Abstract
This thesis examines the experiences of foreign trained black lawyers navigating the Canadian legal credentialing process in Ontario and how that has impacted their lives. I chose to focus on foreign trained black lawyers (FTBL) and take a comparative look at black lawyers born and trained in Africa and the Caribbean as well as Canadian born blacks who studied outside Canada. FTBL includes those who are born in Canada and study abroad and those who are immigrants to Canada. The research employed a discursive framework, using the intersectionality of critical race theory and integrative anti-racist theory to contextualize and examine the issue. I employed a mixed method design using an online survey and interviews to examine and analyze the challenges of foreign trained black lawyers becoming credentialled in the Ontario legal system. The five major themes that emerged are as follows: 1) the NCA’s (National Committee on Accreditation) lack of transparency and consistency in the process of accreditation, and the Law Society of Upper Canada, specifically the LSUC exams; 2) Articling in Ontario,
focusing on the challenges of securing articling positions; 3) the Impact of Racism, focusing on disempowerment and discrimination; 4) Resilience and Career motivation, highlighting the participants’ coping mechanisms, sustenance and support; and 5) Networking, in particular relating to the importance and relevance of social capital in finding suitable work experiences.
Acknowledgments

This thesis would not be possible without the support and help of many people. First always, thank You, Lord, God Almighty, for sustaining me through this exciting academic journey! Then, a huge thank you to my thesis supervisor—Dr. Njoki Wane, a rock, a wonderful patient mentor, and my committee members Dr. Ann Lopez, my excellent Teacher Education Program Assistant (TEPA) supervisor, who nurtured my love for teaching in the classroom, Dr. Karen Mundy, who encouraged me from the beginning of my Ph.D. journey, and Dr. Jamie Magnusson, who willingly and graciously stepped in when Dr. Mundy took up an appointment outside the university. To my committee members who have supported me through this journey and never gave up on me even when I may have felt like giving up on myself, thank you for your encouragement. Not once did you let me believe it was impossible, but you all recognized the challenges, particularly as women with families to take care of as well. In your unique ways, you all encouraged me to live up to my name, “Tiisetso,” (perseverance).

I also thank Dr. Eucharia Kenya for being my External Examiner as well as Dr. Linda Muzzin and Dr. Miglena Todorova, for being my Internal and Alternate Internal examiners respectively. Your contributions, comments and recommendations were invaluable.

Thank you to my Mum, my constant champion, even throughout her difficult illness, and my Dad, my anchor, who always encouraged my education and told me I was “a woman of vision” when I left Zimbabwe to pursue graduate studies. To my family, Harry, Zoe, and Thea, who have endured a lot, thank you for all your sacrifices; I
love you. Thank you to my brothers Tem, Se, and Moki, who I know thought of me even when we were apart for so long. And to my extended family and friends in Canada, Aunty Baliseng and cousins, and my niece Ultsile, who found time from her busy medical school schedule to hang out with her cousins. Thank you also to all my friends at OISE, in particular Jennifer Jangire, Kara Janigan, Cindy Sinclair and Sameena Eidoo.

To my dearest friends, Sheilla Mugugu, Patie Motlana, Kerry Carpenter, Lindsay Welbers, Hala Mbulai, Mark Masvikeni, and last but not least Esther Baah Amoako, and all my friends who gave an encouraging word on the way whom I can’t all mention by name, thank you.

Thank you to my Church family, in particular Bethel SDA Church, GTA Zimbabwe Company, and Ottawa East SDA Church, and all my brothers and sisters in Christ whom I have met along this journey.

Special mention goes to my cousin Asher Carpenter for the gym training, which is invaluable in helping keep me physically fit, as well as for his constant prayers and encouragement.

