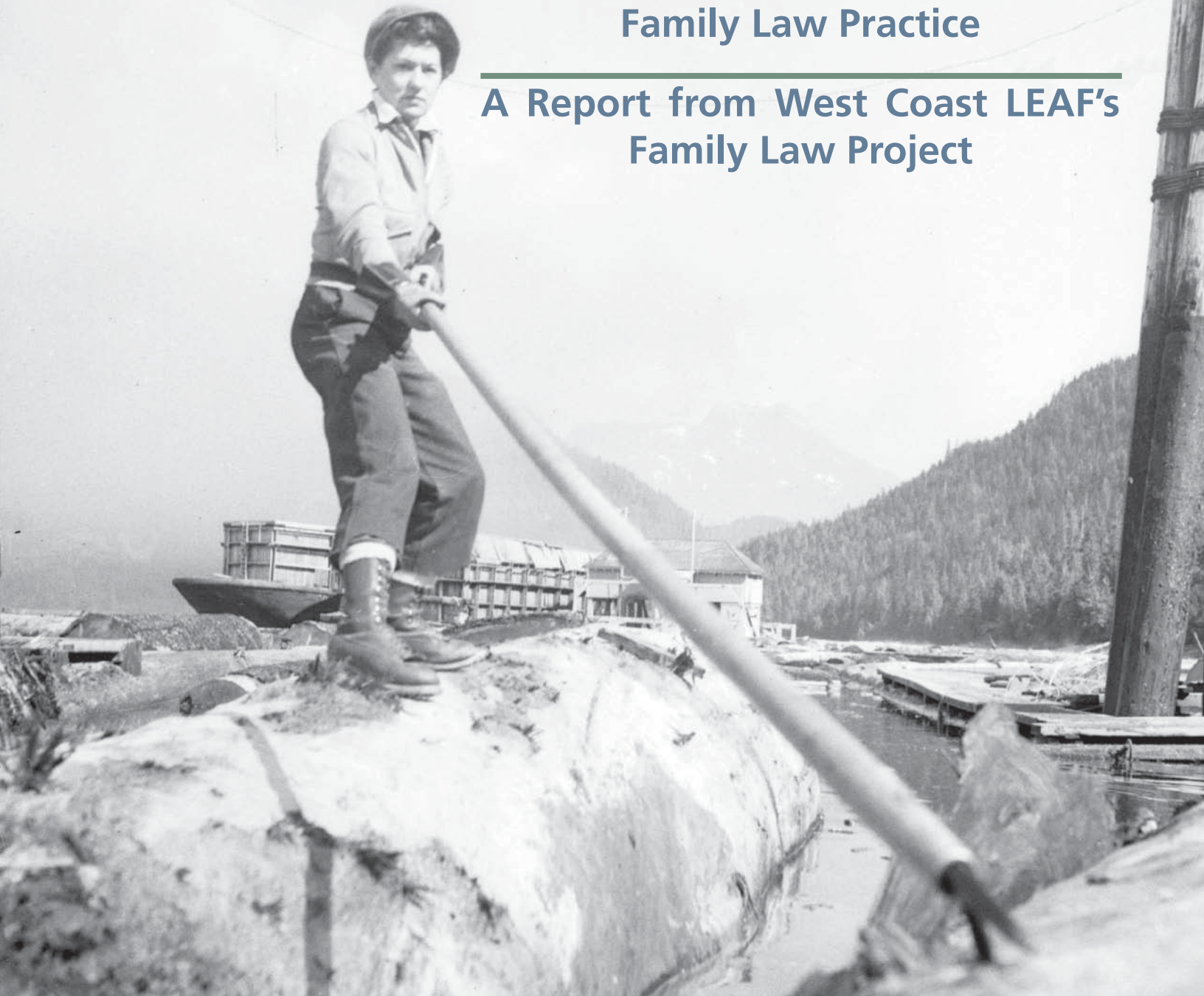


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*Not with a  
ten-foot pole:*  
Law Students' Perceptions of  
Family Law Practice

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A Report from West Coast LEAF's  
Family Law Project



By: Zara Suleman





# Table of Contents



	<b>Acknowledgements</b>	<b>ii</b>
<b>1.</b>	<b>The Survey: Is there a Future Family Law Bar?</b>	<b>1</b>
<b>2.</b>	<b>The Results: What Law Students are Thinking</b>	<b>3</b>
<b>3.</b>	<b>Supporting Students to Practice Family Law</b>	<b>16</b>
<b>4</b>	<b>The Research: Practicing Family Law in Canada</b>	<b>21</b>
<b>5</b>	<b>Conclusion and Recommendations</b>	<b>32</b>
	<b>References/Bibliography</b>	<b>35</b>
	<b>Appendix: The Survey</b>	<b>38</b>

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West Coast LEAF's Family Law Student Survey was created to capture a snapshot of what law students perceive to be the main challenges and systemic barriers in pursuing a career in family law practice. Anecdotal conversations with members of the Family Law Bar, front-line advocates, law students and women struggling to secure legal representation propelled West Coast LEAF's Family Law Project to undertake the survey. Some of the stories that are regularly raised by various members of the community during the work of the Family Law Project include: law students unable to find articling positions at family law firms; community advocates and women unable to find family law lawyers who take legal aid referrals; Pro bono and other summary advice clinics unable to find family law practitioners for their community programs; family law practitioners struggling to find and maintain law students at their firms; and, an increasing number of family law lawyers shifting practice areas and/or leaving the practice of law altogether.

We then decided to find out whether students wanted to go into family law, and if so, were they finding the information and resources they needed to do that? While the results confirmed some of the realities that exist in the practice, they also surprised us in the kinds of myths about family law that seemed to be circulating in law schools. It also illustrated the kinds of steps that need to be taken to change the direction of identifying, mentoring and supporting future family law lawyers.

# 1 The Survey: Is there a Future Family Law Bar?

In January 2008 the Family Law Project (FLP) launched the Family Law Student Survey. The idea of the survey emerged as the FLP worked with various community groups, advocates and front-line workers who kept raising the issue of decreasing family law lawyers available to them on their referral lists. Some organizations identified up to a 50% decrease in the family law lawyers on their lists in recent years; lawyers available to take on legal aid cases were becoming even rarer to find. Advocates also indicated that many family law lawyers they knew had either left the practice of law altogether and/or had changed their practice areas. In addition, anecdotal conversation with members of the family law bar highlighted the difficulty senior practitioners are having in trying to find junior family law lawyers to refer out files from their increasing case load. Those firms able to find new lawyers willing to enter family law faced retention problems with junior lawyers leaving the family law practice area within a few years. Furthermore, informal conversations with law students indicated reluctance by many of them and their peers to pursue the practice of family law.

In addition to this, it is clear to everyone involved in the pro bono movement within the profession that the need for services in family law were the hardest to meet. And, finally, the increased use of family law self-help services simply because the parties (most often women) cannot find family law lawyers they can afford or they simply can't find a family law lawyer, is visible in the courthouses around the province.

West Coast LEAF and the FLP decided to map out what the obstacles and possible solutions might be to reverse some of these worrying trends in family law.

Since the Family Law Student Survey was launched there appears to be an increasing concern of an emerging gap of family law practitioners not only in British Columbia but also all across Canada. Some of our early survey data received keen interest from the National Family Law Program Conference where these same concerns were discussed among Canadian family law practitioners.

The Family Law Student Survey is meant to provide a brief snapshot about the challenges, changes and future directions law students have identified that firms, sole practitioners, Bar Associations, Law Societies, Faculties of Law and Legal Services Society may want to consider in order to attract and retain new lawyers to the practice of family law.

