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## The Growing Demand For Articling Positions & What You Can Do About It

BY ELISABETH SADOWSKI

Many lawyers, especially in recent years, have been receiving an onslaught of emails and phone calls from prospective articling students inquiring about available positions. The inquiries are often met with a disheartened response of nothing being available since the lawyers are not hiring students or the position is already filled.

In British Columbia (BC), the demand for articling positions outweighing the availability of positions has steadily increased over the last decade. Foreign-trained graduates and BC's third law school have fuelled the demand for positions. While some graduates are calling on the Law Society of BC (LSBC) to solve the problem, many prospective articling students and lawyers are taking appropriate steps on their own to address the issue, thus bettering the legal community in the process.

### BACKGROUND TO THE GROWING DEMAND

The increasing numbers of foreign-trained law graduates and the addition of Thompson Rivers University (TRU)'s Faculty of Law has resulted in an even more competitive job market for all law graduates, including those from the University of British Columbia and the University of Victoria.

## "The Largest Law School in the Country" Foreign-Trained Law Graduates

The increasing demand for articling positions is mainly derived from foreign-trained law students. More Canadians are choosing to travel to countries like Australia and England to complete their law degrees.

Before a foreign-trained law graduate becomes eligible to apply to the LSBC's admissions program, and in turn, eligible to obtain an articling position, the student must receive certification from the National Committee on Accreditation (NCA). The NCA is a standing committee of the Law Societies of Canada that requires students to be assessed for their legal credentials and to complete a minimum of five mandatory exams.<sup>1</sup> The process is time-consuming and difficult, and not all students succeed with their NCA certification. Foreign-trained graduates who succeed represent a quarter of all students entering bar admission programs across Canada (829 foreign-trained NCA students out of 3,318 students were admitted to bar admission programs in 2013).<sup>2</sup> Thus, the group is larger than any other law school.<sup>3</sup>

The impact of the NCA students is evident in BC, when examining student enrolment in the LSBC's Admission Program's Professional Legal Training Course (PLTC) as the average number of foreign-trained graduates entering the PLTC has increased by a staggering 81%<sup>4</sup> in the last 6 years:

PLTC ENROLMENT <sup>5</sup>						
	NCA	UVic	UBC	TRU	Other*	TOTAL
2010	49	92	131	N/A	106	378
2011	58	91	135	N/A	114	398
2012	60	87	140	N/A	123	410
2013	89	82	146	N/A	121	438
2014	84	82	135	35	124	460
2015	119	74	151	45	118	507

\* Other = Other Canadian universities

(Since a requirement for enrolment in the PLTC is having secured an articling position, it is therefore unclear how many NCA students are seeking positions.)

Many foreign law schools, particularly in Commonwealth countries, are offering students courses in Canadian law to entice them. "I think NCA students likely comprise the largest law school in the country and there [are] no signs of this trend stopping with law schools like Leicester in the UK directly marketing to Canadian students," states Pamela Cyr, (former<sup>6</sup>) Assistant Dean of Career Services at UBC's Allard School of Law.

Bond University in Queensland, Australia markets its school to Canadian students and estimates that between 600 and 700 alumni are practising law in Canada (approximately 100 Canadian students every year).<sup>7</sup> Nick James, Dean of the Faculty of Law at Bond, acknowledges the demand for articling positions in BC, but is confident that his students are adequately prepared. That being said, some principals prefer Canadian-educated law graduates over foreign-trained graduates, which only contributes to the stigma to attending law school abroad, making it more difficult for some students, who may be even more qualified than

their Canadian counterparts, to find positions.

While many students choose to attend law school abroad because they have been unable to get into university in Canada, there are some students who choose to attend outside of Canada for different reasons. Marie Campbell, for example, is a well-qualified, foreign-trained lawyer and Program Coordinator for Access Pro Bono. Prior to becoming qualified to practice in BC, she held two masters degrees in law and was called to the bar in New York. Despite her credentials, Campbell had difficulty finding articling and attributed some of her difficulties to lawyers and recruiters "lacking a basis for comparison," with most lawyers being unfamiliar with the grading and ranking systems of law schools outside of Canada. Campbell eventually secured an articling position a year after her initial search.

Regardless of one's opinion about foreign law graduates, they will continue being the main contributor to the articling job market for years to come. Many of the graduates have extensive work experience and hold multiple degrees, and all have successfully completed the rigorous NCA process, which fosters a more competitive job market for all prospective articling students.

