about the departure.
 - b. Conduct exit interviews through a third party: This method may make the employee more at ease, but may also lead to a more structured or formal interview. External exit interviews may also be more costly to perform for the firm.
55. Exit interviews are typically conducted face-to-face because it enables better communication, understanding and interpretation, a better opportunity to probe and get to the root of sensitive or reluctant feelings. Questionnaires are also appropriate if face-to-face interviews are not possible.
56. Participation in an exit interview should be voluntary. If a person refuses to attend an in person interview, you may offer a questionnaire instead.

Exit Interview – The Principles

57. An exit interview may touch on the following topics:
- a. career opportunities, including perceived opportunities for advancement and clarity of development plan;
 - b. enjoyment of the work, including how well work utilizes skills and work/life balance;
 - c. firm leadership, including management style, perception of leadership, support of lawyers;
 - d. availability of training, including corporate commitment to professional development, keeping up with technology, opportunity to learn new skills;
 - e. compensation and benefits, including bonuses, recognition of contributions, communication regarding performance;
 - f. culture of firm/practice group, including opportunity to learn and take on good files, size and reputation of practice group; and
 - g. opportunity for flexible work arrangements.
58. Useful principles for planning an exit interview process include the following:
- a. provide an opportunity to all employees who leave the firm voluntarily to participate in an exit interview to have a complete understanding of turnover;
 - b. use a standardized approach by asking a consistent set of questions to ensure comparability;
 - c. be comprehensive in the approach by including feedback on the work environment in addition to reasons for leaving;
 - d. make the information in aggregate form available to firm members as required to plan strategies to reduce turnover;
 - e. set targets for reduction in turnover through planned strategies, which helps to ensure that the investment made in exit surveys is put to its maximum use.
59. The following template is based on Justicia law firms' exit interviews and may be used by law firms as a guide.

Exit Interview Template

Name:

Hire Date:

Departing Date:

Current Year of Practice:

Current Practice Area:

Gender:

Identifies as a member of an equality-seeking community: (If yes, identify which one)

Date of Exit Interview:

Interviewer Name:

Reason for leaving?

Primary	Secondary	
<input type="checkbox"/>	<input type="checkbox"/>	Secured better job
<input type="checkbox"/>	<input type="checkbox"/>	Return to school
<input type="checkbox"/>	<input type="checkbox"/>	Family
<input type="checkbox"/>	<input type="checkbox"/>	Issues with supervisor
<input type="checkbox"/>	<input type="checkbox"/>	Problems with hours
<input type="checkbox"/>	<input type="checkbox"/>	Not satisfied with income
<input type="checkbox"/>	<input type="checkbox"/>	Disliked type of work
<input type="checkbox"/>	<input type="checkbox"/>	Professional level of job
<input type="checkbox"/>	<input type="checkbox"/>	Quantity of work
<input type="checkbox"/>	<input type="checkbox"/>	Physical conditions
<input type="checkbox"/>	<input type="checkbox"/>	Transportation problems
<input type="checkbox"/>	<input type="checkbox"/>	Other:_____

General Information

- Why have you decided to leave the firm?
- Did you discuss leaving with your supervisor or human resources before you resigned? (If not, why not?)
- Do you have another position you are going to? If yes, what is the position and who is it with?
- What does this new position offer that your present position does not?
- Will you be doing the same type of work? If not, what type of work will you be doing?
- What might we have done to have prevented your resignation from the firm?
- What two things will you miss most about working at the firm?
- What two things will you be happy to leave behind?
- Was your job what you thought it would be after hearing it described in your hiring interview? Yes No , Explain:
- Were you accomplishing something worthwhile? Yes No , Explain:

Leadership, Management and Mentoring

- Who were your mentors? Were they available and accessible to you? Do you feel they provided you with the appropriate amount of direction and support? How did they differ from one another? What did they excel in? What could they have done better?
- Who were the good partners, managers, supervisors or practice group leads that you worked under and why? Who could use some improvement and why?
- Were the firm's performance expectations of you clearly outlined? (e.g. work quality, work load, timelines, etc.) If not, please explain.
- Were you given the right amount of direction (or too much, too little) on assignments? Were you given timely and constructive feedback on a regular basis? How could we improve in this area?
- On a scale of 1 to 5, how would you rate the effectiveness of leadership (i.e. partners) at the firm? Why?

- How did you feel about your supervisor's management methods? (+) 5-4-3-2-1 (-)
 - What did s/he do best?
 - What could s/he improve on?
 - Do you think s/he was fair and reasonable? Yes No , Explain:
 - Do you feel your contribution was appreciated by your supervisor and others? Yes No , Explain:

Professional Development

- Were you given the right amount of professional development opportunities? How could we improve in this area?

Work Challenge and Interest – Career Development

- When you first started with the firm, did you plan on making your career solely at the firm or did you see this position as a stepping stone in your career path?
- Was your role what you expected it to be? If not, why not?
- As you grew in your role, did your role continue to meet your expectations? If not, why not?
- Did you get exposure to a variety of matters and clients? If not, why do you think that is?
- Do you feel your skills and knowledge were used to their fullest potential? If not, why not?
- Do you feel your work was challenging enough, over-challenging or under-challenging? Explain why?

Compensation and benefits

- Do you feel you have been recognized appropriately for your performance and contribution to the firm?
- Have any of the following influenced your decision to leave: vacation, paid leaves (personal days, sick leave), benefits etc.
- Have any of the following influenced your decision to leave: approaches to compensation / salary administration?

- Do you feel you have been fairly compensated for the work you performed
 - In relation to the market (external)
 - In relation to your peers (internal)
- Have you been satisfied with the benefits and associate programs provided by the firm? Is there anything you would recommend including?

Support Systems, Tools and Training

- Was your initial orientation comprehensive enough to allow you to easily transition into your position? How could we improve upon it?
- Do you feel you received enough on the job training to allow you to grow in your role? Is there any training you would have liked to have received that was not offered?
- How would you rate the administrative support provided to you (on a scale of 1 to 5 with 1 being low and 5 being high? Please explain.
 - Secretarial support
 - Technical support
 - Research support
 - Department support

Overall Environment and Firm Culture

- How would you characterize the firm people you know? (+) 5-4-3-2-1 (-)
 - a. What do you think we should work to improve?
 - b. Did you feel that there was room for you to grow – expanding your experiences and knowledge in the job or through other jobs?
- How would you characterize your work area/department? (+) 5-4-3-2-1 (-)
 - What did you like best about working there?
 - What do you think they should work to improve?

- What was the most common positive comment by your co-workers?
- What was the most common complaint?
- Do you feel the firm's policies and practices, as they relate to associates, were communicated clearly and applied consistently and fairly? What could we do to improve in this area?
- Do you feel everyone has an equal opportunity to succeed at the firm? If no, why?
- Do you have any suggestions for improving associate relations or the work environment in general?
- How would you describe your relationship with your peers?
- It would be very helpful if you could provide three suggestions that would help us make the firm a better place to work.

General Comments:

- Is there anything else that you could share with us that would help us to improve things for current and future employees?

SUMMARY OF EXIT INTERVIEW:

Reason for Leaving:

Primary:

Secondary:

Experience at the firm:

Best part of working at the firm:

The people:

Recommendations for improvement:

Room to grow:

Work/Area Department:

Improvements:

Supervisor's Methods:

The Job:

Orientation:

Benefits:

Training:

Recommendations:

Changes that would have prevented resignation:

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