*Peers think that I'm crazy for wanting to go into this area, the reason for which I really don't understand. Every time I tell someone that I want to practice in this area, I get the "I wouldn't touch family law with a ten foot pole" response.*

Key themes emerged from the substantive survey questions. Some of these themes detail the various barriers students face when seeking to practice family law, while other comments reflect entrenched perceptions of family law practice among law students and their peers that deter them from pursuing this practice area. Survey responses underscore the key problems facing the family law system's ability to foster an environment where law students will choose and continue to stay within the practice of family law.

### ***Just Not Interested***

Some students identified simply not being interested in family law as an area of law. These responses included both those that had gained some experience in family law, either through some time practicing in the area and/or through having taken family law courses while in law school. Students clear about their lack of interest often attributed this to an understanding that elements of family law did not suit their personal skills. For instance some students indicated that they did not feel comfortable working on such personal issues and preferred working more for corporations where outcomes did not impact "real" people, especially children. Others indicated that other practice areas such as business, corporate commercial and criminal were of more interest to them.

Survey responses included:

*I am deterred by the work itself; I do not have an interest in divorce, custody issues, maintenance and spousal support issues, etc.*

*Not interested in any kind of civil law, it's messy.*



*I believe family law to be worse than Criminal law.*

*I wouldn't want to go to a firm that does just family law because it would limit me later.*

*I actually came to law school thinking that I wanted to practice family law but over time I realized that the nature of the work is not likely to suit my personality well and make me a happy lawyer.*

*I think I would have a hard time separating myself from the personal stories and conflicts of clients – I don't think I would sleep at night.*

*I would like to practice in a medium to large size firm; my understanding is that many medium to large firms don't have family law practices.*

*Not interested in the area.*

*Basically I'm too much of an emotional disaster to even manage to have a relationship of my own, so I sure don't want to spend my working life dealing with other people's relationship disasters.*

### ***Quality of Life: Too Emotional, Messy, Stressful and Depressing***

The majority of survey participants that identified not wanting to practice family law stemmed from the view that it was "messy", "depressing", "hopeless", "too emotional" and leading to "burn out". Most students commented that family law practice did not provide enough financial compensation for the level of turmoil present in each case. Many students indicated that they did not want to work in family law because it was such a difficult practice area. Either through personal or work experience, or through conversations with peers or practitioners, students indicated that the predominant view is that family law is very taxing and negatively impacts one's quality of life. In addition to the complex cases and anxiety of this practice area, students noted that because the situations are so heated between the parties cases are likely to escalate and take more time and energy to resolve. Furthermore, many students commented that the high level of Law Society com-



plaints against family law practitioners was an additional worry they wanted to avoid.

Survey responses included:

*It seems to be perceived as a difficult area in which lawyers would have to be careful not to become emotionally invested in their clients' problems or to allow clients to rely on them more than just professionally. It's also seen as an area that isn't as well compensated financially.*

*It seems to be perceived as a very "emotional" and emotionally taxing, stressful practice. I'm not sure what influences these opinions, but probably just personal experiences re: family problems and family relations.*

*I have heard that it's one of the most difficult areas in terms of client satisfaction. I imagine it would be difficult to be in the middle of a situation where emotions run high, and where the parties may in fact detest each other. It would also be difficult to be engaged in a custody battle.*

*Generally it's deemed to be filled with heart-wrenching situations where determining "right" from "wrong" becomes impossible – and good people lose what matters the most. Who would want to be part of that?*

*My impression is that it is an area where you are overworked, underpaid and little to no gratification comes as a result of it. A lot of peers feel the same: not enough remuneration for what is expected.*

*Generally when I say I am thinking of practicing family law, the reaction is very negative. People see it as an emotionally draining practice area with little by way of compensation for the time and energy that goes into the practice.*

*My peers perceive family law as emotionally draining, overly litigious, and unprofitable for lawyers and parties involved.*

*I think of it being characterized by gut-wrenching conflict and very difficult emotional situations.*

*Tough area - too much emotional baggage for generally low compensation. Generally, negatively perceived – too many gray areas, tough to leave at the office, entrenched clients.*

*Perceived as difficult, emotionally challenging field that requires a higher level of maturity and thicker skin than most other practice areas.*

*Family law does not have the best reputation among my peers. It's perceived as ugly and nasty area of practice associated with great deal of stress and crazy clients. I think you need to have a strong character and iron nerves to work in this area, not many people want added stress to already stressful legal practice.*

*Generally it's deemed to be filled with heart-wrenching situations where determining "right" from "wrong" becomes impossible – and good people lose what matters the most. Who would want to be part of that?*

*Draining, emotional, lots of discretion, under-funded.*

*From what I've heard there is a high occurrence of burn-out amongst family law lawyers.*

*Family law lawyers are tired and harried – high likelihood of being emotionally involved in your client's life – high likelihood of malpractice suits and complaints.*

### ***Low Financial Compensation and Under Funded Legal Aid***

Although a handful of survey participants identified that family law practice provided fair or well paying compensation, the majority of students noted that compared to other areas of law family law lawyers were paid much less. Students did not believe that family law provided adequate financial rewards for the stress and energy in this practice area. Most survey participants noted that they could make more money in a more predictable and less tense work

environment by pursuing other practice areas. Many students stated that if they were provided better financial compensation they might be open to considering practicing family law. Even for those students that had an interest in family law, low salaries and reduced legal aid funding deterred some from the practice area, while others recognized it would be necessary to assume a financial sacrifice in order to be a family law lawyer.

Several students specifically interested in practicing family law for clients who were unable to afford legal services were discouraged by the restricted funding of Legal Aid for family law. Some students acknowledged that they would likely be faced with providing pro bono services since many clients would be unable to pay family law fees.

Survey responses included:

*There's a need for family law practitioners at all levels of the socio-economic spectrum, and considering lawyers' fees, not everyone can afford it. If I decide to practice family law, it will be to provide this service to those with limited means.*

*The clients who I would want to represent would be unable to pay me.*

*I am unsure, because although I believe it would be meaningful work, there does not seem to be the same opportunities for advancement and compensation in family law.*

*A very large volume of "social justice" family law will be (under)funded by legal aid, and will often be for clients who will not be able to help with their cases in ways that wealthy, literate, and otherwise empowered clients would. Conscientious practitioners will end up doing a lot of pro bono work – not so much from choice as from moral obligation.*

*I would like to work on family law files pro bono but those who I have spoken to who practice in the area all emphasize the stress and burnout.*

*My impression is that, like public interest areas, it is an area that you would practice in if you are passionate about it, because it can suck a lot of your*

*emotional energy, and not pay very well.*

*It usually doesn't involve high dollar amounts like other areas of law.*

*It seems pretty "niche", and seems like you can't make enough money in the area.*

*It is perceived negatively, as a messy area of law with low pay and high emotions.*

*Better financial compensation and articling opportunities would almost certainly positively influence my decisions about family law practice.*

*Sufficient compensation (especially in the early years of call) is important to me and from what I've heard, family law does not compensate as well as a career in corporate law. However, what makes me want to practice family law is the "human" aspect of the practice and the very personal impact you can make on someone's life through family law.*

*The cuts to family law and legal aid in general are unacceptable.*

*Better funding from government legal aid.*

*I'm not really sure if I want to hunt down people to pay if they can't really afford it.*

### ***Not "Real" Law***

Another theme that emerged throughout the survey responses was the perception among law students that family law was not "real" law. Many students made reference to family law being more about "counseling" and better suited for those with a "psychology" background. Others indicated that there was less "prestige" in family law practice and only those with "less ambition" pursue this practice area. Several students commented that family law is not about "Black letter law" like other areas of law i.e. criminal, corporate, business, etc.