## The Addition of Thompson Rivers University Faculty of Law

In September 2011, Thompson Rivers University (TRU) in Kamloops, BC, became the newest law school in Canada in over three decades (followed by Lakehead University in 2013). The

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JD program has grown from 75 students in its inaugural year to a total of 322 students in 2015-16.<sup>8</sup>

The new law school has had an impact on all students attempting to obtain articling positions, including law graduates from UBC. Historically, UBC Career Services cites a 96-99% success rate for placing its students in articling positions (within 8-9 months of graduation), but in 2014, the rate dipped to 91%. UBC attributes the decline to more candidates in the market, which happens to coincide with 2014 being the first graduating class from TRU.

Bradford Morse, Dean of the Faculty of Law at TRU, acknowledges the demand for articling positions and accepts his university's role in adding more graduates to the market. In addition to TRU's graduates, Morse also notes, "...the growth in NCA apps is far more than UVic and TRU combined. The legal profession in BC has relied upon law grads trained elsewhere in Canada (supported by those taxpayers in part) for decades to fill the unmet need for new lawyers. The BC government has done this in medicine as in law as a conscious government policy to save those costs. In some ways that remains unchanged in law as we receive no provincial student subsidies for our JD students."

TRU law graduates have their own unique set of challenges in obtaining articling positions by attending a university in a city with a population of only 85,678.<sup>9</sup> With only 238 practising lawyers in Kamloops,<sup>10</sup> some of them will likely not meet the requirements to become a principal (for example, the requirement of a lawyer being at least 7 years of call) nor will all 238 lawyers be financially (or otherwise) able to hire an articling student. Inevitably, the small number of lawyers in the city will cause graduates of TRU to look outside of Kamloops to find articling. In fact, 22% of TRU's 2014 graduation class found positions outside of BC (19% in Alberta, 3% in Ontario and Nova Scotia) and 32% of the 2015 class traveled to Alberta (27%) and Ontario (5%).<sup>11</sup>

The city of Kamloops needs qualified young lawyers as more than half of the lawyers in Kamloops are over 50 years old<sup>12</sup> and TRU is aware of this statistic and the benefit that law graduates can have in helping the city's most vulnerable. In April, the university started the first community legal clinic in the BC interior to address "the need for increased access to justice and legal services for low-income populations."<sup>13</sup> The clinic, supported by volunteer law students, benefits the community and helps students develop their practical legal skills, which in turn, can make the students more attractive candidates for articling positions.

## What You Can Do As A Lawyer

The simplest action lawyers can take to address the lack of articling positions is to hire a student; however, to many lawyers, that is not always feasible. In speaking about one of his main areas of practice, criminal law, David Crossin QC, President of the Law Society, is concerned about the few law firms that offer articling, especially since most are sole practitioners with limited resources: "Overhead is lean and there are issues of where to put

the articling student."

Sole practitioners make up more than one-quarter of the province's private practice lawyers, yet they employ only about 14% of the province's articulated students.<sup>14</sup> Kenneth Walker QC, former President of the LSBC, addressed the issue of articling from the perspective of a passionate small firm lawyer, not the LSBC, believing that if solo practitioners and smaller firms would do the math, they would see the feasibility of hiring a student. Walker QC made a compelling case in his then-President's blog in 2015 by calculating the cost of hiring his own articling student in his Kamloops practice.<sup>15</sup> He would be able to break-even by hiring a student at the "going rate, outside of Vancouver, of \$30,000 a year" with the student billing \$50 or \$75 per hour for 25 hours per week for 10 months.<sup>16</sup>

Some lawyers, in small or mid-sized firms, avoid hiring students altogether, because of the students' expectation that their articling placement will guarantee them a junior lawyer position at the end of the term. In fact, in the face of "the articling problem," Crossin QC does not see an issue with principals telling their students that hiring back is not an option so long as the principal is clear with his or her intentions at the start and the student is agreeable.

