

Employment Equity within the NSBS Membership

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1 Executive Summary

In response to concerns raised by the Marshall Inquiry, the Nova Scotia Barristers' Society (NSBS, "the Society") initiated numerous efforts to improve employment equity in the legal profession. In addition to the development of the Gender Equity Committee, the Racial Equity Committee and the Equity Office, the Society works with university law programs, the Government of Nova Scotia and the federal government to develop programs to encourage the members of equity-seeking groups to enter the legal profession. Current membership data was used to assess the impact of these efforts.

A multiyear dataset of the Society's membership was provided for the analysis. Review of the data concluded that the analysis should be conducted on the 2014 membership – it was the most current data; it best reflected the Society's current focus; and it provided the most complete membership data. The analysis focused on Year of Call, Type of Practices (2014), and Membership in a Designated or Equity Seeking Group. Statistical tests were conducted to assess: the impact membership in an equity seeking group had on a member's entry into law profession; the impact membership in an equity seeking group had on a member's type of practice; and the impact experience had on a member's type of practice among equity seeking groups.

The results of the analysis shows that employment equity has greatly improved within Nova Scotia's legal profession. The number of equity-seeking group members entering the profession has increased since the inception of the Society's equity efforts. The bulk of this improvement is the result of government's success in attracting and hiring members of equity-seeking groups, as the government is the largest employer for most equity-seeking groups. However, there is suggestive evidence from the Society's membership data to indicate that this is changing.

Members of equity-seeking groups who have been more recently called to the Bar show a different pattern of employment than those previously called. A greater proportion of the younger members are reporting employment in law firms, and a lower proportion report working for government. While the number of equity-seeking group members is too low to make definitive conclusions about these shifts in employment distribution, this result suggests an improvement in employment equity within both the public and private sector.

Equity-seeking groups remain under-represented at the senior levels of the profession; however, given their increased representation at the associate level, a corresponding increase at the partner level should be expected over time, provided equity initiatives continue to be a focus for the Society.

2 History

In 1989, the results of the Marshall Inquiry were released. This Inquiry was the result of the Royal Commission on the Donald Marshall, Jr., Prosecution, which investigated the arrest and wrongful conviction of Donald Marshall Jr. The report concluded that racism existed at every level within the justice system and included extensive recommendations for the various stages of the justice process. While the recommendations of the Commission varied, they were united by the idea that racialized and Aboriginal people must be a part of the justice system in every respect.

Shortly after the Marshall Commission of Inquiry, the Nova Scotia Barristers' Society (NSBS) made several steps to improve equity with the legal profession. These actions included:

- Inception of the Race Relations Committee (1989, now called Racial Equity Committee);
- Inception of the Indigenous Blacks and Mi'kmaq Programme (1990);
- Inception of the Gender Equality Committee (1991, now called Gender Equity Committee);
- First commitment to Public Interest Mandate (1993);
- Creation of Equity Office (1997);
- Employment equity commitments between NS Government, NSBS and private Bar; (1998); and
- Establishment of Employment Steering Committee (2001).

These and other employment equity initiatives and programs have been developed in Nova Scotia and Canada to encourage the recruitment and retention of under-represented communities in the law profession.

Equity efforts were developed to increase participation from members of designated groups, including:

- Women;
- Racialized communities;
- Aboriginal peoples; and
- Persons with disabilities.

Additionally, within the legal profession, employment equity includes consideration for other underrepresented groups such as:

- French Acadian;
- Internationally Trained Lawyers (ITLs); and
- Lesbian, gay, bisexual and transgendered (LGBT) communities.

3 Project Background

The Society collects annual data from its membership. This membership information includes:

- Year Called to Bar;
- Location of practice;
- District within the province;
- Current practising status of member; and
- Self-identification with several equity-seeking groups:
 - Acadian;
 - African NS / Black;
 - Mi'kmaq / Aboriginal;
 - Gay / Lesbian / Bisexual / Transgendered; and
 - Persons with disabilities.

To better understand the current state of equity-seeking members' participation within the legal profession, and help determine the impact of the past efforts, membership data was analyzed.