Some identified that family law was not respected within the law school environment and that the emphasis on big firms that did not have family law practice areas only supported the perception that family law was not a valuable area of law. In addition, several survey participants mentioned that the under promotion of family law events or the lack of family law content in the first year mandatory curriculum of law school created a divide of what is considered “real” and “soft” law areas. Since topics such as criminal or property are required for first year law students these are reinforced as priorities and crucial for legal education, while family law was optional and interpreted as not as relevant.

*My impression is that, like public interest areas, it is an area that you would practice in if you are passionate about it, because it can suck a lot of your emotional energy, and not pay very well.*

Survey responses included:

*At school it doesn't seem to be very highly regarded, probably because of the pay, also it might be seen as something women go into more, fewer men would like to say they're going into family. Business law people don't seem to respect it.*

*Peers think that I'm crazy for wanting to go into this area, the reason for which I really don't understand. Every time I tell someone that I want to practice in this area, I get the “I wouldn't touch family law with a ten foot pole” response.*

*I heard criminal law and family law practitioners referred to as “bottom feeders” – in part because the assumption is that they chose their practice areas because their grades and intellects do not meet the standards of other (more competitive and prestigious) practice areas.*

*Family law has a bad reputation within law schools, and that without knowing very much about the practice of family law, students write it off. I think that family law is known as a “touchy-feely” type of law, and that it is not as popular amongst those who want to practice black-letter-law.*

Not with a ten-foot pole: Law Students' Perceptions of Family Law Practice

*It's generally seen as not particularly financially rewarding (or prestigious, as a lot of the aspiring supermen of the legal profession around here would put it) and is seen as being a big emotional grind.*

*To be honest, it's not really even on the radar, it's a field we don't even talk about.*

*My impression of the practice of family law is that it's an option for those with less ambition than me. My peers appear to think highly of it. I have no idea why.*

### ***Lack of Exposure to Family Law***

Several survey participants stated that had they been exposed to family law early in their legal education this might have influenced them in a more positive way about family law, or at minimum would have informed them more about what the practice has to offer. As noted above, some students questioned why family law was not included within the mandatory first year curriculum for law schools.

Some students commented that having more access and exposure to family law practitioners while in law school would also be beneficial. The University of British Columbia's Family Law Forum was cited as a good event which allowed students to meet family law practitioners and get to know different firms that practice family law. Students suggested having family law practitioners be a part of more legal panels and lectures at law schools and for more family law firms to be invited to Career Days.

Survey responses included:

*I haven't been deterred; I just haven't been exposed to family law yet at law school and so haven't had the chance to develop an interest in it.*

*Family law hasn't been presented as particularly enjoyable by those in the know, in my experience. It also has a bad reputation among my peers, although recently some of them changed their tune after attending some sort of family law education session.*

*A bit more exposure to this field via communication with practicing lawyers.*

*Talks on what the professional/personal rewards are of practicing family law.*

*Opportunities to learn both the business side of working in a family law practice and some support with counseling skills which seem just as relevant in family law.*

*More information at the law school (visiting speakers from firms, etc.) as they provide for other areas of law, to hear what it is really like and what the opportunities are like.*

*More representatives of family law lawyers on campus – we mostly get lawyers from big firms working in business law.*

*Hearing stories about how lawyers strike a balance would help my impression of practicing in this area.*

*I also suspect that taking family law in first year might have given me an appreciation for family law earlier. I suppose that in spite of the fact that it is a topic of PLTC [Professional Legal Training Course], family law is not “black letter” enough to be included in UBC Law School’s core mandatory 1st year course. You may well find it curious that Real Property is one of these mandatory courses.*

*The family law course in second year really piqued my interest. I find the issues of family law very interesting, especially because you get to know your clients well.*

### ***Lack of Articling, Job availability and Mentoring***

The majority of survey participants indicated that opportunities to be mentored in family law are essential. Opportunities for articling and jobs within family law are also critical. Students interested in family law commented that it was very difficult for them to try and find mentors or articling positions in



family law. Most students felt they had to do extra work in order to access the Family Law Bar and to make connections with family law firms.

Without mentorship students stated they were unable to gain valuable insight and experience into the day to day practice of family law. Many students also felt that it was easier to gain mentorship and articling positions from bigger firms, however most big firms did not offer family law rotations in their articling term.

Several students indicated that even finding out which law firms practiced family law and trying to gain contact with senior members of the Family Law Bar was very challenging. Inaccessibility to firms, lawyers, mentors, and positions were identified as key deterrents for those students who were both interested and those open to learning more about family law.

Survey responses included:

*More articling opportunities, information and recruitment sessions re: family law, better and more secure financial compensation. Family law firms rarely "market" themselves or advertise like "big law firms". Thus, it seems like most of the student body (myself included) doesn't know much about family law and available job opportunities – there isn't much "buzz" about it, which I think influences people's career choices, even if just in a minor way.*

*The big firms have such a large and overwhelming presence at the law school. Even though most people enter law school not intending to practice corporate law in a large firm, it seems like the majority of students get sucked into thinking that unless you are below average student big firms are the way to go. Career Services and the law school should do more to encourage students to follow their interests and develop their own unique career path (rather than following the crowd to the big firms).*

*I think I definitely need to hear from more practitioners about what the good side of it is. Mentoring and better financial compensation might help!*

*Definitely summer job opportunities and mentoring to have a better idea of the field before committing to an articling position. Availability of articles*

*would also be a factor. A better understanding of what a family law lawyer does would be good, so more events like the recent UBC Family Law Forum.*

*There doesn't seem to be a lot out there in terms of family law from the student perspective. Many students pick their articling position simply by the fact they are scared that they won't get another opportunity, so the more jobs there are posted and out there (and the earlier) the more students will practice in this area.*

*Opportunities, flexibility and encouragement. Every single lawyer I have told I am considering practicing family law has urged me not to practice family law. Doesn't really make me feel good about going into that area.*

*Perhaps if I caught a glimpse into actual family law practice and it dispelled some of the scary rumours I have heard, I would consider it.*

*If I knew I would be working with someone that would mentor me and offer an articling position I would consider it.*

*Summer job opportunities would influence my decision to work in family law greatly.*

*I am finding it difficult to find family law related articles. There are not many family law opportunities posted with Career Services.*

*More difficult to find a job in family law because most family law firms don't go the typical recruitment method that most big firms do – I would have to do my own research on family law firms in Vancouver and "put myself out there" a bit more than if I just applied to the regular big law firms.*

*I was given the opportunity to work part time in a family law firm in second year and through the summer after second year. I really enjoyed my time there and found that I was able to learn a great deal about many areas of law while getting a greater understanding of the diversity of issues that come up in family law practice.*

## ***“Women’s Work”***

Throughout the survey recurring responses from some survey participants referenced family law as being a “feminine” area of law; a “girly” practice area; and a practice mostly meant for women. Some identified that this gendered perspective, and the perceived view that more women are in family law, allows family law practice to be marginalized and undervalued by those in other practice areas and in the legal community in general, including at the law faculties.

The entrenched belief that family law is “women’s work” stigmatizes those choosing to practice family law and some students are worried about the labels that become attached to them for wanting to practice family law. Although students did not directly mention the sexism involved in this stigma some students did highlight that the view that more women practiced family law allowed for a discriminatory impact in how the practice area is under compensated and placed at the sidelines of what is considered “real” law.

