

Submissions on Challenges Faced by Racialized Licensees Consultation Paper

I think a voluntary program modelled around the pilot project, Justicia, would be an effective strategy to remove some of the barriers faced by racialized licensees, to entering the legal profession. I believe a project that is developed in consultation with law firms, and one that law firms wish to be affiliated with, would be desirable.

I propose a voluntary designation/affiliation that requires mandatory compliance with enumerated practices, and a general undertaking to work towards establishing best practices in removing barriers that racialized licensees have identified.

Suggested Mandatory Practices in Advancing the Goals of the Project

1. Scoring Interviewees

I believe that agreeing to score interviewees and making that scoring available to the interviewee upon request would serve a number of purposes. It would allow the interviewees to get formal feedback on how they were evaluated. This can be valuable for racialized licensees as a tool to identify problems in their interviewing approach.

Scoring will also incentivize the interviewers to be more engaged in their hiring processes. It would encourage firms to first clearly identify what they are looking for, and also encourage firms to be candid about why they decided not to hire a particular candidate. It may result in reflexive hiring practices.

In addition, the scoring would produce data and the collection of data is required in order to craft solutions that address specific problems. The data would be useful in recognizing patterns in hiring and patterns of areas where racialized groups do not excel in during an interview.

There is no prescribed form for scoring interviewees. Firms would be able to make their decisions on the basis of factors they already consider. Scoring will simply ensure that there are some objective hiring practices, and it would provide an opportunity for racialized candidates to strengthen their competitiveness as candidates.

2. Mandatory cultural competence training hours

Agreeing to a minimum amount of hours spent on such training would ensure that firms are not just allowing 1 hour of cultural competence training a year to suffice.

3. Setting Targets for hires and an Annual Progress Report

Law firms should set targets in terms of the demographic of their hires. As an example, a law firm could set a target that in 5 years the firm's first year associate hires will reflect the diversity of a law school class. Thus, if in 5 years a law school class has 10-15% students who identify as racialized, your firm would hope to also have 10-15% of its first year associate hires belonging to racialized groups.

Of course, sometimes the diversity cannot be reflected because the same numbers of racialized law students are not necessarily applying for those positions. Those are factors that would be relevant to note in an annual report.

An opportunity to revisit the goals and evaluate the progress at an annual meeting would be required. An annual report from these meetings being made available publicly through the project is also desirable.

4. Publicly available Data

Firms should have demographic numbers in terms of their associates, partners, students, and applicants. The data would be produced from self-identification questions during the hiring process.

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