To my Massey College family, in particular John Fraser, Clement Jumbe, Ana Luengo, and Tembeka Keswa Ndlovu, “Thank you.” They were always there when I needed them. Thank you to my sisters at the Congress of Black Women of Canada (CBWC) Mississauga Chapter especially for the honor of being the first ever-adult scholarship recipient. Thank you to Amnesty International Canada (English speaking), in particular to my Articling Principal Alex Neve, for believing me at a time when I had almost given up hope.
To OISE Student Services for financial support special mention goes to Lise Watson and Marge Brennan. Thank you to the Resource Center staff at Bloor Dixie, who never asked but were always friendly whenever I went in to use the computer, printer, scanner, or fax machine. To all the people and organizations I contacted to help find participants: the Canadian Association of Black Lawyers (CABL), Sistahs-in-Law (the Black Female Lawyers Network), and the Facebook NCA group, “Thank you.” Last but certainly not least, my eternal gratitude goes to all the Foreign Trained Black Lawyers who were so willing to participant and pass on information about this study as well as openly share their stories, laughter, and experiences. These are our stories and this thesis would not have been possible without your participation. As they say in my mother tongue, Sotho, “Kea leboha.” (Thank you)!

This has been a great, rewarding educational journey for me, and I believe the following words in *Education*, from a great spiritual writer, about the source and aim of true education that inspired me are pertinent:

Our ideas of education take too narrow and too low a range. There is need of a broader scope, a higher aim. True education means more than the pursual of a certain course of study. It means more than a preparation for the life that now is. It has to do with the whole being, and with the whole period of existence possible to man. It is the harmonious development of the physical, the mental, and the spiritual powers. It prepares the student for the joy of service in this world and for the higher joy of wider service in the world to come. (White, 1903)
Acronyms

Black Female Lawyers Network (BFLN)
Bulawayo Legal Projects Center (BLPC)
Bulawayo Polytechnic in the Department of Commerce and Education (COMEDU)
Canadian Association of Black Lawyers (CABL)
Canadian Bar Association (CBA)
Critical Race Theory (CRT)
Federation of Law Societies of Canada (FLSC)
Foreign Trained Black Lawyers (FTBL)
Law Society of Upper Canada (LSUC)
Legal Resources Foundation’s (LRF)
National Committee on Accreditation (NCA)
National University of Science and Technology (NUST)
Iowa State University (ISU)
Ontario Institute for Studies in Education of the University of Toronto (OISE/UT)
Ontario Bar Association (OBA)
Teacher Education Program Assistant (TEPA)
University of Toronto’s Internationally Trained Lawyers Program (ITLP)
University of Zimbabwe (UZ)
Women’s Health in Women’s Hands (WHIWH)
Zimbabwe Human Rights Association (ZimRights)
# Table of Contents

Acknowledgments ....................................................................................................................... iv

Acronyms ................................................................................................................................... vii

Table of Contents ....................................................................................................................... viii

List of Tables ............................................................................................................................. xiii

List of Figures ............................................................................................................................ xiv

List of Appendices ..................................................................................................................... xv

Chapter 1 Introduction .............................................................................................................. 1

1 Lawyer Credentialing in Ontario ......................................................................................... 2

1.1 Statement of Research Issue ......................................................................................... 2

1.2 The Research Questions ............................................................................................... 5

1.3 Theoretical/Conceptual Framework ............................................................................ 12

1.4 Methodology ............................................................................................................... 14

1.5 The Researcher – Locating Myself ............................................................................ 15

1.6 Summary ..................................................................................................................... 28

Chapter 2 Literature Review ................................................................................................... 29

2 Our Racialized Society .......................................................................................................... 32

2.1 Speaking About Race .................................................................................................. 35

2.2 Theoretical/Conceptual Framework ............................................................................ 44

2.2.1 Critical Race Theory ............................................................................................. 47

2.2.2 Integrative Anti-racist Theory .............................................................................. 53

2.2.3 Social Capital ....................................................................................................... 59

2.3 Summary ..................................................................................................................... 63

Chapter 3 Research Design and Methods ............................................................................. 64

3 Research Design ............................................................................................................... 68
8.1.1 Resilience and Career Motivation – Coping mechanism and sustenance ................................................................. 211

8.1.2 Career Motivation ............................................................................................................................................... 218

8.1.3 Finances and Sustenance .................................................................................................................................. 223

8.2 Summary ............................................................................................................................................................... 229

Chapter 9 Networking ................................................................................................................................................. 230

9 Networking ................................................................................................................................................................. 230

9.1 Networking – Importance of Social Capital ................................................................................................. 232

9.2 Summary and Discussion of Theme ........................................................................................................... 238

9.2.1 Networked and or Joined a Legal Association .................................................................................... 239

9.2.2 Type of Work .................................................................................................................................................. 250

