

2021-2022



**HOLISTIC
ARTICLING
IMPROVEMENT
COMMITTEE**

**2021-2022 Survey Results Report
& Recommendations**



**Manitoba
Law Students
Association**

In January 2022, the Holistic Articling Improvement Committee of the Manitoba Law Students Association (MLSA) set out to gauge student perspectives on articling's various aspects. By surveying active MLSA student members this committee focused on the all-encompassing nature of articling. The survey focused on a number of areas that make up the student experience before, during and after articling – with a focus on financial circumstances, mental health, diversity and familiarity with the structure of articling, among other topics. This report is broken down into the major topic areas, which is then followed by a set of recommendations.

This brief report has been compiled to help readers review the findings of our survey as well as recommendations of this committee in order to address those findings. Stakeholders including employers, professional development professionals, students and more may find the contents - particularly the recommendations - helpful in shaping a better approach to their articling programs and related initiatives.

ABOUT THE HOLISTIC ARTICLING IMPROVEMENT COMMITTEE

This MLSA Committee is responsible for producing a research report and recommendations that highlight potential areas of improvement for the articling experience within Manitoba from the student perspective in 2021-2022. Made up of Miichael Badejo, Ryan Johnson, Colin Peterson and Marko Roslycky, this committee's report will cover this broad topic in several aspects, including mental health, professional opportunity, diversity and more – with the overarching goal of improving the articling experience for all Manitoba law students present and future.

ARTICLING PROGRAM: FAMILIARITY, STRUCTURE AND VISION

Questions 15-33 of the Holistic Articling Improvement Committee's survey generally sought to determine current students' thoughts on whether they feel adequately prepared to begin their articling journey. Twenty-two students responded to the above questions: three in first-year, eleven in second-year, and eight in third-year. These questions were broken up into two general sections: one which focused on students' familiarity with the CPLED program, and a second that sought to analyze students' thoughts on optimizing their articling experience.

Regarding students' familiarity with CPLED, it was clear they lacked knowledge as to what CPLED actually entails and what is expected during the entire process. Only 22.73% of respondents felt they were 'somewhat familiar' with the CLPED program, 45.45% felt they were 'not so familiar,' and 31.82% felt they were 'not at all familiar' with the CLPED program. Not a single respondent was able to name more than five CPLED modules thus showing a clear lack of familiarity with such a vital piece of legal education. What is of greater concern is that only one respondent 'agreed' that law school has adequately prepared them for the articling year. In an ideal scenario, nearly all students would be able to confidently answer that law school has adequately prepared them to begin their careers as young lawyers.

When asked to expand on why students 'disagreed' or 'strongly disagreed' with why they believe law school has not adequately prepared them to begin articling the responses were similar. Respondents largely believed that law school focuses on academics, whereas in reality, law school should shift to a more practical perspective of lawyering. Respondents acknowledged that not all students want to become practicing lawyers, but made it clear that the majority of students do work as practicing lawyers and the curriculum should reflect a more practical approach. Respondents seemed to not have a problem with first-year being academic and theoretically focused, but it was clear that as second and third-year wore on students would like to learn more about 'how to be a lawyer'—whether it is writing memos, client interaction, or practice management.

Regarding beginning their articles, generally, respondents did not believe the size of firm/type of firm affected their ability to have a successful articling year. No respondents believed that the success of their articling year hinged on being matched with a strong principle. It should be noted that barring one respondent, all other respondents believed that a successful articling year does hinge on firms implementing a structured program for students. Respondents overwhelmingly believed that 'mentorship and guidance' /'getting a wide range of hands-on experience' was of top priority during their articling year. Further, when asked 'what challenges students expected to face during articling,' responses varied from financial challenges, heavy workload, time management, and a lack of clarity and structure.

Respondents were generally unsure of what articling entails and what shapes their year. Students would like to be better prepared for their articling year prior to commencing their articles. Respondents seem to want law schools to implement a more practical learning approach in hopes of better preparing them for their articles and beyond.