Keeping the realities of running a firm in mind, the value of hiring an articling student must not be underestimated, nor the opportunity for contributing to the profession. Hiring a student has great value for both the articling student and the principal. According to Crossin QC, "We are in a privileged profession as lawyers and part of that is giving back to the profession in hiring a student." Many lawyers in BC have been fortunate to have principals that helped shape the course of their careers. Crossin QC recalls his first day as an articling student watching his principal, the now-Honourable Justice Thomas Braidwood (retired), conduct a cross-examination in a trial. It left a lasting impression with him and inspired his current practice of criminal and civil litigation. Lawyers who qualify as principals<sup>17</sup> should contribute to the profession in training and mentoring the next generation of lawyers.

## THE CASE FOR SHARED OR SPLIT ARTICLES

The LSBC permits assigning articles to different principals for students to gain wider experience<sup>18</sup> and students may also split or share articling with multiple firms. If your firm cannot afford to employ a student for the full term, a shared or split-articling arrangement may be a suitable option.

Split articles benefit the principal, by alleviating some of the financial burden, and allow students to be immersed in multiple areas of law, while seeing how a different firm operates. Megan Griffiths, a graduate of the University of Leicester Law School, found that splitting her articles between an immigration firm and a corporate solicitors firm led her to choose her current practice of litigation. "By splitting my articles, I was able to gain experience in vastly different areas of law in the capacity of both a barrister and solicitor...I attribute my ability to adapt to a changing legal landscape and my willingness to grasp a new practice area to my articling experience," Griffiths states.



Shared or split articling arrangements can be particularly beneficial to sole practitioners and small firms that want to contribute to the profession, but are concerned about their overhead or limited office space. The LSBC hopes to encourage smaller firms to take on joint and shared articling arrangements.<sup>19</sup>

Many lawyers are unaware of the option for split articling. Walker QC has first-hand experience of the positive impact that shared articles had on the city of Kamloops with the addition of TRU: “For the first time, firms in Kamloops are starting to talk more to each other about the idea of shared articles but lawyers need to get more information about this.”

Walker QC has long been interested in encouraging lawyers to hire students and by doing so, remind lawyers of the value and importance of supporting the future of the legal profession. On his then-President’s blog, he stated “It may even turn out to be a great experience for both you and the student.”<sup>20</sup>

## WHAT TO DO IF YOU CAN’T HIRE A STUDENT

Many lawyers are approached by students looking for articling positions, through a colleague, an email, or a phone call. Often, senior lawyers choose to ignore such inquiries or simply tell the prospective student that they are not looking for anyone and the dialogue is over. Nevertheless, the conversation should not end there, even if you are unable to hire or you have already hired a student. Many of the prospective articling students can have mounting student debt and be in a vulnerable place, having spent sleepless nights worrying about finding a position. If a lawyer can take a few minutes to speak with the student, the result can be a lasting effect on the student’s search.

We owe it to our students to give back. Michael Slater QC is a great supporter of networking with students regardless of his own firm’s need to hire a student. He finds that meeting with law graduates can often be a mutually beneficial experience for the lawyer as well as the student.

## As a lawyer, what can you do, even if you are not looking to hire a student:

**Meet with the student.** If you’re not hiring, make it clear that you are not looking for a student but offer to take them to coffee and/or invite them to your office. Prospective students can often feel isolated and discouraged during their search, and you may be the only person who can reach out to them.



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**Provide the student with feedback about their resume.** Just a few modest suggestions and some feedback can make a significant difference.

**Reach out to your contacts.** After meeting the student, you may be impressed with his or her qualities, so why not do something about it? Spend five minutes and email a few colleagues who are hiring students; and forward the prospective student's resume. By pre-screening the student, you'll be doing your colleagues a favour and the student will have a chance to meet another lawyer and possibly be hired. Walker QC recalls his own experience when a judge-friend of his asked him to meet with a prospective articling student. Walker QC was so impressed by the student that he forwarded her resume to another contact which ultimately led to her being hired.

**Share articles and recommend books.** Pass along materials that you found were helpful in starting and developing your practice. Slater QC encourages law graduates to read "Never Eat Alone: And Other Secrets to Success, One Relationship at a Time" by Keith Ferrazzi and Tahl Raz, which provides a lot of great networking advice to develop a lawyer's career.

The legal community is about coming together and helping each other. Prospective articling students will become lawyers and our future colleagues. After networking with a lawyer, the student will move on with a positive experience that they can share with their family and friends, and which will only benefit the firm's reputation. We were all given an opportunity in our careers, at one point or another, and taking a moment to talk to a student seems to be a small way to pay it forward.

