

EDITORIAL

Editor-in-Chief
Tim Wilbur

Senior Editor
Elizabeth Raymer

Associate Editor
Aidan Macnab

Production Editor
Patricia Cancilla

Writers

Anita Balakrishnan, Libby Macdonald, Mallory Hendry

CONTRIBUTORS

Neill May, Barbara de Dios, Aytakin Tank, Kate Broer

ART & PRODUCTION

Art Director Brianna Freitag
Lead, Media Production Coordinator Catherine Giles
Global Production Manager Alicia Chin

SALES & BUSINESS DEVELOPMENT

VP, Media and Client Strategy Dane Taylor
Sr. Business Development Manager Steffanie Munroe
Senior Advertising Consultant Ritu Harjai

CORPORATE

President Tim Duce
Events and Conference Manager Chris Davis
Chief Information Officer Colin Chan
Human Resources Manager Julia Bookallil
Global CEO Mike Shipley
Global COO George Walmsley

EDITORIAL INQUIRIES

tim.wilbur@keymedia.com

SUBSCRIPTIONS

Keith Fulford
tel: 416 649-9585 • Fax: 416 649-7870
keith.fulford@keymedia.com

ADVERTISING INQUIRIES

legaladvertise@keymedia.com



HAB Press Limited
20 Duncan St., 3rd Floor
Toronto, Ontario M5H 3G8
tel: +1 416 644 8740
www.keymedia.com

Publications Mail Agreement #41261516

ISSN 0703-2129 ©2020
GST/HST Registration #703184911RT001
RETURN UNDELIVERABLE CANADIAN ADDRESS TO:
CIRCULATION DEPARTMENT
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8
RETOURNER TOUTE CORRESPONDANCE NE POUVANT ÊTRE LIVRÉE AU
CANADA AU SERVICE DES PUBLICATIONS
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8

Canadian Lawyer is published 10 times a year by HAB Press Limited.

KEY MEDIA and the KEY MEDIA logo are trademarks of Key Media IP Limited, and used under license by HAB Press Limited.

CANADIAN LAWYER is a trademark of HAB Press Limited.

All rights reserved. Contents may not be reprinted without written permission. The opinions expressed in articles are not necessarily those of the publisher. Information presented is compiled from sources believed to be accurate, however, the publisher assumes no responsibility for errors or omissions.

Canadian Lawyer disclaims any warranty as to the accuracy, completeness or currency of the contents of this publication and disclaims all liability in respect of the results of any action taken or not taken in reliance upon information in this publication.

Teaching about diversity is hard

Does diversity training work? For some advocates, even asking the question is a problem, and for others, the answer is an unequivocal “no.” The reality is that the effectiveness of training depends on how it is done.

Research studies back this up. Critics of diversity training will cite findings by academics Frank Dobbin and Alexandra Kalev that organizations will become less diverse, not more, if they require managers to go to diversity training.

Yet other studies have shown that when diversity training is done well, it can work. A meta-analysis published by Katerina Bezrukova, Chester Spell, Jamie Perry and Karen Jehn found that, “while many of the diversity training programs fell short in demonstrating effectiveness on some training characteristics,” some did succeed. Training was more successful when it was complemented by other diversity initiatives, focused on both awareness and skills development, was conducted over a significant period or had a higher proportion of women in a group.

Another group of academics, Alex Lindsey, Eden King, Ashley Membre and

“To be successful in changing people’s minds, you need to put the hard work into doing it right. Otherwise, it just might backfire.”

Ho Kwan Cheung, found that “perspective-taking,” which is essentially the process of mentally walking in someone else’s shoes, can be effective, and having an authority figure endorse the importance of diversity initiatives can also help.

In other words, to be successful in changing people’s minds, you need to put the hard work into doing it right. Otherwise, it just might backfire.

This is a lesson that came out loud and clear when we spoke with Indigenous lawyers and educators for our cover story (p. 34). With recent controversies about the “mandatory” nature of diversity training in the legal profession, we felt it was important to hear from the Indigenous community about what they think works.

Their answers confirm the academic studies that training needs to be done properly; otherwise, it is not worth the effort. “If you really want to do the hard work of undertaking teaching about Indigenous issues,” lawyer Maggie Wentz told us, “you have to some way inform yourself about what’s going on.”

So, perhaps asking “does diversity training work?” is the wrong question. The real question is what training works and what will backfire. And the answer is simple. We need to put in the work.