Survey responses included:

*I’ve heard family law described as the “female ghetto” of law practice.*

*I think the practice of family law is very gendered, with women dominating the field and many men participating are doing so because of the small practices they are working at.*

*As a “girly” law area and not black letter law.*

*It’s a women’s area to practice.*

*I feel family law is definitely an area where mostly females want to practice. I have not met a male in law school who intends to practice in the area.*

*Some people seem to think it is a feminist area of the law. More of a “feminine” emotional area of law (generally more female lawyers practicing).*

*Likelihood of working in an all female environment.*

## ***Fear of Violence and Threats***

Finally, a few students indicated that family law practitioners were more vulnerable to experiencing threats and potential violence, either by their clients or opposing parties. Some survey participants indicated that this perception was one that informally was accepted by law students. Comments from family law practitioners about the intensity and potential conflict that arises in these cases also influenced some students in believing family law is unsafe. A few students felt from their experience in clinics or summer positions that criminal law clients were less scary than some family law clients.

Survey responses included:

*I have also heard that the opposing spouse may get obsessed or even more violent towards your client and even hates you more than s/he hates your client.*

*Violence happens and people are cruel to each other. It might be hard to deal with this stuff constantly as part of my job.*

*You are more likely to be assaulted by a family law client than any other, including a criminal law client. What's my source? Umm, mostly gossip from practitioners.*

*My impression of the practice of family law is that it's an option for those with less ambition than me. My peers appear to think highly of it. I have no idea why.*

There are law students who know they want to practice family law (13%). Few, but they exist. Most of these students would like to be able to provide pro bono services or take on legal aid cases and all of these students highlighted the significant role family law lawyers can make in resolving family law matters. Survey responses identified that students gained their desire to practice family law once they were exposed to it by taking a class in law school, by working at legal clinics, or through hearing presentations from family law practitioners.

Learning what family law entails and the range of diverse legal issues each family law matter may involve made law students appreciate the incredible legal factors in this area. However, a lack of articling opportunities and mentors, a drastically cut legal aid system, large student debt, comparatively lower associate and articling salaries and a systemic undervaluing of family law by the legal profession, law schools and career services makes it an option the majority of the Family Law Student Survey participants would not touch “with a ten foot pole”.

*If I knew I would be working with someone that would mentor me and offer an articling position I would consider it.*

As clear as some law students were of their desire to practice family law there were also those students who clearly knew that family law practice was not an option for them. The vast majority of survey responses, however, indicated that many students are still undecided about what area of law they

will choose to practice – and there rests a valuable potential resource for filling in the growing gap of family law practitioners in B.C.

To consider family law practice as a career option, law students identified some very clear recommendations that need to be made, these included:

1. **Mentorship** – most survey participants identified that they would be more interested in practicing family law if they could find family law practitioners who would provide them some guidance and share their practical experience with the students. The creation of more formal and informal mentorship opportunities were strongly encouraged by students and many felt Career Services and the Family Law Bar could play an active role in setting up these mentorship relationships between students and practitioners.
2. **Summer and Articling Positions** – more employment opportunities in family law was one of the main issues raised by survey participants. Students highlighted that there were very few articling positions in family law and summer positions were mostly non-existent. Students indicated that it took greater effort and work to even find family law firms that had any positions available, while larger firms that did not have family law practice areas did greater promotion, were more accessible and provided great options and benefits for law students. Students interested in family law wanted to see more recruitment effort made by family law firms, such as being more active at career days.
3. **Family Law Legal Aid** – several students indicated that they would like to practice family law and be able to assist those most marginalized in society, by poverty, violence, etc. but that the failure of the legal aid system makes this an unrealistic choice for many, especially considering large student debt loads. In addition, survey responses indicated that it's difficult to find firms that would encourage or support students in being able to pursue taking on legal aid and/or pro bono files.

4. **Exposure to Family Law Practitioners and the Profession** – most students said that the profession of family law is combating a huge negative stigma and that it would be useful to have more exposure to family law practitioners at the law school to identify the positive aspects of the practice. Having more family law practitioners on law school panels and educational sessions or being brought into classes to lecture were some of the suggestions offered by students. In addition, events such as UBC 's Family Law Forum were seen as a positive step in allowing students to make connections with family law practitioners.
5. **Access to a variety of Law Practices** – students repeatedly commented that big law firms dominated career days and law student recruitment events. Survey participants wanted more midsize, small and sole practitioners in family law to be involved at such events. Many students indicated that they felt Career Services at the Faculties of Law needed to make more effort in building relationships with a more diverse range of firms.
6. **Work Life Balance** – the stress and emotional impact of family law was one of the primary reasons students stated they would not enter the practice. In order to accommodate the often intense personal issues family law entails, students wanted to know that firms would encourage and support a balanced approach to work and life. This involved fair compensation, but it also included more flexibility in work schedules and also engaging different methods of practice that might be less adversarial.
7. **Compensation** – A significant reason students highlighted as discouraging them from the practice of family law is the perception that the compensation was much lower than other areas of law. Students leaving law school with large debt loads and even those with little debt indicated that higher articling and associate salaries in family law would make them consider entering the practice.
8. **Valuing Family Law: An Ideological Shift** – many survey participants indicated that there is a fundamental view in law school that family



law is not “real” law or “black letter law” enough. Students identified that the practice of family law is deeply undervalued by others in the legal profession and also within their legal education. Students indicated that having law schools, the legal profession, and other practitioners challenge the negative perception of family would be critical in letting students know that family law was a respected area of law.

9. **Promoting Family Law** – a large number of students stated that the along with the undervaluing of family law there was also a lack of promotion of the practice. Some student indicated that family law was not highlighted enough in law school and that having family law as a core first year course might change the status of family law. It was essential for law students to know that family law was a valid area of law that received the same encouragement as other areas in law school and in the legal profession.
10. **Gendered Perception** - finally, several survey participants stated that the gendered perception of family law as only a practice for “women” and or more negatively identified as a “feminine” or “girly” area of practice needs to addressed. These sexist perceptions of family law, as some students stated, allow for the disadvantaged position family law assumes in the large legal system. In addition, some students commented that this gendered perception also allows for the undervaluing of the practice with lower compensation and greater work demands because it is perceived to be part and parcel of “women’s work”.

In addition to very concrete changes that could be made to increase the likelihood for law students to pursue family law, there also needs to be a critical ideological shift within legal culture, through the legal profession, law schools and career services that counters the dominant perception that family law is not “real” law or not “black letter law” enough. These perceptions are reinforced when students do not see the legal profession recognize the practice of family law in material terms or through the allocation of resources to promote the practice of family law. Furthermore, the fact that most large law firms that have significant resources to attend career fairs and offer law students greater benefits and salaries, but do not offer fam-

ily law as practice choice in their articling or summer rotations, embeds the marginalized role of family law for students.

In addition, views that family law is a “feminine” area of practice more suited for women practitioners serves only to add as justification for accommodating a practice that pays less, has more stress, involves emotional conflict and is perceived as not providing career advancement. If family law is a “girly” area of law for “women only”, then are the higher paying more prestigious real law areas only for men? The gendered reality and perception of family law practice also need to be addressed.

Survey responses mirror some of what we know about family law practice. Finding research on the practice of family law was limited. It was hard to find reports or journal articles that identified barriers and/or benefits to the practice of family law. Nevertheless, the research data gathered does provide a small picture of the landscape that might be informing law students about family law.