3.1 Analysis

Two broad sets of analyses¹ were conducted on the available data to assess employment equity within the profession. The first looked at year of call, to determine distribution of experience. To determine advances in employment equity, year of call was also assessed for members of equity-seeking categories. By plotting the proportion of an equity-seeking group by its year of call, it is possible to determine if there has been an increase over time in their participation in the legal profession.

To ease interpretation of the analysis, the range of years of call was collapsed into three broad categories. The broad groupings were:

- Year of Call before 1990;
- Year of Call from 1990 to 1999; and
- Year of Call from 2000 to 2014.

These categories were chosen to coincide with the introduction of the Society's efforts to improve equity in the legal profession. While efforts continued to be made and introduced within the Society to address equity, the issue came to the forefront with the release of the Marshall Inquiry in 1989. As such, while recognizing the continuing efforts, these dates were selected to roughly represent before, during and after the recognition of the need to address employment equity.

In addition to looking at changes in the equity-seeking participation in the legal profession over time, the second analysis looked at the current employment status of the membership. As with the analysis over time, equity-seeking membership was assessed across type of practice. The results show the degree to which members of equity-seeking groups are distributed across employment status, in a manner similar to the overall membership. This highlights possible discrepancies in equity-seeking employment.

¹ A more detailed description of the analysis and data is available in Appendix A.

4 Project Findings

4.1 Membership Demographics

Table 3-1 shows the current number and percentage of overall membership of individuals belonging to different demographic categories.

**Table 3-1
Demographics of Membership (as of Sept. 2014)**

Demographic Category		Number (Percentage) of Members
Gender	Female	854 (37.8%)
	Male	1,404 (62.2%)
Equity-seeking Group	Acadian	71 (3.1%)
	African NS / Black	44 (1.9%)
	Mi'kmaq / Aboriginal	46 (2.0%)
	Gay / Lesbian	41 (1.8%)
	Persons with disabilities	36 (1.6%)

Table 3-2 shows the distribution of the Society's membership by district. HRM was the most common district for members to be registered in, with the majority (64.0%) identifying it. The least common district was Cape Breton (6.7%). Distribution of the membership across the other two districts, and the "Other" category was relatively similar.

**Table 3-2:
Membership by District (Sept. 2014)**

District	Number of Members
HRM	1,445
Cape Breton	152
Central	204
Southwestern	235
Other	222
Total	2,258

Table 3-3 shows membership distribution across districts. As above, the HRM District was the most common across the membership, containing the majority of the members (64.0%). While the membership was not equally distributed across the remaining districts, no other single district accounted for more than 6% of the total membership. As such, outside of the concentration in HRM, the membership is relatively scattered across the remainder of the Nova Scotia.

**Table 3-3:
Membership across Districts**

Chapter	Number of Members
Annapolis	17
Antigonish	22
Cape Breton	120
Colchester	89
Cumberland	31
Digby	11
Guysborough	3
HRM	1,445
Hants	29
Inverness	25
Kings	90
Lunenburg	66
Pictou	51
Queens	8
Richmond	2
Shelburne	7
Victoria	5
Yarmouth	23
Total	2,558

Table 3-4 shows the distribution of members across the different employment types. While government or public sector is the single largest type of practice (22.1%), law firms – including partners, associates, and other associated categories – were the biggest employers of lawyers, accounting for over a third (37.8%) of the membership.

**Table 3-4:
Distribution of Practice Type (Sept. 2014)**

Type of Practice	Number of Members
Partner in law firm	457
Associate in law firm	322
Otherwise associated with law firm	75
Sole practitioner	284
In-house counsel (corporation)	128
Government or public sector	500
Other ²	105
Holds a practicing certificate but not currently practising law	44
Waived	1
Not provided ³	342
Total	2,258

² Individuals who selected the “Other” category were re-coded into one of the other relevant categories where possible.

³ These members did not provide information concerning their current practice status.

4.2 Membership Change over Time

Table 3-5 shows when members of the different demographic categories were called to the Bar. The first category, "All", shows the breakdown for the membership as a whole. As such, if entry into the legal profession is NOT impacted by belonging to a specific demographic or equity-seeking group, it would be expected that the proportions across the periods should be similar to the overall membership. An examination of Table 3-5 shows that this expectation is not met for any of the demographic categories.