Tim Wilbur, Editor-in-Chief

In our February issue article “Top 10 Labour & Employment Boutiques,” Bartheaux Labour and Employment Lawyers was mistakenly referenced under its previous name. The firm has been renamed after the retirement of its former named partner. Canadian Lawyer apologizes for the error.

EDITORIAL

Editor-in-Chief
Tim Wilbur

Senior Editor
Elizabeth Raymer

Associate Editor
Aidan Macnab

Production Editor
Patricia Cancilla

Writers

Anita Balakrishnan, Libby Macdonald, Mallory Hendry

CONTRIBUTORS

Neill May, Kate Simpson, Tara Vasdani

ART & PRODUCTION

Art Director Brianna Freitag
Lead, Media Production Coordinator Catherine Giles
Production Coordinator Kim Kandravay
Global Production Manager Alicia Chin

SALES & BUSINESS DEVELOPMENT

VP, Media and Client Strategy Dane Taylor
Sr. Business Development Manager Steffanie Munroe
Business Development Manager Lynda Fenton

CORPORATE

President Tim Duce
Events and Conference Manager Chris Davis
Chief Information Officer Colin Chan
Human Resources Manager Julia Bookallil
Global CEO Mike Shipley
Global COO George Walmsley

EDITORIAL INQUIRIES

tim.wilbur@keymedia.com

SUBSCRIPTIONS

Keith Fulford
tel: 416 649-9585 • fax: 416 649-7870
keith.fulford@keymedia.com

ADVERTISING INQUIRIES

legaladvertise@keymedia.com



HAB Press Limited
20 Duncan St., 3rd Floor
Toronto, Ontario M5H 3G8
tel: +1 416 644 8740
www.keymedia.com

Publications Mail Agreement #4261516

ISSN 0703-2129 ©2020
GST/HST Registration #703184911RT001
RETURN UNDELIVERABLE CANADIAN ADDRESS TO:
CIRCULATION DEPARTMENT
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8
RETOURNER TOUTE CORRESPONDANCE NE POUVANT ÊTRE LIVRÉE AU
CANADA AU SERVICE DES PUBLICATIONS
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8

Canadian Lawyer is published 10 times a year by HAB Press Limited.

KEY MEDIA and the KEY MEDIA logo are trademarks of Key Media IP Limited, and used under license by HAB Press Limited.

CANADIAN LAWYER is a trademark of HAB Press Limited.

All rights reserved. Contents may not be reprinted without written permission. The opinions expressed in articles are not necessarily those of the publisher. Information presented is compiled from sources believed to be accurate, however, the publisher assumes no responsibility for errors or omissions.

Canadian Lawyer disclaims any warranty as to the accuracy, completeness or currency of the contents of this publication and disclaims all liability in respect of the results of any action taken or not taken in reliance upon information in this publication.

Where are the men?

I have attended several events in the past months geared toward women. One of the most common questions I get asked, at least one that sticks in my head, is “where are the men?”

My first reaction to that question is often “I don’t know, but I am here.” I am not sure why men don’t show up, I will say, but is there a message you would like me to pass along?

Luckily, the answer is almost always “YES!” Women attending these events have a lot of helpful tips on how men can help address gender disparities in the legal profession. They all agree that improving gender balance is not solely a woman’s responsibility.

At our recent Women in Law Summit, the panelists had many constructive ideas for me to bring back. Our aim in this issue’s cover story (p. 26) was to summarize them for all those people, especially the men, who decided not to attend.

Many of the panelists spoke about changing how work is measured. Traditionally,

Women have a lot of helpful tips on how men can help address gender disparities in the legal profession.

law firms would measure input, such as “face time,” to gauge who was productive. Although their output may be the same or better than their male counterparts, women often don’t receive the credit when their work is unseen, whether it is working late at home or supporting a male colleague with more visibility.

Another prevalent theme was the personal versus the private. Many men also have stressful personal lives but will not speak about this at work. Acknowledging these difficulties in the workplace may allow women, who are often burdened with a disproportionate amount of domestic duties, to speak about this more openly as well.

And more transparency about money can also help. One lawyer on a compensation committee marvelled at the difference between the memos of the male lawyers she received versus those of the women. If you speak more openly about that, women may not feel uninhibited to take on some of the tactics their male colleagues use to get ahead.

So, while the men may come out in smaller numbers, there are a few there listening. They can pass along the advice when they get back to the office.

Tim Wilbur, Editor-in-Chief

Find out more about our upcoming events at canadianlawyermag.com/events.