MENTAL HEALTH AND PERSONAL WELLNESS

The following will highlight key aspects of the 14 questions that were polled focusing on mental health and personal wellness in respect of the articling process and its expectations. The aim is for this to serve as a valuable resource for stakeholders to consider with regard to current and future articling terms in Manitoba.

Of note, out of twenty-three (23) respondents to the question: *"As a future articling student, are you concerned about managing work obligations with other aspects of your life?"*, thirteen (13) reported **"Very much so"** and eight (8) reported **"Moderately"**. Ultimately, a sense of uncertainty exists around the articling experience. Concerns regarding work-life balance may potentially be alleviated with greater clarity around the process. That being said, there is a common understanding that an articling term requires dedication and commitment to work, albeit, it would be helpful for graduating students to have this particular concern addressed.

In tandem with the preceding question, twenty (20) out of twenty-three (23) students selected either **"Very much so"** or **"Moderately"** in response to: *"Are you concerned about experiencing burnout as an articling student?"*. Burnout is a prominent concern amongst law students, as upon graduation, there is uncertainty regarding what their livelihood will look like and whether or not they can continue to participate in the activities, events, and pastimes that complete their lives. It is important to have a clear understanding of expectations and reasonable workloads as to ensure burnout does not occur. It's patently clear that this will benefit students and their employer.

In keeping, students' concerns are evident in the response to the question: *"Are you confident that there will be adequate support systems in place as an articling student?"*. Twenty-three (23) respondents were accounted for, with fourteen (14) reporting **"Unconfident"** and three (3) reporting **"Very unconfident"**. Law firm and articling employer websites are frequently absent of a description/structure of their articling experience. It would be beneficial for students to have a general overview of what their articling term will consist of, whether a student has a job or is in the process of obtaining one. Having this information readily available can alleviate these concerns and make an articling term more enjoyable for all parties involved.

An additional concern was revealed in the following question: *"Will you feel comfortable asking your employer for time off to attend to your personal mental health/personal wellness if necessary?"*. Seventeen (17) out of twenty-three respondents (23) selected either **"Unlikely"** or

“Very unlikely”. It is unfortunate that students hold such beliefs, as several employers claim to have students’ best interests in mind. However, the stigma around articling revolves around a “work-hard” mindset that fails to consider mental and personal wellness. Addressing these concerns prior to articling, whether it be through information sessions at Robson Hall or during employer/student networking events will allow for an open dialogue on this topic and an eventual culture change.

As a parting point, out of the twenty-three (23) survey respondents to the question: *“Based on your own knowledge, how do you feel about current mental health and personal wellness support systems at legal organizations?”* – the following answered:

- One (1) “The offerings are above average”
- Six (6) “The offerings are about average”
- Nine (9) “The offerings are below average”
- Seven (7) “Unsure”

Evidently, unease exists regarding current support systems in law firms and articling employers. It is critical to address such concerns through acknowledgment, information, and concrete actions. Ensuring a just legal community in Manitoba requires collective effort on behalf of students and established legal professionals. Joint collaboration will result in a community where everyone’s needs are recognized, which will allow a substantive change as to what an articling term entails and perceptions by students and the profession alike.

EQUITY, DIVERSITY AND INCLUSION CONCERNS

This section collates the survey data on the experiences of different marginalized groups and their concerns as they proceed with the articling process. It is divided into five sections regarding five different groups: women; people who are First Nations, Metis, or Inuit; people who are racialized; people who are LGBTQ+; and people with disabilities.

Each group was first asked about their present experiences with the legal community, their concerns regarding experiencing prejudicial treatment in the future, and their concerns regarding the impact of their identity on their legal career. As well, it also included questions regarding intersectionality; that is, a qualitative section through which marginalized individuals could expand upon their experiences.