**Table 3-5:
Membership Demographics across Time Periods**

Demographic Category		Before 1990	1990 to 1999	2000 to 2014	Total
All		818 (36.2%)	507 (22.5%)	933 (41.3%)	2,258 (100%)
Gender	Female	167 (19.6%)	229 (26.8%)	458 (53.6%)	854 (100%)
	Male	651 (46.4%)	278 (19.8%)	475 (33.8%)	1,404 (100%)
Equity-seeking Group	Acadian	18 (25.4%)	16 (22.5%)	37 (52.1%)	71 (100%)
	African NS / Black	4 (9.1%)	13 (29.5%)	27 (61.4%)	44 (100%)
	Mi'kmaq / Aboriginal	2 (4.3%)	17 (37.0%)	27 (58.7%)	46 (100%)
	LGBT	6 (14.6%)	8 (19.5%)	27 (65.9%)	41 (100%)
	Person w. Disability	9 (25.0%)	11 (30.6%)	16 (44.4%)	36 (100%)

With the exception of Acadians, all of the equity-seeking groups and women exhibited an increased in members who were called to the Bar over time. In fact, with the exception of persons living with a disability, the majority of all of the equity-seeking groups and the majority of females were called to the Bar after 1999. For women and members of the African NS / Black, Mi'kmaq / Aboriginal, and LGBT communities, this increase over time represented significant growth. While there was upward trending among Acadians and persons with disabilities, these shifts over time did not test as significant.

These results show that more members of all designated categories are entering the legal profession now than prior to 2000. This increase in the participation of designated groups is indicative of a level of success with employment equity. The growth of designated classes would imply increased comfort and confidence with the choice to enter the legal profession.

4.3 Member Employment Status by Type of Practice

Table 3-6 shows the breakdown of member employment status by gender and type of practice. Using the "All" column as a basis for comparison, it is possible to assess the degree to which gender impacts the distribution of member status.

**Table 3-6:
Member Status by Gender (Sept. 2014)**

Type of Practice	All	Gender	
		Female	Male
Partner in law firm	20.2%	12.3%	25.1%
Associate in law firm	14.3%	16.7%	12.7%
Otherwise associated with law firm	3.3%	1.6%	4.3%
Sole practitioner	12.6%	8.7%	15.0%
In-house counsel (corporation)	5.7%	6.7%	5.1%
Government or public sector	22.1%	29.5%	17.7%
Other	4.7%	6.1%	3.8%
Holds a practicing certificate but not currently practising law	1.9%	3.7%	0.9%
Waived	0.1%	0.0%	0.1%
Not provided	15.1%	14.6%	15.5%
Total	100.0%	100.0%	100.0%

Results of this analysis showed that gender does have a significant impact on the employment status of members. In particular, women were far more likely to report working for the government or public sector than the overall members. Additionally, women were less likely to be partners in a law firm. Women were slightly more likely to report being associates in a law firm than the general membership. However, when all of the law firm categories – partner, associate, otherwise associated – were added together, women (30.6%) were still significantly less likely to report working for a law firm than the overall membership (37.8%).

Table 3-7 shows the breakdown of practice type by membership in an equity-seeking group. The "All" column shows the distribution of the overall membership across type of practice, allowing for comparison by equity-seeking group. The degree to which these groups differ from the overall membership indicates the impact of their membership in that group on options for practice type.

**Table 3-7:
Type of Practice by Equity-seeking Group Membership (Sept. 2014)**

Type of Practice	All	Equity-seeking Group				
		Acadian	African NS / Black	Mi'kmaq / Aboriginal	LGBT	Person w Disability
Partner in law firm	20.2%	25.4	9.1	6.5	7.3	8.3
Associate in law firm	14.3%	16.9	18.2	17.4	17.1	19.4
Otherwise associated with law firm	3.3%	4.2	2.3	4.3	2.4	2.8
Sole practitioner	12.6%	19.7	9.1	17.4	12.2	19.4
In-house counsel (corporation)	5.7%	4.2	2.3	8.7	7.3	8.3
Government or public sector	22.1%	19.7	56.8	32.6	43.9	38.9
Other	4.7%	7.0	0.0	8.7	7.3	0.0
Holds a practicing certificate but not currently practising law	1.9%	2.8	2.3	4.3	2.4	2.8
Waived	0.1%	0.0	0.0	0.0	0.0	0.0
Not provided	15.1%	0.0	0.0	0.0	0.0	0.0
Total	100.0%	100.0	100.0	100.0	100.0	100.0