## What You Can Do As A Prospective Articling Student

The search for an articling position can leave law graduates feeling despondent. Most prospective articling students never considered being in this unfortunate situation when they started

law school. Campbell, of Access Pro Bono, said that when looking for a position, she wrote for a local newspaper, which kept her "intellectually stimulated and helped (her) ...keep a positive attitude." Students can do different things to maintain a positive disposition and become well-rounded and attractive as an articling candidate.



### As a student, what can you do to be attractive as an articling student:

**Send an email or call a lawyer directly.** Don't limit your search to job postings. Many firms will hire students through referrals from other lawyers or by simply receiving an email from a prospective student. If you are sending an email to a lawyer, be aware that lawyers receive many emails a day; keep your message clear and concise. State your intention about finding articling and your availability, highlight your most relevant work experience, and attach a copy of your resume. Author and former lecturer at the Harvard Law School, Steven Stark recommends that emails should be 150 words or less: "anything longer than five sentences or so and you strongly risk having the remainder unread or forgotten."<sup>21</sup>

**Develop what Derek LeCroix QC, Executive Director of the Lawyers Assistance Program and Walker QC call "a business plan with defined purpose."** Convince a potential principal of your worth by doing the math and making an argument for why you should be hired by citing what you can contribute.

**Expand your job search outside of the Lower Mainland.** With rising property prices, a move to a more remote community has its advantages. For those who are still in law school, the Rural Education and Access to Lawyers Initiative (REAL)<sup>22</sup> can be an option. The initiative benefits second-year summer law students by placing them in rural communities where they may be able to obtain an articling placement.

**Be open-minded about split articling.** The LSBC requires students to have exposure to multiple areas of law. If you are unsure what area of law interests you, working for more than one firm can expose you to different specialities, and provide you with different perspectives on practice management.

**Get educated and involved in the legal community.** Many organizations, such as TLABC<sup>23</sup> and the Canadian Bar Association<sup>24</sup> offer affordable (under \$40/year) "law student" memberships. These organizations have publications that are read by many lawyers



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**Be respectful and informed about Aboriginal issues.** Part of the "Truth and Reconciliation Commission of Canada: Calls to Action" report calls on the Federation of Law Societies of Canada (FLSC) and law schools to ensure that both lawyers and students are educated in the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, treaties and Aboriginal rights, indigenous law, and Aboriginal-crown relations. The Honourable Chief Judge Thomas Crabtree of the Provincial Court of BC is a proponent of young lawyers becoming aware and educated on these issues and he encourages lawyers to watch videos on the Truth and Reconciliation Commission of Canada's website.<sup>25</sup>

**Start and never stop doing pro bono.** While you're looking for a job, contribute. Not only will you be contributing to the community, but you will gain valuable advocacy skills. Access Pro Bono offers volunteering opportunities year-round to legal and non-legal volunteers (clinic assistants with the Summary Legal Advice Program, legal advocates with the Mental Health Program, and interns with the Wills Clinic).<sup>26</sup>

**Volunteer with a non-law-related charity or get involved with a cause that you believe in.** Many charities and non-profit organizations would love to have a law graduate volunteer. Giving back to the community is a great way to start your career as a young lawyer and talking about something beyond the run-of-the-mill resume will set you apart.

**Invest in the UBC Allard School of Law's Legal Careers Guide.** The annual publication includes a wealth of information with profiles on law firms in and outside the lower mainland, sample cover letters and resumes, interview tips, and resources and information about non-traditional careers.<sup>27</sup>

These suggestions can help you become a more attractive articling candidate and illustrate how students can be well-rounded and concerned about their profession. In a competitive job market, principals want likeable, well-rounded candidates that work hard and will be able to work well within their firms.

## THE FUTURE OF ARTICLING IN BC

If statistics are indications, foreign-trained law graduates will continue to enter the articling job market and make it more competitive for all students, and the trend will likely continue.

In recent years, prospective articling students have also faced the challenge of finding a position while being tens of thousands of dollars in debt, which adds to the anxiety of starting a legal career. *The longer it takes for a student to find a position, the greater the cost and delay in paying off the debt.*

The LSBC is aware of these issues and is examining the overall admissions program, with the idea of introducing reforms. Nevertheless, we are likely several years away from an overhaul of the admissions program.

