
 BUSINESS & CAREERS

Articling students worry about ageism at law firms

As the summer ends recent law graduates across the country are starting their articling positions. For some of us the experience of articling was a distant memory. For others, like me, it's a journey yet undiscovered.

What's always fascinated me is the wide variety of positions that students take up after graduating law school. Here's a small sample of some students-at-law I spoke to.

Daniel Albahary is a graduate from Ottawa who focused on intellectual property. He won't be moving far, either geographically or in interest, because he's clerking at the Federal Court, which does quite a bit of intellectual property work. Eventually he hopes to teach law.

Junaid Subhan is a 2010 McGill University law graduate who will be articling in Toronto at Stikeman Elliott LLP. Like many on Bay Street, he has concerns about work-life balance, but is excited about the different rotations his firm will put him through to gain broader exposure to different types of practice. Eventually he wants to include some pro bono type of work into whatever area of law he works in.

Not all law students are willing to adjourn their interests in social justice. Shane Martinez, who graduated from the University of New Brunswick, is articling for three different clinics in Toronto, all focusing on advocacy for migrant workers largely from the Caribbean and Latin America. One of his more immediate goals is to explore how small claims court can be



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used to compensate workers for abuse by employers.

But one student who had an incredibly frustrating experience with articles is John Magyar, a 2010 graduate of the University of Western Ontario (also my alma mater) who was awarded the Dean Ivan C. Award, one of the more prestigious accolades the school offers. It's a tough market for everyone these days, but John encountered some unique challenges.

John is 44 years old, and has had a varied career in commercial real estate in downtown Toronto, working with a firm that executed some rather significant deals on Bay Street. He has a strong academic performance, and acquired on-campus interviews. But at the end of the day John and several other older students I know are still without positions.

According to him the reason is that, "the Bay Street firms aren't interested in me," largely due to his age. His suspicions are confirmed by James Spangenberg, who currently works in the public sector. Spangenberg and other former Bay Street recruiters disclose that many law firms simply aren't interested in older students. They can be perceived as less productive, less profitable from a billing perspective and don't fit the typical advancement track

established within firms.

According to the 2006 Census, the median age in Canada is just under 40 years. Since baby boomers constitute an entire third of the population, this age is only going to increase.

Of course the majority of law graduates seeking articling positions will still be in their mid-20s. But ageism will increasingly act as a grounds of discrimination that may even surpass race, gender, ethnicity, religion, or sexual orientation in Canada. The often hierarchal structure of law firms makes for an awkward situation when articling students learn from senior partners of the same age. The "fit" with articling peers can be even more problematic.

At 35 Daniel hasn't encountered much problems with his age but says: "At the end of the day, early thirties may not engender that much discrimination. I hope to avoid discrimination of all kinds and to help break down existing barriers to the practice of law and access to justice."

Shane might find himself defending non-immigrant, white, English-speaking males from workplace harassment, and Junaid could discover that is where his public interest work is most needed.

There are some exceptions though. Some boutique law firms specifically look for experienced grads with specialized skills in their area of practice. Tim Bourne, an Associate in Ottawa at Ridout & Maybee LLP who helps run the student program said:

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Can transfer old skills to new life as a lawyer

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“Specifically we do look for people with advanced scientific or engineering training and interesting work experience in scientific or engineering sectors.”

Bourne feels that the more successful candidates at his firm tend to be older given the type of qualifications that they prefer.

But no life experience is a wasted experience, especially the highly-qualified candidates who get into law school. Whether a former police officer practising criminal law,

a nurse doing personal injury work, or even a commercial real estate agent like John looking to do legal work in that area, there are almost always transferable skills that a law firm can use.

Sometimes it requires a bit of flexibility though, and some imagination on how these experienced candidates can provide a competitive advantage to your firm. ■

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