Results of the analysis show that membership in a equity-seeking group significantly impacted employment status. With the exception of Acadians, members of all equity-seeking groups are less likely to be partners in law firms and more likely to report that they are working for the government or public sector. Acadian members, however, were more likely to be partners in law firms than the overall membership. Members of all five equity-seeking groups were slightly more likely to be working as associates in a law firm. However, when all of the law firm categories – partner, associate, otherwise

associated – members of the African NS / Black (29.6%), Mi'kmaq / Aboriginal (28.2%), LGBT (26.8%) and disabled (30.5%) communities were significantly less likely to be working for a law firm than the overall membership (37.8%).

These results suggest the government and public sector are responsible for the majority of the advances in employment equity. Given that these institutions tend to be more tightly tied to public issues and legislation, it would be expected that they would meet employment equity targets more quickly. Additionally, members of equity-seeking groups may search out opportunities to further advance the status of their community. These opportunities would be available more readily in the public sphere where efforts could be directed toward legislative change or public assistance.

Although women and equity-seeking groups participate in law firms at a lower rate than the overall Society membership, the slight over-representation at the associate level in law firms does show promise for employment equity. The biggest imbalance within law firms occurs at the partner level. However, individuals need to work at the associate level before reaching the partner level. Given the fact that many of the members of equity-seeking groups entered the legal profession after 2000, the imbalance at the partner level within law firms may get addressed as associates are promoted to this level.

4.4 Employment Status by Type of Practice over Time

Tables 3-8 to 3-13 show the shifts in practice type over time for each of the designated groups for employment equity. Due to low overall numbers, or large changes in numbers between time periods, it was not possible to determine significant shifts in practice type between time periods. As such, observed patterns of changing practice types over time should be viewed as suggestive rather than definitive.

Table 3-8 shows how the distribution of women across employment status changed across time. The largest change in women's practice type over time is their involvement in associate positions at law firms. Specifically, both the raw number and the proportion of women who were associates in a law firm increased dramatically for those called to the Bar after 2000. This would indicate that law firms are beginning to address gender equity in their workforce.

Table 3-8:
Changes in Practice Type among Females over Time

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	24 (14.4%)	41 (17.9%)	40 (8.7%)
Associate in law firm	8 (4.8%)	12 (5.2%)	123 (26.9%)
Otherwise associated with law firm	7 (4.2%)	3 (1.3%)	4 (0.9%)
Sole practitioner	26 (15.6%)	23 (10.0%)	25 (5.5%)
In-house counsel (corporation)	6 (3.6%)	22 (9.6%)	29 (6.3%)
Government or public sector	38 (22.8%)	87 (38.0%)	127 (27.7%)
Other	13 (7.8%)	18 (7.9%)	21 (4.6%)
Holds a practicing certificate but not currently practising law	10 (6.0%)	5 (2.2%)	17 (3.7%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	35 (21.0%)	18 (7.9%)	72 (15.7%)
Total	167 (100.0%)	229 (100.0%)	458 (100.0%)

Table 3-9 shows how the employment status of members of the French Acadian community changed over time. For many of the practice type categories, participation rates fluctuated erratically or stayed stable across time. The only category where French Acadian members showed a clear pattern over time was associate in a law firm. The Acadian French community who were called to the Bar after 2000 showed a sudden and dramatic increase in their participation as associates in law firms compared to members called to the Bar before 2000. This is indicative of private law firms addressing employment equity within their businesses.