*Sufficient compensation (especially in the early years of call) is important to me and from what I've heard, family law does not compensate as well as a career in corporate law. However, what makes me want to practice family law is the “human” aspect of the practice and the very personal impact you can make on someone’s life through family law.*

In order to properly evaluate West Coast LEAF's Family Law Student Survey it is helpful to review some of the issues that are likely to influence a student's decision to practice family law in British Columbia. Are the perceptions of the students true? Is the legal profession able to counter the negative ideas and experiences of students? It would seem that student's sense of the practice of Family Law is not too far from the reality.

The following highlights some of the key research and data from BC, Canadian and American sources.

### *Financial Compensation and Family Law*

- Family law tariffs in BC are always billable at an hourly rate up to specified maximums for preparation time, but in criminal law tariffs are generally paid at block fee rates which are largely based on court appearances.<sup>1</sup> The structuring of family law tariffs this way, in addition to greater administrative time and limitations on what can be approved under family law legal aid make many firms and family law practitioners reluctant to take on legal aid cases for family law matters.<sup>2</sup> Most recent changes by LSS (February 2009) means that this limited tariff model is not supported by a family law clinic or staff lawyers, making the eligible cases that much more challenging for a firm to take on.

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1 Legal Services Society Guide to Legal Tariffs (July 2008), online: British Columbia Legal Services Society <http://www.lss.bc.ca/assets/lawyers/tariffguide/July08.pdf>.

2 Allison Brewin & Lindsay Stephens, "Legal Aid Denied: Women and the Cuts to the Legal Services in BC, (Vancouver: Canadian Center for Policy Alternatives & West Coast Leaf, 2004).

- In a survey of 433 Canadian lawyers done by Payscale.com family law was the lowest paid practice area. Corporate, business, insurance, and criminal law all paid higher salaries.<sup>3</sup>
- In the 2005 Canadian Lawyer Compensation Survey mid-sized firms with 5-25 lawyers identified they were barely breaking even on family law matters while personal injury and civil and class action litigation brought in the most money to their firms. Small firms, 1 to 4 lawyers said that the family law and litigation were the most profitable.<sup>4</sup>

### ***Law School Tuition and Student Debt***

- University of British Columbia law school tuition for the 2008/2009 year is \$10,571.89. The cost of books is estimated at \$1600 in first year and \$1400 for second and third year. This does not take into account living expenses.<sup>5</sup>
- University of Victoria law school tuition for the 2008/2009 year is \$9024.20. The cost of books is estimated at \$1500.<sup>6</sup>
- One report highlighted that 62% of respondents entered law school debt free and just 22% of respondents reported that they incurred no debt during law school.<sup>7</sup>
- The average amount of debt incurred during law school was \$45,246.00.<sup>8</sup>

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3 Salary Survey Report for Canadian Lawyers (November 2008), online: Payscale <[http://www.payscale.com/research/CA/Job=Attorney\\_%2f\\_Lawyer/Salary/by\\_Practice\\_Area](http://www.payscale.com/research/CA/Job=Attorney_%2f_Lawyer/Salary/by_Practice_Area)>.

4 Kristin Mahon, "The 2005 Canadian Lawyer Compensation Survey" *Canadian Lawyer Magazine* (June 2005), online: Canadian Lawyer Magazine <<http://www.canadianlawyeromag.com/Search/newest-first.html?searchphrase=any&searchword=salary+survey>>.

5 The University of British Columbia Faculty of Law Tuition & Student Fees, online: The University of British Columbia Faculty of Law <<http://www.law.ubc.ca/prospective/financing/costs/tuition.html>>.

6 The University of Victoria Faculty of Law Tuition & Student Fees, online: The University of Victoria Faculty of Law [http://www.law.uvic.ca/Admissions/tuition\\_financial\\_aid.php](http://www.law.uvic.ca/Admissions/tuition_financial_aid.php).

7 Career Choices Study: A report to the Law Society of Upper Canada (January 2008) at 79, online: Law Society of Upper Canada <<http://rc.lsuc.on.ca/pdf/equity/careerChoices-ReportFINDINGS.ppt>>.

8 *Ibid.* at 79.

- 46% of respondents said that debt affected their career choices to a significant or moderate degree.<sup>9</sup> 73% of respondents noted that because of student debt they put a premium on remuneration in some way.<sup>10</sup>

### ***Firms and Family Law***

- An informal review of the websites of 17 mid-size to large law firms in Vancouver, most of which are actively involved in the recruitment of law school students from UBC and UVic, indicate that only 7 appear to offer family law practice areas. However, the practice areas are likely to be very small considering most of these firms only list a couple of lawyers in the area.<sup>11</sup>
- An informal review of family law boutique firms and sole practitioners was also conducted by WCLEAF. This process identified how difficult it is to locate family law practitioners since many firms and practitioners did not have websites. Also there did not appear to be an accessible clear list of family law practitioners and firms that could be produced via searching the internet.<sup>12</sup>

### ***Enrollment in Family Law Courses***

- Statistics provided from UBC indicate that consistently from 2003 until 2007 more female students were enrolled in family law than male students, however male student enrollment has steadily increased through these years.<sup>13</sup>

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9 *Ibid.* at 86.

10 *Ibid.* at 83.

11 Firms whose websites indicate the existence of a Family Law Practice: BLG, Clark Wilson, Davis, Farris, Alexander Holburn, Owen Bird, Edwards Kenny & Bray; Firms whose websites do not indicate the existence of a Family Law Practice: Blakes, Lang Michener, Gowlings, FMC, McCarthy Tetrault, Heenan Blaikie, Fasken Martineau, Lawson Lundell, Bull Housser & Tupper, Guild Yule. Informal review conducted by Jillian Humphreys, November 2009, West Coast Leaf Family Law Project.

12 Informal review conducted by Jillian Humphreys, November 2009, West Coast Leaf Family Law Project.

13 2007: 53 males/90 females, 2006: 51 males/70 females, 2005: 44 males/81 females, 2004: 33 males/99 females, 2003: 46 males/70 females- data provided by Professor Susan

Not with a ten-foot pole: Law Students' Perceptions of Family Law Practice

- One professor of family law provided the following comments about what she believes are the barriers students face in entering family law:

*often students steer away from family law because they know it can be very demanding emotionally and they prefer an area of law where they can be more detached. It is difficult to find articles in the field of family law; a student may have to article at a more general practice firm and then move into a specialization in family law later. I don't think law schools necessarily promote family law as a key field to practice in, in comparison, to say, business law. I am not sure that it is regarded as a high prestige field.*

### ***Women in the Practice of Family Law***

- An Ontario longitudinal survey focusing on women's careers in the legal profession reported that in 2002 17.7% of women versus 6.4% of men indicated that family law was their primary practice area.<sup>14</sup>
- A 2008 Career Choices report indicated that women are significantly more likely than men to have sought experience in human rights/social justice law - 22% of women vs. 11% men. This report also highlighted that 18% of women vs. 8% of men sought experience in family law.<sup>15</sup>
- In 1999, the American Bar Association Family Law Section statistics indicated that 45% of their membership were women.<sup>16</sup>

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Boyd of UBC Law based on enrollment figures in Family Law at UBC Law.

14 Fiona Kay, Cristi Masuch & Paula Curry, "Turning Points and Transitions: Women's Careers in the Legal Profession, A Report to the Law Society of Upper Canada" (September 2004), online: The Law Society of Upper Canada <<http://rc.lsuc.on.ca/pdf/equity/women-TurningPoints.pdf>>.

15 *Supra* note 7 at 45.