9.3 Summary ............................................................................................................................................................... 254

Chapter 10 Participants’ Final Thoughts and Recommendations ........................................................................ 256

10 Participants’ Final Thoughts ........................................................................................................................................ 256

10.1 Summary of Final Thoughts and Recommendations .................................................................................. 257

10.2 Discussion of Participants Final Thoughts and Recommendations .......................................................... 257

10.2.1 Information ................................................................................................................................................ 258

10.2.2 Process ......................................................................................................................................................... 262

10.2.3 Articling ....................................................................................................................................................... 264

10.2.4 Mentoring/Association ........................................................................................................................... 266

10.2.5 Networking ................................................................................................................................................ 267

10.2.6 Previous Experience/Type of Exams and Other Factors ................................................................. 271

10.3 Summary ............................................................................................................................................................... 276

Chapter 11 Recommendations and Conclusion .................................................................................................. 277

11 Summary of Research Thesis ..................................................................................................................................... 277

11.1 Research Question ........................................................................................................................................... 278
11.1.1 Summary of Literature Review and Theoretical Framework ................. 279
11.1.2 Summary of Research Design ............................................................... 284
11.2   Major Findings ........................................................................................ 288
   11.2.1 Surprises ............................................................................................ 289
   11.2.2 Limitations ....................................................................................... 290
11.3   Recommendations and Conclusion ...................................................... 291
   11.3.2 Implications for Action ..................................................................... 296
11.4   Recommendations for Further Research ............................................. 300
11.5   Final Summary and Conclusion ............................................................ 302
References ......................................................................................................... 306
Appendices ......................................................................................................... 325
List of Tables

Table 1: Characteristics of Four Qualitative Research Approaches ........................................ 66

Table 2: Common Law and “Hybrid” Jurisdictions .................................................................. 78

Table 3: Participant Profiles – One-on-One Interviews .......................................................... 81

Table 4: Five Themes and Sub-themes in chapter order ......................................................... 93

Table 5: Online Survey Participant Profiles ............................................................................. 94

Table 6: Law Schools Participants Originally Attended ........................................................... 101

Table 7: Overview of Participants including Location in Ontario ............................................ 106

Table 8: How Participants Found out about the NCA ............................................................... 113

Table 9: List of Courses Participants had to take to meet their NCA Requirements .... 117

Table 10: Faith of Survey Participants .................................................................................... 206

Table 11: Selected Religions, Ontario and Canada (2001 Census) ............................................. 209

Table 12: Social Assistance Recipients ................................................................................... 224

Table 13: Social Assistance Recipients ................................................................................... 225

Table 14: Types of Networks and Professional Associations Joined ....................................... 240

Table 15: Intersection of Participants’ Final Thoughts and Major Themes ............................... 257
List of Figures

Figure 1: Demographics ........................................................................................................... 96

Figure 2: Marital Status ........................................................................................................... 97

Figure 3: Ethnicity .................................................................................................................... 98

Figure 4: Legal Status ............................................................................................................. 99

Figure 5: Established Law Society in Country Participants Studied in Originally ........ 102

Figure 6: Was it Easy Getting all the Information from your Initial Law School and Law Society? .................................................................................................................... 103

Figure 7: Interested in Further One-on-One Interviews ....................................................... 105

Figure 8: Courses assessed to do to get COQ .................................................................... 114

Figure 9: Ontario Lawyer Licensing Process Flow Chart ...................................................... 133

Figure 10: Did you apply to do full articles? ........................................................................ 151

Figure 11: Did you apply for an abridgment? ...................................................................... 153

Figure 12: Do you Practice Your Faith? ............................................................................... 205

Figure 13: Income Levels ...................................................................................................... 223
List of Appendices

Appendix A: Consent Letter........................................................................................................ 325

Appendix B: NCA Evaluations 1999 to 2009........................................................................... 329

Appendix C: NCA COQ issued 1999 to 2009......................................................................... 331
Chapter 1
Introduction

My research is about the experiences of foreign trained black lawyers (FTBL) navigating the Canadian legal credentialing process, which consists of the National Committee on Accreditation (NCA) and the lawyer licensing process through the Law Society of Upper Canada (LSUC) in Ontario. FTBL includes those who are born in Canada and study abroad and those who are immigrants to Canada. When newcomers arrive in Ontario, Canada, specifically, many are told:

Welcome to Ontario, the most multicultural province in Canada, where half of all new immigrants make their home. Ontario is a land of opportunity. It is a prosperous, democratic society built by the hard work of generations of immigrants.¹

Those who are lawyers and immigrate to Canada are part of the group of new immigrants who choose to make Ontario their home. This research is on the ease of access and barriers endured to the legal profession for foreign trained black lawyers in their new home so that they can practice in their desired professional field. There was a time when applicants to the lawyer licensing process had to be Canadian citizens or permanent residents, but that is no longer required.² I chose to focus on foreign trained black lawyers and take a comparative look at black lawyers born and trained in Africa

¹Ontario, Canada website, retrieved from http://www.ontarioimmigration.ca/en/welcome/index.htm
²Prerequisites for Application to the Lawyer Licensing Process, retrieved from http://www.lsuc.on.ca/with.aspx?id=2147486495
and the Caribbean as well as Canadian born blacks who studied outside Canada because I wanted to see what the differences and similarities would be.

In this chapter, I highlight why I took up this research project and provide a brief background of the Canadian legal credentialing process, referring to the accreditation body (NCA) and law society in Ontario (LSUC). I discuss my research statements and locate myself in the research. I describe my research methods briefly and highlight the themes that emerged from the data analysis. Finally, I give a summary of all my chapters.

1 Lawyer Credentialing in Ontario

1.1 Statement of Research Issue

There has not been any empirical research conducted exclusively focused on the challenges of foreign trained black lawyers seeking licensure in Ontario and their journey in that process as well as racialized lawyers from Ontario Law schools. This work seeks to contribute to the body of knowledge on racialized lawyers by documenting the experiences of foreign trained black lawyers both male and female focusing on their experiences on the journey to becoming trained lawyers in Ontario. A 2010 report prepared by the Law Society of Upper Canada (LSUC) shows that there has been a vast increase in the number of racialized females, particularly black female lawyers, graduating from Ontario law schools and becoming lawyers, however the journey to licensure has not been researched. Overall, black women are graduating in larger numbers from Canadian law schools. It is my hope that this research will work as a source of inspiration and a means of sourcing much-needed resources, human and financial, to help foreign trained black lawyers better and more effectively maneuver the credentialing process and secure articling positions and higher earning legal positions in
the future. The “Racialization and Gender of Lawyers in Ontario” executive summary ends by stating:

The future will bring an increasingly diverse legal profession. Profound demographic changes will challenge the profession to achieve corresponding cultural change and equity within the profession.

All foreign trained lawyers must go through the National Committee on Accreditation (NCA) for accreditation of their legal qualifications. This research could assist in bringing academic credibility and in enhancing the transformative-emancipatory paradigm (Mertens, 2003) related to the issue of foreign trained black lawyers and their credentialing experiences entering into the Canadian legal community. The NCA is a standing Committee of the Federation of Law Societies of Canada (FLSC) and is made up of representatives from the Council of Canadian Law Deans, members of the practicing bar, and members involved with the administration of provincial law societies. This statement on the NCA website aptly explains the purpose of the NCA.

Foreign lawyers who wish to become members to Canadian Law Societies must apply to the National Committee on Accreditation for an evaluation of their legal credentials and experience. The NCA was established through the joint efforts of the Council of Canadian Law Deans and the Federation to evaluate credentials of persons applying from outside Canada for admission to one of the Canadian Law Societies and to evaluate degrees from the province of Québec for the purposes of entry into the bars of the common law provinces.

Once foreign trained lawyers have completed the evaluation process and have successfully passed the exams that were assigned to them, the next step is to register to be licensed as lawyers. I must note here that the NCA uses the term “foreign trained

3 Racialization & Gender of Lawyers in Ontario – NEW report from the Law Society of Upper Canada (April 2010).
lawyers” to refer to lawyers trained outside Canada, and the University of Toronto Law School uses the term “internationally trained lawyers.” The difference in labeling speaks volumes.