Women

Among respondents from marginalized groups, women formed the clear majority. Current experiences with the legal community were decidedly mixed, with 37.5% of respondents stating that they had experienced some negative or prejudicial treatment with the legal community. On a scale of 1-10, with 10 being the highest level of concern, respondents rated their concerns of experiences like this in the future at 4.625. Regarding their identity having an impact on their career, respondents rated their concerns on a scale of 1-10, with 10 being the highest level of concern, at 6.375. Respondents expressed concern regarding being judged or questioned about wanting to have children and fears of not receiving support if they did decide to become a parent. Other concerns included the forming of 'in-groups' between male colleagues, including through team-building activities traditionally associated with wealth and men, such as certain sports.

People who are First Nations, Metis, Inuit

Regrettably, the majority of First Nations, Metis and Inuit individuals noted experiences with the legal community that were negative, with 66.7% of respondents stating that they had experienced some negative or prejudicial treatment. On a scale of 1-10, with 10 being the highest level of concern, respondents rated their concerns of experiences like this in the future at 5.67. Regarding their identity having an impact on their career, respondents rated

their concerns on a scale of 1-10, with 10 being the highest level of concern, at 6. One respondent expressed concerns over tokenization during their future career, including during their articling year, with being forced to take part in certain inclusion initiatives on top of their articling duties.

People who are Racialized

25% of racialized individuals noted experiences with the legal community that were negative or prejudicial. However, on a scale of 1-10, with 10 being the highest level of concern, respondents rated their concerns of experiences like this in the future at a high 6, the highest of any group polled. Similarly, regarding their identity having an impact on their career, respondents rated their concerns on a scale of 1-10, with 10 being the highest level of concern, at a concerning 7.5. No qualitative commentary came out of this section of the survey, but it can be assumed concerns about underlying racism in the legal community may play a role.

People who are LGBTQ+

25% of LGBTQ+ individuals, much like racialized individuals, noted negative or prejudicial experiences with the legal community. On a scale of 1-10, with 10 being the highest level of concern, respondents rated their concerns of experiences like this in the future at a comparatively low 4. Regarding the impact that their identity could have on their career, LGBTQ individuals rated it a 4.75 on a scale of 1 to 10. While both scores are notably lower than other groups, they are still substantial enough to be worth considering. Unfortunately, no qualitative assessments were submitted to this survey.

People with Disabilities

The percentage of individuals with disabilities who noted experiences with the legal community that were negative or prejudicial was 50%. On a scale of 1-10, with 10 being the highest level of concern, respondents rated their concerns of experiences like this in the future at 5.5. Of particular concern, regarding their identity having an impact on their career, respondents rated their concerns on a scale of 1-10, with 10 being the highest level of concern, at 8.17, the highest of any group. Respondents expressed concern regarding their

mental disabilities being interpreted as mere laziness, not having adequate accommodations in their workplaces for mental or physical disabilities, and overall, a fear of revealing to their employers or future employers that they have disabilities.

Caveats

It is worth noting that some sample sizes for this portion of the survey were considerably lower than others given the proportion of members of said groups being in law school and whether or not they took the survey. Women and people with disabilities were much more prominent than other groups which may be skewed more due to low sample sizes. Lack of qualitative assessments from some groups also make it difficult to determine what is causing the concerns suggested by the data. Ongoing assessment may be appropriate.

FINANCIAL WELLNESS AND CIRCUMSTANCES

The topic of financial wellness and student loans looms large in a plurality of law students. A full third of those surveyed marked it as their biggest concern, with another third weighing it as of moderate concern.

The vast majority of respondents self-report at least a moderate level of financial literacy, with most saying they are at a proficient level.

The majority of the respondents noted that it was in the form of government student loans, with some also taking on student professional lines of credit.

This suggests that advocacy towards the government on flexibility and even mitigation of principal amounts for student loans would go a long way in shoring up confidence among those entering the profession under the umbrella of a major stressor for nearly every person: finances.

Moving to compensation, the average amount of compensation in Manitoba is approximately \$39,000. Our respondents were relatively split, with a slight majority recognizing that quantity at about what they thought it would be, and slightly fewer felt it was lower than they thought it would be. Notably, none of the respondents thought it was higher than they anticipated. In line with these findings, a supermajority of students surveyed expected compensation between \$45,000 and \$55,000 – with 95% expecting it to be at that amount or higher.