Table 3-9:
Changes in Practice Type among the Acadian French Community over Time

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	6 (33.3%)	6 (37.5%)	6 (16.2%)
Associate in law firm	1 (5.6%)	0 (0.0%)	11 (29.7%)
Otherwise associated with law firm	1 (5.6%)	1 (6.3%)	1 (2.7%)
Sole practitioner	5 (27.8%)	1 (6.3%)	8 (21.6%)
In-house counsel (corporation)	0 (0.0%)	1 (6.3%)	2 (5.4%)
Government or public sector	4 (22.2%)	4 (25.0%)	6 (16.2%)
Other	1 (5.6%)	2 (12.5%)	2 (5.4%)
Holds a practicing certificate but not currently practising law	0 (0.0%)	1 (6.3%)	1 (2.7%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	18 (100.0%)	16 (100.0%)	37 (100.0%)

Table 3-10 shows how the employment status of members of the African NS / Black community changed over time. Similar to the Acadian French community, the practice types of African NS / Black members in Nova Scotia tends to be erratic across time. However, as above, members of the African NS / Black community who were called to the Bar show a dramatic increase in reporting being an associate in a law firm. This would again imply that employment equity issues are again being redressed by private law firms.

**Table 3-10:
Changes in Practice Type among the African NS / Black Community over Time**

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	1 (25.0%)	0 (0.0%)	3 (11.1%)
Associate in law firm	0 (0.0%)	1 (7.7%)	7 (25.9%)
Otherwise associated with law firm	0 (0.0%)	0 (0.0%)	1 (3.7%)
Sole practitioner	1 (25.0%)	1 (7.7%)	2 (7.4%)
In-house counsel (corporation)	0 (0.0%)	0 (0.0%)	1 (3.7%)
Government or public sector	2 (50.0%)	11 (84.6%)	12 (44.4%)
Other	0 (0.0%)	0 (0.0%)	0 (0.0%)
Holds a practicing certificate but not currently practising law	0 (0.0%)	0 (0.0%)	1 (3.7%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	4 (100.0%)	13 (100.0%)	27 (100.0%)

Table 3-11 shows how the employment status of members of the Mi'kmaq / Aboriginal community changed over time. As with the previous designated and equity-seeking groups, the clearest pattern of change over time is with associate in law firm. As with the previous results, the pattern shows that members of the Mi'kmaq / Aboriginal community who were called to the Bar since 2000 were more likely to be an associate in a law firm. Again this indicates the addressing of equity issues within the legal profession.

**Table 3-11:
Changes in Practice Type among the Mi'kmaq / Aboriginal Community over Time**

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	0 (0.0%)	1 (5.9%)	2 (7.4%)
Associate in law firm	0 (0.0%)	1 (5.9%)	7 (25.9%)
Otherwise associated with law firm	1 (50.0%)	0 (0.0%)	1 (3.7%)
Sole practitioner	0 (0.0%)	4 (23.5%)	4 (14.8%)
In-house counsel (corporation)	0 (0.0%)	3 (17.6%)	1 (3.7%)
Government or public sector	1 (50.0%)	7 (41.2%)	7 (25.9%)
Other	0 (0.0%)	1 (5.9%)	3 (11.1%)
Holds a practicing certificate but not currently practising law	0 (0.0%)	0 (0.0%)	2 (7.4%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	2 (100.0%)	17 (100.0%)	27 (100.0%)

Table 3-12 shows how the employment status of members of the gay / lesbian / bisexual / transgendered community changed over time. Members of this community showed the same pattern over time as previously discussed. Members of the LGBT community who were called to the Bar since 2000 were more likely to report being an associate in a law firm than members called before 2000. Additionally there was increase in the number of partners from the LGBT community post-2000. Both trends would imply that law firms are addressing issues of employment equity.

**Table 3-12:
Changes in Practice Type among the LGBT Community over Time**

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	0 (0.0%)	0 (0.0%)	3 (11.1%)
Associate in law firm	0 (0.0%)	0 (0.0%)	7 (25.9%)
Otherwise associated with law firm	0 (0.0%)	1 (12.5%)	0 (0.0%)
Sole practitioner	1 (16.7%)	0 (0.0%)	4 (14.8%)
In-house counsel (corporation)	0 (0.0%)	1 (12.5%)	2 (7.4%)
Government or public sector	4 (66.7%)	4 (50.0%)	10 (37.0%)
Other	1 (16.7%)	2 (25.0%)	0 (0.0%)
Holds a practicing certificate but not currently practising law	0 (0.0%)	0 (0.0%)	1 (3.7%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	6 (100.0%)	8 (100.0%)	27 (100.0%)

Table 3-13 shows how the employment status of members with disabilities has changed over time. As with all other designated and equity-seeking groups, the most dramatic shift has been with associate in a law firm. Persons with a disability who were called to the Bar after 2000 were more likely to report being an associate in a law firm than individuals called to the Bar before 2000. As mentioned above, this result would imply that law firms are addressing issues of employment equity.

