

2011 BENCHER CANDIDATE EQUITY SURVEY

Name: Julian Falconer

Region: Toronto

Several organizations representing diversity and equality-seeking legal professionals in Ontario have worked together to create this survey. We encourage viewpoints that are sensitive to diversity among candidates to ensure more equitable representation at Convocation.

By completing this survey, you give us permission to publish your responses for our members and/or other eligible voters to review. *If you wish to have your responses included on our distribution channels (e-mail, websites, etc.), please return the completed survey **by April 11**.*

1. For those who have been historically under-represented in the legal profession, the notion of “equity” is an important consideration, as distinguished from “equal opportunity”. **What is your definition of “equity” and how would you ensure that it is promoted throughout the legal profession?**

Our profession has been paying lip service to “equality of opportunity” for more than two decades now. In spite of the reality that there is an ample pool of well-qualified lawyers from equity-seeking groups, our deeds have not kept up with our words where equity is concerned. Lawyers from racialized groups are still over-represented at the margins of our profession. Too many articling students from disadvantaged groups are unable to find positions.

What is required from the Law Society is real leadership. Real leadership involves action rather than just talk. The Law Society needs to set an example in the way it selects its own management. It needs to advocate for a more diverse Bench. It needs to recognize those firms that promote diversity and challenge large firms to take meaningful steps to improve their poor record of hiring and advancement of racialized lawyers. The Law Society can and should lead.

2. Benchers who value diversity and understand equity issues affecting the legal profession are important voices to have on Convocation. **How is your lived experience relevant to representing the diverse populations of the legal profession and promoting their needs?**

I grew up in a small town in Quebec, the son of a Jamaican father and a Polish Jewish mother. Diversity has never been a choice for me. It has always been a part of who I am.

I became a lawyer because I wanted to fight issues of discrimination and inequality. I have built my legal career on the pursuit of equality for disadvantaged and marginalized people. This has never been just a “hobby” for me.

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3. Beyond simply articulating a commitment to diversity, **what are some concrete examples that you have personally implemented to ensure greater diversity in the legal profession?**

I am a partner in a small litigation firm of nine lawyers. Four out of five associates in my practice group are members of racialized communities. Three out of five are women. Both of the articling students who have worked at my firm are members of racialized communities.

I have never felt that I was doing my associates a favour by hiring them. They are a talented group who would excel wherever they worked. What it does prove is that diversity is not only the right thing to do, it is the surest way of getting the right people for the job.

4. Corporate and institutional clients are increasingly demanding that legal services be provided by practitioners from diverse backgrounds. This is a business issue. Marginalized groups are increasingly finding it difficult to obtain legal services delivered by practitioners who representing and/or understand the challenges associated with their diverse backgrounds. This is an access to justice issue. **What role can the Law Society play to ensure that clients receive legal services from diverse practitioners?**

Recognizing that lawyers from diverse backgrounds are over-represented in small firms and amongst sole practitioners, the Law Society needs to do much more to support lawyers in these forms of practice. I have advocated a professional mentoring program that would provide lawyers from “soles and smalls” the same kind of professional support and advice that lawyers from larger firms receive as a matter of course. This would not be yet another form of “networking”; the mentors would be on a paid panel and would have real professional obligations to the mentee. With proper supports, my experience suggests that lawyers from diverse communities will succeed in our profession.

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5. Practitioners representing diverse communities, such as women, racialized persons, francophones, persons with disabilities, and members of the lesbian, gay, bisexual and transgender community, have claimed that they are consistently undervalued and underpaid as compared to their peers. **Please provide up to three suggestions regarding the role the Law Society can and should play in addressing discrimination and gender inequality, and in promoting an inclusive work environment for legal professionals from diverse backgrounds.**

The Ornstein Report concluded what most of us already knew; that women consistently make less than men for the same work and racialized lawyers experience significant obstacles to employment with large firms and institutions. This is a crisis for our profession.

Three suggestions I would make to address these problems are:

- a. The mentoring proposal for sole and small firm practitioners (described at question 4)
- b. The Law Society's parental leave program should be enhanced and better promoted within the profession. As matters presently stand, there are only approximately 60 lawyers who applied to the program in its first year of operation.
- c. As the Ornstein report shows, many students from aboriginal and racialized backgrounds do not consider the legal profession as a career option because of financial barriers. We should focus our efforts on promoting the profession to these communities and provide real supports, including bursary funds for our future colleagues.

6. The representation of Aboriginal peoples [including First Nations, Métis and Inuit] in the legal profession has typically been low compared to their overall numbers in the general population. **What are some of the barriers that Aboriginal articling students face in entering the profession of law, and what would you do as a Bencher to ensure greater access for these students?**

Aboriginal articling students face a level of discrimination and disadvantaged that is unparalleled in our profession. It is time for a formal equity hiring program with verifiable targets and outcomes to address the barriers that Aboriginal articling students face. The Law Society needs to mandate and administer this program.

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7. The retention and promotion of women in private practice has been identified by the Law Society as an area around which to strategize in order to enhance women's full participation in the legal profession. **What obstacles are you able to identify in recruiting, attracting and retaining women lawyers in your own firm, agency or organization?**

How effective do you think the Law Society's current initiatives have been on retaining women in private practice, and what other solutions would you propose?

I am proud of the fact that our firm has had no apparent difficulty in attracting and retaining talented female lawyers (four out of seven of the associates in my firm are women). I am cognizant, however, that there are significant work-life balance issues that disproportionately impact women lawyers in my firm and in the profession generally.

In addition to the current initiatives, we should require that firms create transparent, written policies on maternity/parental leave, promotion and partnership. It is also time for the Law Society to promote alternate forms of practice including part-time and shared practice.

8. The Law Society's Equity and Diversity Mentorship Initiative encourages students from diverse backgrounds to consider law as a career by pairing high school and university students with lawyers. **Have you ever participated in this program, or would you consider participating and support it if elected as Bencher? What improvements do you think could be made to the program?**

I would be pleased to participate in this initiative. Consideration should be given to enhancing the profile of the program. It should not be left to small firms and racialized lawyers to support this initiative, because these lawyers already carry a disproportionate amount of community work.

9. Please provide any additional information you care to offer our members in support of your candidacy.

My full platform can be found at www.falconerforbencher.com.

It is critical for members of the bar from diverse communities to vote in this election. The only prospect for change is that we elect benchers who have shown a real commitment to equity in their practice and in their lives, and not just during bencher election season.