With respect to the amount of hours worked per week, there was again a 65-35 split. The majority of students surveyed disagreed with the idea that articling students should work more than 40 hours a week – with 35% strongly disagreeing. CPLED course work was also positioned by respondents as being a part of the job that should be included in the working hours – presumably within that 40 hour work week. To this point, 90% of respondents felt that students should receive time off to complete CPLED, to the tune of a supermajority alone strongly agreeing it should be accommodated in this manner.

The average and median amount of hours students are projecting to work during articling is 50 hours a week.

In terms of solutions to some of the issues raised here, respondents highlighted “increased salary for articling students”, “fewer hours worked per week”, and “more balance between workload and pay” as the best ways to address the current state of articling. By and large, a supermajority would also find presentations on financial literacy and planning quite helpful both during and after law school (although slightly more would find it helpful afterwards).

FINAL TAKEAWAYS AND RECOMMENDATIONS

Our survey allowed for respondents to leave any parting thoughts regarding articling that may not have been captured elsewhere in the survey. Additionally, we inquired as to what they would recommend law schools do in order to prepare future articling students for the articling experience.

Final takeaways for law schools included suggestions for how to improve the educational experience in the leadup to articling. There were many suggestions to move away from the pure academic aspects and move towards the practical application of legal skills. There was a push to focus on honing skills in areas like research on specific questions, memo writing, briefs, and fewer traditional exams – particularly in the upper years. Additionally, overview presentations on CPLED earlier were seen as potentially helpful alongside low-stakes feedback and actual engagement with firms and the Court (or its related stakeholders). Requiring more course work with a hands-on clinical portion was also deemed to be beneficial.

The biggest throughline in the commentary was the notion that practicality and hands-on learning would be extremely beneficial, with a respondent even noting that “we don't need to memorize everything in a digital world but we do need to be able to hit the ground running in articling with practical skills”

Lastly, perspective that showed up multiple times included want of fewer 100% final exams and a desire to broaden the focus from the big local firms to more diverse avenues of legal practice.

Recommendations

FOR EDUCATORS

- Establish earlier in law school (prior to 3L) what articling is and an overview presentation during the 3L year. Less about going into it but more about what happens during it. Law Society in conjunction with CDO most likely
- Clinical aspect needs to become more prevalent as students want more skills in this area to hit the ground running

- Give students more practical skills, and move away from the focus on theory in those 100% finals

FOR REGULATION AND EMPLOYMENT STAKEHOLDERS

- Financial circumstances are a real concern for students
 - Highlight the student bursaries and scholarships available to assist in different scenarios – can be communicated more effectively
 - Advocate to government regarding deferral of payment for loans until after articling as well as for forgiveness programs
 - Money planning is of high interest or at least learning about it is
- Recognize that work-life balance and pay is paramount including during the articling year
 - Pay undershoots the general thought consciousness and advocating for betterment in this area will have an upward effect; the profession should encourage this
 - Add more structure around the expectations of the work week and keep in line with best healthy practices
 - Ensure there is time for CPLED and to avoid burnout
 - Other provinces including BC and Ontario have had resolutions regarding minimum pay; this should be top of mind in dialogue around improvements to the circumstances in Manitoba
 - Focus on providing resources such as time off, financial support and building a culture that encourages and **rewards** true work-life balance that help manage potential burnout
- Collaborate with Faculty of Law on ensuring the structure of an articling year is both well described during law school, and increase the amount of structure for each employer's articling program (as opposed to leaving it bespoke for each employer)
- Continue to recognize, accommodate, and change culture regarding minority identities
 - Build a workplace that is conscious of the various struggles and abilities of minority groups

- Creating an accessible workplace is paramount to ensure those with disabilities have equal access to opportunity in law
- Ensure there is accommodation for and proper treatment of neurodivergent applicants, taking care not to subject them to preconceived stereotypes about unreliability or laziness
- Avoid tokenization of members in various minority groups; that is, avoid making them “diversity officers” of sorts unless they do so out of their own volition