Table 3-13:
Changes in Practice Type among Persons with Disabilities over Time

Type of Practice	Time Period		
	Before 1990	1990 to 1999	2000 to 2014
Partner in law firm	2 (22.2%)	0 (0.0%)	1 (6.3%)
Associate in law firm	0 (0.0%)	2 (18.2%)	5 (31.3%)
Otherwise associated with law firm	0 (0.0%)	0 (0.0%)	1 (6.3%)
Sole practitioner	2 (22.2%)	3 (27.3%)	2 (12.5%)
In-house counsel (corporation)	0 (0.0%)	1 (9.1%)	2 (12.5%)
Government or public sector	5 (55.6%)	5 (45.5%)	4 (25.0%)
Other	0 (0.0%)	0 (0.0%)	0 (0.0%)
Holds a practicing certificate but not currently practising law	0 (0.0%)	0 (0.0%)	1 (6.3%)
Waived	0 (0.0%)	0 (0.0%)	0 (0.0%)
Not provided	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	9 (100.0%)	11 (100.0%)	16 (100.0%)

5 Conclusions

The results of the analysis of the membership data indicate an overall improvement in employment equity within the legal profession. More members of designated and equity-seeking groups are entering the legal profession than previously. Additionally, while much of the increase in their participation is being absorbed by government and the public sector, there are indications that private firms are becoming more accessible to members of designated groups. While overall numbers of equity-seeking group members are still too low to make definitive statements, those who have been recently called to the Bar are being employed as associates in law firms more often than in the past. Viewing associate status within a law firm as a stepping stone to partner status, it could be expected that the imbalance that currently exists at the partner level could eventually begin to decrease.

Caution should be exercised when interpreting the results in this report. The analysis conducted and conclusions drawn were based on the distribution of the Society's current membership. Within the current membership, there were imbalances found in the year of call and practice types for different demographic groups. Additionally, it found that these imbalances within the membership appeared to be slowly being addressed. However, this report did not address any differences between the Society's current membership and the overall demographic breakdown of the general population. Thus, while the report found that distributional imbalances for women within Nova Scotia's legal profession are improving, it does not speak to the fact that only 37.8 per cent of the Society's membership is female, rather than the 50 per cent that would be expected.

6 Bibliography

Nova Scotia Barristers' Society (2012). Employment Equity in the Legal Profession in Nova Scotia.

http://nsbs.org/sites/default/files/ftp/2012-01-31_EmploymentEquityLegalProfessionNS.pdf

Nova Scotia Barristers' Society (2006). 2006 Employment Equity Questionnaire Report.

http://nsbs.org/sites/default/files/ftp/EQ010906_EquityReport06.pdf

Nova Scotia Barristers' Society (2013). Mandate of Equity Office.

http://cdn2.nsbs.org/sites/default/files/cms/menu-pdf/2013-05-24_eq_mandate.pdf

Nova Scotia Barristers' Society (2014). Equity timeline. Provided by Nova Scotia Barrister's Society.

7 APPENDIX A - ANALYSIS

The analysis was conducted using the data from the anonymized Society membership information. The dataset included demographic information for members as well as annual data collected from members from 2009 to 2014 concerning their type of practice and their membership in various equity-seeking groups. The full variable list included:

- Anonymized ID ;
- Gender;
- Year of Call;
- Chapter;
- District;
- Aboriginal;
- Black / Other;
- Racialized; and
- Person with Disability.

Additionally, several variables were collected annually from 2009 to 2014. While the information collected was similar across years, the terminology for some categories changed over time. These variables are presented in Table A-1.