16 Louise Raggio, "Women Lawyers in Family Law" (2000) 33 Family Law Quarterly 501 at 502-503.

- Raggio, in “Women Lawyers in Family Law” provides some historical context to the gendered reality of family law practice. Raggio indicates that traditionally the practice of family law was “among the least esteemed type of law practice” therefore as women tried to overcome barriers to entering the law – family law became a practice more accessible to women practitioners.<sup>17</sup> Raggio also highlights that many “informal barriers” still exist for women in the practice of law and that gender bias reports still show “serious discrepancies between advancement opportunities for women and minorities as compared to white males.”<sup>18</sup>

*I've heard family law described as the “female ghetto” of law practice.*

- *Research into what family lawyers do stresses that family law practice differs from other areas of legal practice, although the specialist skills required by family lawyers are not always given due recognition. Epstein (1981, p.318), argues that this lack of recognition is a result of the construction of family law work as “women’s work”. Family law, which is a female dominated service at least in terms of numbers (Eekelaar et al, 2000, p.41), is often seen within the legal profession as a natural extension of women’s supposedly innate nurturing traits (Mather, 2003, Sommerlad, 2003 p.208).<sup>19</sup>*

### **Articling: Exposure to Family Law**

- A 2001 Law Society of B.C. survey documented that 50% of students indicated that they had some exposure to family law during their articling while only 17% practiced in the area of family law in their first 5 years of practice.<sup>20</sup>

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17 *Ibid.* at 509.

18 *Ibid.* at 509.

19 Angela Melville & Karen Laing, “I just drifted into it: constraints faced by publicly funded family lawyers” (2007) 14:3 International Journal of the Legal Profession 281 at 291.

20 Adam Whitcombe, “The Law Society of British Columbia: 2001 Articling Survey

Not with a ten-foot pole: Law Students’ Perceptions of Family Law Practice



- A 2008 Law Society of Upper Canada Report noted that when asked what the top three areas of practice students wanted exposure to in their articling year 5% chose family law first; 5% chose family law second; and 4% chose family law as their third response.<sup>21</sup>

### ***Legal Education and Family Law***

- Ver Steegh's 2005 journal article, "Using Externships to Introduce Family Law Students to New Professional Roles" underscores the significance of early exposure to family law practice for students. The author stresses the onus on law schools to provide opportunities for law students to gain family law experience. She makes the following key points:
  - Family law students should be given exposure to the diverse and changing nature of family law practice that encompasses both adversarial but also emerging non-adversarial processes.
  - Law schools have a responsibility to make sure law students have the skills they need to effectively work with families and also understand the changing nature of the profession.
  - Hands-on experience is valuable for law students in family law because it allows students practice in the "art of being compassionately present with clients while also maintaining professional boundaries and objectivity."<sup>22</sup> In addition, practical experience allows students to realize that most family law matters settle and do not go to trial and even fewer are appealed.<sup>23</sup> Day to day practical experience also allows law students the opportunity to work with experienced practitioners who are able to "offer a wealth of experience and knowledge" to law students.<sup>24</sup> Students can also be exposed to the "interdisciplinary nature of family law" while also benefiting from the experience of giving "something back to the community by helping people in

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Report" at 4, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-survey/docs/2001ArticlingSurvey.pdf](http://www.lawsociety.bc.ca/publications_forms/report-survey/docs/2001ArticlingSurvey.pdf)>.

21 *Supra* note 7 at 45-47.

22 Nancy Ver Steegh, "Using Externships to Introduce Family Law Students to New Professional Roles" (2005) 43:1 Family Court Review 137 at 140.

23 *Ibid.*

24 *Ibid.* at 141.

need. Not only is this personally satisfying for students but it will hopefully become a lifelong habit.”<sup>25</sup>

- Ver Steegh identifies a family law focused educational model from William Mitchell College of Law in St. Paul Minnesota which consists of three parts: completion of foundational courses, advanced courses and participation in a clinic or practice experience in family law specifically.
- In Hedeem and Salem’s 2006 journal article, “What should family lawyers know? Results of a survey of practitioners and students”, the authors stress that law schools are not providing the necessary training required for future family law practitioners. They make the following points:
  - Survey results indicate that “professionals and law students suggest that today’s family lawyer needs knowledge and skills that are often missing from law school curricula.”<sup>26</sup>
  - Law students were less likely to recognize the importance of involving clients in decision making and had less understanding of how to work with clients in emotional crisis.<sup>27</sup>
  - Law students need better training in listening, client counseling and other interpersonal skills.<sup>28</sup>
- Melville and Laing also note: “Our research raises some important issues concerning the extent to which current legal education is sufficient to produce lawyers who are able and willing to take on family law work.” Family law is an optional class and arguably it is afforded a lowly status in many law schools. This raises the possibility that students who have no intention of practicing family law will not be motivated to study the topic. Upon graduation however, these same students may find themselves practicing family law, despite the fact that they have no background or training in the field.<sup>29</sup>

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25 *Ibid.*

26 Timothy Heeden & Peter Salem, “What Should Family Lawyers Know? Results of a Survey of Practitioners and Students” (2006) 44:4 Family Court Review 601 at 601.

27 *Ibid.*

28 *Ibid.*

29 *Supra* note 19 at 295.

## ***Law Society Complaints in Family Law***

- The 2007 Annual Report from the Law Society of B.C. highlighted that family law received more complaints than any other practice area. Family law complaints made up to 24.4% of all complaints made to the Law Society.<sup>30</sup>

*I suppose that in spite of the fact that it is a topic of PLTC [Professional Legal Training Course], family law is not “black letter” enough to be included in UBC Law School’s core mandatory 1st year course. You may well find it curious that Real Property is one of these mandatory courses.*

- Family law complaints also made up the majority of complaints received by the Law Society in 2006 (25.7%)<sup>31</sup> and 2005 (29.7%).<sup>32</sup>

## ***Family Law Practitioners Experience of Family Law***

- Eisel, in the 1993 article “How do you Spell Relief” points out that family law lawyers are at special risk for stress resulting from such things as conflicting demands, low public image, long and irregular hours of work, isolation, red tape and disillusionment. Family law lawyers “pointed to an increasingly competitive and hostile profession that operates in an adversarial, overburdened justice system within a society that is struggling to retain a semblance of civility in even the most mundane and fleeting social encounters.”<sup>33</sup>

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30 British Columbia Law Society 2007 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2007/2007AR-4\\_regulatory.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2007/2007AR-4_regulatory.pdf)>.

31 British Columbia Law Society 2006 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2006/2006AR-4\\_programs.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2006/2006AR-4_programs.pdf)>.

32 British Columbia Law Society 2005 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2005/2005AR\\_public-protection.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2005/2005AR_public-protection.pdf)>.

33 Deborah Eisel, “How do you Spell Relief?” (1993) 16 Family Advocate 16 at 17.

- This article also notes that many family law practitioners felt that 50% of their cases were high stress.<sup>34</sup>
- Melville and Laing, in their 2007 article, "I just drifted into it: Constraints faced by publicly funded family law lawyers" captures the reasons English family law lawyers entered family law practice. What the lawyers indicated was that: "Generally, lawyers did not deliberately choose to enter family law, and instead explained that they 'drifted' into the field. On a closer inspection, however, rather than drifting into family law, it would appear that the careers of publicly funded family law lawyers are strongly constrained by structural and cultural factors. These factors have important implications for attracting and retaining family law lawyers."<sup>35</sup>
- This article also points to data that "family law has the lowest ranking of prestige when compared to other types of law."<sup>36</sup> Furthermore, family law "is sometimes perceived to lack intellectual challenge or content<sup>37</sup> or seen to be too 'fuzzy' to be considered 'real' law.<sup>38</sup> Not surprisingly there are growing concerns about the lack of lawyers willing to take on family law work."<sup>39</sup>
- In addition, lawyers stated that as a result of changes to the legal profession "publicly funded family law is facing a "looming crisis" in terms of attracting new, and retaining experienced practitioners which has largely been attributed to low remuneration levels...New graduates are not being enticed into legal aid work, partly because legal aid firms cannot compete against the salaries offered by firms which focus solely on private work. Even if students would choose to do legal aid

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34 *Ibid.*

35 *Supra* note 19 at 281.