## A Greater Role for the Law Society in Helping Prospective Articling Students

The LSBC is aware of the growing demand for articling positions and is beginning a dialogue to address the problem. The Lawyer Education Advisory Committee has taken a proactive approach in reviewing its admissions program.<sup>28</sup> In addition, Crossin QC is consulting with the deans of the three law schools in BC to find a solution to what he calls "a big problem."

The LSBC has made positive strides to keep up with the demand of students who have already secured articling positions by increasing enrolment of the PLTC by 34% over the last six years.<sup>29</sup> The Lawyer Education Advisory Committee's Admission Program Review Report<sup>30</sup> has also made 22 recommendations that were approved by the Benchers last March.<sup>31</sup> Nevertheless, the LSBC's role in helping prospective articling students is noticeably absent and Crossin QC has noted the gap between the time when students complete law school and when they begin their articling term.

Students are supported by their law schools when they attend and once they secure articling positions, they are supported by their principals and the LSBC. Nevertheless, they are left without support in the intervening period. Crossin QC reflected on the LSBC's role to address the gap: "Lawyers are very good at giving back. Networking should be a part of that." He also believes that feedback needs to be drawn from the prospective articling students and that this might be facilitated by having an articling student or young lawyer on the Lawyer Education Advisory Committee.

The Committee's report is mainly focused on the admissions program, though it also included recommendations that will have a positive impact on prospective articling students; for example, "...monitoring the availability of articling positions..."<sup>32</sup> and amending the principal requirement from 7 years of active practice to 5 years.<sup>33</sup> The latter recommendation would have a particularly positive impact in creating more articling positions. The Committee acknowledged the role of foreign-trained graduates in the market and noted that they will endeavour to gather more statistical information about the number of NCA students seeking articling and "consider appropriate support mechanisms."<sup>34</sup> Currently, this is limited to a website<sup>35</sup> for all prospective students. This is crucial, given the NCA's position to help students find articling positions. According to Deborah Wolfe, the managing director of the NCA, "We don't have a role in licensing, and we expect that our students will do their research on that process. We refer them to the law societies..."

The Committee also recommended a provision to benefit students, especially those who have graduated with debt, to "...encourage potential articling principals to provide remuneration"<sup>36</sup> and conduct more research on a policy for minimum articling remuneration.<sup>37</sup>

Overall, the Committee's report found that the legal community is satisfied with the admissions program and it rejected the proposed FLSC national assessment (a nation-wide articling scheme).

Looking at the Committee's 2015-17 strategic plan,<sup>38</sup> the Law Society of Upper Canada (LSUC)'s report will be examined for its review of the three-year pilot program that began in 2014, in response to Ontario's growing demand for articling positions. The demand is a much greater issue in Ontario, and it led to the creation of the Law Practice Program (LPP) at Ryerson University and in French at University of Ottawa, along with Lakehead University that offered an Integrated Practice Curriculum (IPC) in conjunction with their JD program.<sup>39</sup> The pilot program involved only four months of work experience supplemented with four months of classroom sessions, which resembles the PLTC for teaching articling students more practical legal skills. The advantages and disadvantages of the program are not yet known; however, some BC lawyers and prospective students with first-hand experience of the demand have voiced their criticism. If a program like the LPP were introduced in BC, "...it's going to create another lower tier of first-year associates with even more debt in driving down their salaries because they will be willing to work for less." These concerns were expressed by a UBC law graduate who spent two years looking for an articling position.

Although the Committee's recommendations are a positive step, and when implemented, they will have an impact on the demand for articling, more still needs to be done by the LSBC to support prospective articling students.

## CONCLUSION

The LSBC can do a lot to address the growing demand for articling positions by encouraging lawyers to network with students, educating them about the cost-effectiveness of hiring students, through shared and split articling placements, and emphasizing the importance of reasonable remuneration. Ultimately, lawyers need to continue playing a role in hiring and networking with the students.

Students who go to law school abroad should be aware of the realities of returning home and the need to take multiple accreditation exams while facing difficulties in finding an articling position. Foreign-trained graduates compete with Canadian-trained graduates in the highly competitive job market. Regardless of a graduate's law school, prospective articling students must be as competitive as possible, working hard and getting involved, while being realistic about articling.

Not every law graduate will find an articling position right away, but if you love the law, you'll find a way to practice. It is our role as lawyers, both junior and senior, to ensure that these students (our future colleagues) receive the support that they need and deserve along the way. **V**

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