**Table A-1:
Annual Variable List**

Year of Variable					
2014	2013	2012	2011	2010	2009
Practice Type	Practice Type	Practice Type	Practice Type	Practice Type	Practice Type
Status (Other)	Status (Other)	Status (Other)	Status (Other)	Status (Other)	Status (Other)
Community – no answer	Community – no answer	Community – no answer	Community – no answer	Community – no answer	Community – no answer
Acadian	Acadian	Acadian	Acadian	Acadian	Acadian
African NS / Black	African NS / Black	African NS / Black	African / Black	African / Black	African / Black
Mi'kmaq / Aboriginal	Mi'kmaq / Aboriginal	Aboriginal Member	Aboriginal Member	Aboriginal Member	Aboriginal Member
Racialized	Racialized	Visible Equity-seeking	Visible Equity-seeking	Visible Equity-seeking	Visible Equity-seeking
LGBT	LGBT	Sexual Orientation	Sexual Orientation	Sexual Orientation	Sexual Orientation

		Member	Member	Member	Member
Disability	Disability	Disabled Member	Disabled Member	Disabled Member	Disabled Member
Community (Other)	Community (Other)	Community (Other)	Community (Other)	Community (Other)	Community (Other)
Community - None of the above					

Due to the nature of the dataset, several of the variables were presented numerous times. Membership in an equity-seeking group was presented repeatedly throughout the dataset, both for the individual years, and at the start of the dataset. Analysis of the repetitions of these equity-seeking variables found inconsistencies in self labelling across the different variables. That is, some individuals indicated belonging to an equity-seeking group in one instance, and did not indicate belonging to that same group in other instances. Some of these discrepancies are possibly due to members joining the Society between 2009 and 2014, and as such are not listed as members of equity-seeking groups for those periods before they joined. However, not all discrepancies can be explained this way.

While the individual instruments used to collect the data were not available for analysis, the changes in some of the variable labels between years indicate that the instrument underwent some revision between years. As such, the categories available to members, and possibly the wording of questions, changed. This could lead individuals to change their identification with specific communities.

As such, without further information about data collection, the analysis was conducted using the information collected for 2014. This year was selected for the analysis because:

- It had the most recent data available;
- The demographic categories best reflect the Society's current focus; and
- It had the most complete data with information from all Society members called to the Bar.

Analyses conducted for the different equity-seeking categories showed that the 2014 data contained more identified members than other years or the undated variables.

To determine the impact of the Society's equity efforts, the following variable sets were analysed:

- Year of Call;
- Type of Practice (2014); and
- Membership in a designated class or equity-seeking group.

The relationships between these three variable sets were investigated to determine the impact that membership in an equity-seeking group had on working in the legal profession.

In the first set of analyses, two-way chi-square tests were conducted for each of the equity-seeking groups and year called to the Bar. To simplify the analysis, the variable year called to the Bar was collapsed into three distinct time periods:

- Before 1990;
- 1990 to 1999; and
- 2000 to 2014.

These three time periods were selected to roughly correspond with the introduction of the Society's efforts to improve equity in the legal profession, thereby representing Before-, During-, and After-change.

The results of these analyses found statistically significant differences for year of call and women, as well as members of the African NS / Black, Mi'kmaq / Aboriginal, and gay / lesbian communities. More members of these groups reported being call to the Bar after 2000.

The second analysis conducted a series of two-way chi-square between membership in an equity-seeking group and employment status by type of practice. The results of these analyses showed significant statistics differences for women and members of all equity-seeking groups. The distribution of practice type was significantly impacted by membership in and of the designated or equity-seeking groups. However, given the low numbers of some of the communities, these results are indicative, rather than evidence, of the impact that equity-seeking memberships can have on employment status.

The third analysis investigated the three-way interaction between all of variables: equity-seeking membership, year called to the Bar, and employment status by type of practice. This analysis was conducted to determine if equity-seeking membership affected employment status differently with different levels of experience. A log linear analysis was conducted for each equity-seeking group to determine the interaction between time and employment status. In all of the cases, experience did not interact with type of practice. This indicates that experience impacts employment status equally for equity-seeking and non-equity-seeking groups. However, given the low numbers of some equity-seeking groups within certain employment categories, these results are only suggestive.