EDITORIAL

Editor-in-Chief
Tim Wilbur

Senior Editor
Elizabeth Raymer

Editor
Zena Olijnyk

Canada News Editor
Aidan Macnab

Production Editor
Patricia Cancilla

Writers

Bernise Carolino, David Kitai

CONTRIBUTORS

Jared Brown, Heather Suttie

ART & PRODUCTION

Art Director Marla Morelos

Lead, Media Production Coordinator Amie Suttie

Production Coordinator Kim Kandray

Global Production Manager Alicia Chin (on leave)

SALES & BUSINESS DEVELOPMENT

VP, Media and Client Strategy Dane Taylor
Sr. Business Development Manager Steffanie Munroe
Business Development Manager Lynda Fenton
National Account Executive Abhiram Prabhu

CORPORATE

President Tim Duce
Events and Conference Manager Chris Davis
Chief Information Officer Colin Chan
Human Resources Manager Julia Bookallil
Global CEO Mike Shipley
Global COO George Walmsley

EDITORIAL INQUIRIES

tim.wilbur@keymedia.com

NAUK SUBSCRIPTIONS CO-ORDINATOR

Donnabel Reyes
tel: 647 374 4536 ext. 243
donnabel.reyes@keymedia.com

ADVERTISING INQUIRIES

legaladvertise@keymedia.com



HAB Press Limited
20 Duncan St., 3rd Floor
Toronto, Ontario M5H 3G8
tel: +1 416 644 8740
www.keymedia.com

Publications Mail Agreement #41261516

ISSN 0703-2129 ©2020
GST/HST Registration #703184911RT001
RETURN UNDELIVERABLE CANADIAN ADDRESS TO:
CIRCULATION DEPARTMENT
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8
RETOURNER TOUTE CORRESPONDANCE NE POUVANT ÊTRE LIVRÉ AU
CANADA AU SERVICE DES PUBLICATIONS
20 Duncan St., 3rd Floor, Toronto, ON, M5H 3G8

Canadian Lawyer is published 10 times a year by HAB Press Limited.

KEY MEDIA and the KEY MEDIA logo are trademarks of Key Media IP Limited, and used under license by HAB Press Limited.

CANADIAN LAWYER is a trademark of HAB Press Limited.

All rights reserved. Contents may not be reprinted without written permission. The opinions expressed in articles are not necessarily those of the publisher. Information presented is compiled from sources believed to be accurate, however, the publisher assumes no responsibility for errors or omissions.

Canadian Lawyer disclaims any warranty as to the accuracy, completeness or currency of the contents of this publication and disclaims all liability in respect of the results of any action taken or not taken in reliance upon information in this publication.

A call for transparency in diversity

The issue of diversity in the legal profession is contentious.

For diversity advocates, the legal profession's conservatism can feel stifling. Advocates will often push for more — and faster — change for all our legal institutions.

For sole practitioners and lawyers at small firms especially, mandatory training and lectures from large institutions can feel like ideological re-education or a simple waste of licensing fees.

“Whether you agree with critical race theory and the prevailing politics of the [Law Society of Ontario] or not, the foray into the realm of ideological re-education should give everyone, most especially the public, cause for concern,” writes Jared Brown, in our Back Page column (p. 40). Brown argues that there is a lack of evidence that mandatory professional training, whether it is about diversity or anything else, is effective.

Diversity champions, on the other hand, would say the duty of law societies is to protect the public interest, and improving diversity is an important way to do that.

Keeping Canadians in the dark about what the profession looks like today should make no one happy.

But how should that be done? Both Brown and diversity advocates would likely agree on one thing: proper data is key.

“We’re challenging all firms to involve leadership directly in their [diversity and inclusion] efforts,” said Rebecca Bromwich, the national diversity & inclusion manager at Gowling WLG (p. 6), at a recent keynote address at the Canadian Law Awards. “And a first step of that direct involvement is to move forward on tracking metrics of demographic data.”

And it is not just firms such as Gowling WLG that are calling for more data. The Law Society of Ontario will soon be publishing an “inclusion index” of law firms this year, according to bencher Atrisha Lewis, which will name law firms of a certain size and publish their numbers.

Not all law societies and law firms take this approach. Tilly Pillay, at the Nova Scotia Barristers’ Society, says that, because lawyers can choose not to answer demographic questions, “this data is not 100-per-cent representative of diversity within firms.”

But what everyone should agree on is the importance of transparency and evidence-based decision-making. Keeping Canadians in the dark about what the profession looks like today should make no one happy.

Tim Wilbur, Editor-in-Chief