The Law Society of Upper Canada (LSUC) is the provincial law society for regulating the legal profession in Ontario. The Law Society regulates Ontario lawyers and paralegal licensees in the public interest. The academic requirements for applying to and entering the licensing process are to complete a common law degree program (LL.B or J.D.) from an approved Canadian university or complete a Certificate of Qualification from the National Committee on Accreditation. Licensing candidates then have to complete a 10-month period of articling, an online Professional Responsibility course, and two 7 hour multiple-choice exams, namely the Barrister’s and the Solicitor’s exams.

The Law Society of Upper Canada has the highest numbers of registered lawyers in Canada. Moreover, it has a policy for equity and diversity in Ontario’s law profession, which states:

The Law Society of Upper Canada is committed to promoting equity and diversity in the legal profession and to help stop discrimination and harassment. Through its activities, and through its Equity Initiatives Department, it seeks to ensure that both law and the practice of law are reflective of all the peoples of Ontario, including Aboriginal people, Francophone people and equity-seeking communities. The Law Society’s Equity Initiatives Department is not, however, involved with the evaluation of foreign legal credentials.


What this means is that the equity initiatives department are primarily concerned with access to legal services particularly from people from racialized communities. They are not concerned with the credentialing of trained lawyers, which include racialized lawyers, seeking entrance into the legal profession.

1.2 The Research Questions

The major research question addressed in this project is:

Are foreign trained black lawyers in Ontario disproportionately challenged by the NCA/Law Society of Upper Canada’s (LSUC) credentialing and licensing process?

To answer this question, an online survey and one-on-one participant interviews were conducted. The following sub-questions allowed me to elaborate on the major research question:

1. What factors contributed to the challenges of foreign trained black lawyers in Ontario as they navigated the NCA process? [This was accomplished through a literature review, examining Critical Race Theory and integrative anti-racist theory and conducting participant interviews].

2. How does the legal community/law schools/Law Society in Ontario assist NCA students’ education process? [This was accomplished through analysis of the online survey data, analyzing participant interviews, observation, and a literature review on Critical Race Theory and integrative anti-racist theory].

3. Do foreign trained black lawyers face undue challenges credentialing in Ontario? [This was accomplished through interviewing participants].

4. What is the impact of the NCA/Law Society in contributing toward and/or dispelling the challenges foreign trained black lawyers face when credentialing in Ontario? [This was accomplished through the online survey/questionnaire, i.e. online Facebook NCA group].

I chose this particular topic to help uncover why there are so many foreign trained lawyers doing work that is unrelated to their qualifications and the challenges
they face. Our understanding of self is inclusive of who we are professionally. Canada (the Great White North), historically as a world moral leader strongly advocates for human rights. In many societies, a lawyer is viewed as a teacher, advisor, and someone people look to for help advocating and protecting human rights; yet ironically the basic right to work is effectively denied for foreign trained lawyers who lack “Canadian experience,” and whose knowledge and experience is excluded from the legal process, particularly as it affects many subjects who as research shows need this expertise and knowledge. The NCA website has the number of lawyers by country who apply for evaluation of their qualifications as well as the number of certificates of qualification that are issued. Statistics⁷ from 49 countries during the period 1999–2009 showed that a total of 1708 Certificates of Qualification (COQ) were issued (three foreign trained lawyers were from Zimbabwe – gender unknown). During the same period, 4,515 foreign trained lawyers applied for the evaluation of their credentials (nine of whom were from Zimbabwe). I am singling out Zimbabwe because that is my country of origin. Therefore, as of July 2010, 2,807 of those evaluated had not completed the process and secured a COQ.

The process for foreign trained lawyers and other professionals to become licensed in Ontario can be viewed as prohibitive. The Fairness Commissioner

______________


recognized that "registration is complex, costly, and time-consuming, and steps should be taken to make the process less cumbersome." For instance, for a foreign trained lawyer the process includes getting transcripts from the country where they completed their degree; requesting and obtaining letters of good standing from the Law Society; obtaining fees to apply for evaluation; obtaining fees to apply to be admitted in law school; obtaining fees for the NCA and/or registering in the Law Society’s lawyer licensing process; and obtaining fees for the licensing examinations. All these steps are expensive and involved for newcomers be they a refugee or skilled worker, who oftentimes do not have the money required to commence the process. The Fairness Commissioner recently conducted research that speaks to the experiences of international and Canadian applicants getting their professional licenses in Ontario. It noted that the experiences in many respects are similar to the experiences of the participants in this research. This study is needed to document the experiences of foreign trained black lawyers specifically and to have their voices and knowledge to add to this important area.