36 Heinz, J.P. & Laumann, E.O. (1982) *Chicago Lawyers: Social Structure of the Bar* (New York, Russel Sage Foundation and American Bar foundation).

37 Deech, R. (1990) Divorce Law and Empirical Studies, *Law Quarterly Review*, 106 pp. 229-45.

38 Dewar, J. (1992) *Law and the Family* (London: Buttersworth).

39 *Supra* note 19 at 282.

work for personal satisfaction, they are under financial pressure from student loans to go into firms that offer more attractive salaries.”<sup>40</sup>

- Although the lawyers who provided comments for this article identified many challenges and barriers to practicing family law they also indicated that their work was very satisfying because of the “real” issues they dealt with when working with individuals. They also reflected that their ability to “empower their clients, especially those that had faced domestic violence or were unaware of their rights or their financial situation within the marriage” was of great importance to them.<sup>41</sup>

*A very large volume of “social justice” family law will be (under)funded by legal aid, and will often be for clients who will not be able to help with their cases in ways that wealthy, literate, and otherwise empowered clients would. Conscientious practitioners will end up doing a lot of pro bono work – not so much from choice as from moral obligation.*

- Note: This research is based on British experiences. Here in Canada and in BC, the crisis in the publicly-funded legal aid system and its ability to attract practitioners is, in fact, more about the destruction of a publicly funded system of family law representation. The current state of family law legal aid services is well recorded elsewhere, but the reality is that as of March 31<sup>st</sup> 2009, there are no full-time positions in family law that are dedicated to providing full representation to low income British Columbians.

### ***Threats and Violence: Safety Issues in Family Law***

- There are cases in BC of women who were granted legal aid, struggled but eventually found a lawyer to take her case, only to have the lawyer

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40 *Ibid.* at 293.

41 *Ibid.* at 286.

drop her file in response to violence and threats from her ex-partner.

- In Brown and MacAlister's 2006 article "Violence and Threats against Lawyers practicing in Vancouver, Canada", the authors surveyed 1,152 lawyers in Vancouver and surrounding suburbs to determine the types and quantity of threats and violence certain practitioners have experienced. In this survey 86.4% of family/divorce practitioners reported receiving one to more than four threats – the highest number of any practice area.<sup>42</sup>
- The data from their survey also noted that family/divorce lawyers have a tendency to attract outright violence and that a greater percentage of female practitioners versus male practitioners altered their business conduct as a result of the threats and violence made against them.<sup>43</sup>
- The forms of violence lawyers experienced included: inappropriate communications, threatening messages and confrontations, physical assaults and even murder.<sup>44</sup>
- In a 1997 American Bar Association survey on family violence against family law practitioners 60% of family law lawyers had identified being threatened by their own client and 12% had been victims of acts of violence perpetrated by either a client or an opposing party.<sup>45</sup>

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42 Karen Brown & David MacAlister, "Violence and Threats against Lawyers practicing in Vancouver, Canada" (2006) *Canadian Journal of Criminology and Criminal Justice* 543 at 563.

43 *Ibid.* at 565.

44 *Ibid.* at 545.

45 *Ibid.* at 549.

### Going Forward

Some might argue that only those passionate about family law should enter the profession but few students in our student survey identify a strong desire for any one practice area while they are in law school. Most identify areas that they have been exposed to in law school or through career days as what assists in their decision making process. This “choice” is further complicated with student debt and the pressures many feel to secure an articling position which would provide an adequate income to assist with paying off their debt.

Students also identified that they are seeking a firm with an infrastructure that will provide them the practical experience and mentorship they need to learn a variety of practice areas. These type of structures are seen to only be provided by large firms and as identified by our scan of large firms, family law practice is absent from most of them. Sole practitioners and small boutique family law practices either do not have the resources or do not focus on marketing themselves to law students – large firm presence dominates with the resulting invisibility of family law practice as a viable career choice.

Students at UBC have indicated that such events as the Family Law Forum which brings together a diverse panel of family law practitioners creates an opportunity for students interested in family law to connect with members of the Family Law Bar and to network for possible articling positions and future employment. However, as some survey participants indicated, it is usually only those students who are interested in family law that will attend such forums in the first place; it may not capture those that know nothing about family law. Some survey responses suggested having family law included in the core first year courses so that all students would be able to gain knowl-



edge about family law and hopefully expand their consideration of practice areas.

What would it be like for law students if they knew that all large firms had a family law practice section? What if family law was part of the mandatory first year law school curriculum like criminal law, property law or torts? What if sole practitioners or boutique family law practices were given the same space, support and time to promote their firms as large firms at Faculty of Law career events? What if those interested in practicing family law through legal aid were adequately and comparatively compensated for their time? What if pro bono culture and legal aid practice were embedded into the legal profession so that all law firms supported law students in pursuing practice areas and supporting clients that are under-represented? The answers to these questions are critical to consider.

Furthermore, what if all firms not only encouraged but required students to carry a percentage of practice as legal aid files? What if Canadian law schools followed the United States, where over 50 law schools offer loan forgiveness and/or loan repayment assistance programs<sup>46</sup> for lawyers who choose to practice in public interest law? What if the BC Student Loan Forgiveness program - which currently forgives loans for students who enter such professions such as nursing and pharmacy and requires students to commit to practicing in publicly funded facilities - were to also allow for loan forgiveness for law students wanting to exclusively practice family law legal aid?<sup>47</sup>

There are many options to consider that would assist and promote the practice of family law in a more positive light but it will be necessary for the legal profession, firms, faculties of law, and career services to recognize and accommodate the challenges of family law. Practical solutions such as facilitating more mentorship and articling opportunities and increasing the focus of family law in law schools might be easier to undertake than the ideological shift that will be critical to advance family law as a valuable practice area.

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46 See Law School Loan Forgiveness, online: <<http://www.napil.org>>, or Debt Relief and Loan Repayment Assistance, online: Equal Justice Works <<http://www.equaljustice-works.org/>>.

47 B.C. Loan Forgiveness Program, online: Student Aid BC <<http://www.aved.gov.bc.ca/studentaidbc/repay/repaymentassistance/loanforgiveness.htm>>.

The growing gap of family law practitioners fundamentally impacts the right of those that already have little to no access to legal representation when faced with complex family law matters. This is West Coast LEAF's interest in the issue because women's equality rights in BC have deteriorated exponentially with the disappearance of a family law legal aid system. As the civil legal aid system has slowly been decimated by funding cuts and Legal Services Society financial management choices, women facing the devastating economic and social impact of marriage and relationship breakdown slide further away from independence and the capacity to participate in the social and economic benefits of Canadian society.

Creative approaches to rebuilding the family law justice system must happen now and must involve all parts of the legal system including law schools, the profession, front-line advocates, government and the non-profit sector. In addition the expenses of those unrepresented in the legal system, particularly those disproportionately disadvantaged: e.g. women, people of color, aboriginal communities, people with disabilities and survivors of violence, need to have a voice. We hope the insights provided through this study will contribute to that process of rebuilding.

## References/Bibliography

BC Loan Forgiveness Program, online: Student Aid BC <<http://www.aved.gov.bc.ca/studentaidbc/repay/repaymentassistance/loanforgiveness.htm>>.

Alison Brewin & Lindsay Stephens, "Legal Aid Denied: Women and the Cuts to the Legal Services in BC, (Vancouver: Canadian Center for Policy Alternatives & West Coast Leaf, 2004).

British Columbia Law Society 2005 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2005/2005AR\\_public-protection.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2005/2005AR_public-protection.pdf)>.

British Columbia Law Society 2006 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2006/2006AR-4\\_programs.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2006/2006AR-4_programs.pdf)>.

British Columbia Law Society 2007 Annual Report, online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-annual/docs/2007/2007AR-4\\_regulatory.pdf](http://www.lawsociety.bc.ca/publications_forms/report-annual/docs/2007/2007AR-4_regulatory.pdf)>.

Karen Brown & David MacAlister, "Violence and Threats against Lawyers practicing in Vancouver, Canada" *Canadian Journal of Criminology and Criminal Justice*, July 2006, 543.

Career Choices Study: A report to the Law Society of Upper Canada (January 2008) at 45-47, online: Law Society of Upper Canada <<http://rc.lsuc.on.ca/pdf/equity/careerChoicesReportFINDINGS.ppt>>.

Debt Relief and Loan Repayment Assistance, online: Equal Justice Works <<http://www.equaljusticeworks.org/>>.

Deech, R. (1990) Divorce Law and Empirical Studies, *Law Quarterly Review*, 106 pp. 229-45.

Dewar, J. (1992) *Law and the Family* (London: Buttersworth).

Deborah Eisel, "How do you Spell Relief?" (1993) 16 *Family Advocate* 16.

Timothy Heeden & Peter Salem, "What Should Family Lawyers Know? Results of a Survey of Practitioners and Students" (2006) 44:4 *Family Court Review* 601.

Heinz, J.P. & Laumann, E.O. (1982) *Chicago Lawyers: Social Structure of the Bar* (New York, Russel Sage Foundation and American Bar foundation).

Fiona Kay, Cristi Masuch & Paula Curry, "Turning Points and Transitions: Women's Careers in the Legal Profession, A Report to the Law Society of Upper Canada" (September 2004), online: The Law Society of Upper Canada <<http://rc.lsuc.on.ca/pdf/equity/womenTurningPoints.pdf>>.

Law School Loan Forgiveness, online: <<http://www.napil.org>>.

Legal Services Society Guide to Legal Tariffs (July 2008), online: British Columbia Legal Services Society <http://www.lss.bc.ca/assets/lawyers/tariffguide/July08.pdf>.

Kristin Mahon, "The 2005 Canadian Lawyer Compensation Survey" *Canadian Lawyer Magazine* (June 2005), online: Canadian Lawyer Magazine <<http://www.canadianlawyermag.com/Search/newest-first.html?searchphrase=any&searchword=salary+survey>>.

Angela Melville & Karen Laing, "I just drifted into it: constraints faced by publicly funded family lawyers" (2007) 14:3 *International Journal of the Legal Profession* 281.

Louise Raggio, "Women Lawyers in Family Law" (2000) 33 *Family Law Quarterly* 501.

Salary Survey Report for Canadian Lawyers (November 2008), online: Payscale <[http://www.payscale.com/research/CA/Job=Attorney\\_%2f\\_Lawyer/Salary/by\\_Practice\\_Area](http://www.payscale.com/research/CA/Job=Attorney_%2f_Lawyer/Salary/by_Practice_Area)>.

University of British Columbia Faculty of Law Faculty of Law Tuition & Student Fees, online: The University of British Columbia Faculty of Law <<http://www.law.ubc.ca/prospective/financing/costs/tuition.html>>.

University of Victoria Faculty of Law Tuition & Student Fees, online: The University of Victoria Faculty of Law [http://www.law.uvic.ca/Admissions/tuition\\_financial\\_aid.php](http://www.law.uvic.ca/Admissions/tuition_financial_aid.php).

Adam Whitcombe, "The Law Society of British Columbia: 2001 Articling Survey Report", online: The Law Society of British Columbia <[http://www.lawsociety.bc.ca/publications\\_forms/report-survey/docs/2001ArticlingSurvey.pdf](http://www.lawsociety.bc.ca/publications_forms/report-survey/docs/2001ArticlingSurvey.pdf)>.

Nancy Ver Steegh, "Using Externships to Introduce Family Law Students to New Professional Roles" (2005) 43:1 Family Court Review 137.

## Appendix: The Survey

### Survey Methodology

The Family Law Student Survey was developed using surveymonkey. The questions were designed by West Coast LEAF and additional feedback was garnered from UBC family law professors Susan Boyd and Fiona Kelly, in addition to some research assistants at the UBC Centre for Feminist Legal Studies.

The survey was launched in January 2008 and closed in June 2008. Publicity for the survey was conducted through the Faculty of Law Career Services at the University of British Columbia (UBC) and the University of Victoria (UVic). In addition, posters were distributed at UBC and Uvic. The Law Society of B.C. was also provided posters in order to get feedback from articling students. Posters and information were also distributed at the UBC Family Law Forum and various other events that WCLEAF participated in where there would be law students.

The goal of the research was to engage law students that were currently in law school and those that had just recently finished law school and were entering articles in B.C.

### Limitations of the Survey

126 surveys were filled out but 32 respondents left some questions blank. This means that some of the survey questions were left incomplete. The responses although limited quantitatively do provide a good qualitative framework for consideration.

The limited running time of the survey and a brief interruption in the ability for survey participants to access the survey online are likely to have impacted the overall responses received by West Coast LEAF.

The following questions were asked on the online Family Law Student Survey:

Demographic Information – which included:

- Age
- Year of Study or Articling Student
- Sex
- Identification of race, cultural or ethnic background
- Identification of sexual orientation
- Identification of other information the student might want to provide e.g. ability, socio-economic/ class background

Substantive Survey Questions were:

1. Do you intend to practice family law?
2. What is your impression of the practice of family law more generally? How is it perceived amongst your peers and what influences these opinions?
3. What areas of law do you intend to practice?
4. What factors have influenced your intention to practice in this area? E.g. interest, job availability, financial compensation, etc.
5. If you intend to practice family law what factors have contributed to your decision? Or If not what deterred you?
6. Are there any things that might encourage you to practice family law? E.g. articling opportunities, better financial compensation, etc.

## Summary of Data

Students were asked to identify if they had the intention to practice family law. 92 students responded to this question and the following results emerged:

- Only 13.0% responded Yes
- 52.2% responded No
- 34.8% responded that they were Unsure

## Demographics

The demographic sections of age, year of study, and sex were completed by all 126 survey participants.

### Age Range

- 40.5% were aged 20-25 years old
- 38.9% were aged 26-30 years old
- 7.9% were aged 31-35 years old
- 9.5% were aged 35-40 years old
- 3.2% were over the age of 40

### Year of Study

- 31.0% were in Year 1
- 36.5% were in Year 2
- 31.0% were in Year 3
- 1.6% were articling students

### Sex

- 71.4% were Female
- 29.4% were Male
- No students identified as being Transgendered

### Diversity of Sample

The sample was quite diverse and there was a representation of students from a variety of backgrounds. The sample included students who identified as heterosexual, homosexual, bisexual and lesbian. Students identified coming from a variety of racial and ethnic backgrounds including: First Nations, Asian, South Asian, White/European, Japanese, Swedish, Scottish, French, Jewish, Arab, British, Egyptian, Irish, German and then there were multi-racial and bi-racial students. The student sample also represented students from various class backgrounds: upper middle class, working class, and poor. A small sample of students identified as having a disability. There were also some participants that identified as single mothers.