8 Getting Your Professional License in Ontario: The Experiences of International and Canadian Applicants Presentation of Research Findings to Regulatory Bodies

I am also a foreign trained black lawyer going through the lawyer credentialing process in Ontario, which I speak to in more detail in section 1.5, locating myself in the research. Through my location and experiences as a foreign trained black lawyer I am aware that foreign trained lawyers of all races and ethnicities share many challenges. In undertaking this research I chose a discursive theoretical framework, using critical race theory and integrative anti-racist theory, to support a greater understanding of the experiences of this group of black foreign trained lawyers who are NCA students where their experiences intersect with their racial identities. This research explores these issues in greater depth to illuminate FTBL’s experiences. It could also help stakeholders in the legal profession understand the experiences of those outside the dominant group, as well as provide the legal profession as a whole with a means of understanding the lived experiences of foreign trained black lawyers and in the process, examine ways to address their challenges.

The research reveals the experiences, successes, and challenges of foreign trained lawyers in Ontario or what some now refer to as internationally trained lawyers. Moreover, it shows their similarities and differences, particularly for black lawyers who come from or have been trained in nations that were colonized. I was interested in seeing if and how the lawyer credentialing process was structured to ensure that the “interests of some members of society are preserved and perpetuated at the expense of others” (Merriam, 2009). I use critical race theory (CRT) and integrative anti-racist theory to help answer the research questions. CRT researchers, many of whom are black, used the CRT approach in the legal system to examine the impact of race in terms of defending alleged black offenders in the criminal justice system, but it has also
been used to understand differences and diversity in education. In this regard CRT provides a theoretical framework that allows me to unpack the participants' experiences. CRT does not speak only to the black experience; it also speaks to the experiences of all people of colour. I wanted to see if the experiences illustrate many similar threads among foreign trained black lawyers. A better understanding of these experiences and how that intersects with their racial identities helps make sense of why individuals have had certain successes and challenges in navigating the NCA process and LSUC in the journey to become licensed lawyers in their new home. As mentioned earlier that not all foreign trained black lawyers are foreign born. Some are Canadian born but for a variety of reasons studied for their law degree outside Canada and on return also had to go through de-skilling and re-skilling to be “up to par” with the Canadian trained lawyer. I place “up to par” in quotes because there is an assumption in some quarters that foreign trained lawyers have inferior qualifications to their Canadian trained colleagues. Dr. Julian Hermida (2008) at Algoma University, noted two hidden NCA goals that I found intriguing and connects to my research. These were, “To prevent US lawyers [from] practic[ing] in Canada; to prevent Canadian students from studying abroad.” The main question of my thesis addresses how foreign trained lawyers navigate the barriers to practice in this country. Some may consider particular language skills a deficiency; however, lawyers proficient in languages other than English and French can effectively serve people from their countries of origin. More interestingly, there may be a belief among some Canadian trained lawyers that since many foreign universities allow law students to study law at an undergraduate level, they must be inferior (Hermida, 2008).
Hermida (2008) lists some of NCA’s erroneous assumptions about Canadian legal education, shown below:

- Canadian law is unique (which is, not necessarily so).
- Canadian law schools teach black letter law.\(^\text{10}\)
- Common law and civil law are radically different.
- Canadian legal education is superior to most countries.

Canadian law students study law after doing a bachelor’s degree. There are no uniform standard guidelines required by each law school in Canada to follow in their academic curriculum. The Task Force on the Canadian Common Law Degree Final Report (2009) addressed this contentious issue, stating:

Law societies have delegated the responsibility for evaluation of international credentials to the NCA. It evaluates the credentials to determine the scope and extent of any further legal education that in its opinion an applicant must complete to *equal the standard of those who have earned a Canadian LL.B./J.D. degree*. The difficulty with this test is that there is no articulated national standard or requirement for the Canadian LL.B./J.D. degree against which the NCA requirements can be measured.

Given the need to meet the fair access standards of transparency, objectivity, impartiality and fairness a national requirement is necessary for the regulation of entry to bar admission programs for both domestic and international candidates. (p. 19)

A number of NCA students including myself have found that the process of getting credentialed to practice law in Ontario has been a mixed experience. For many

---

\(^{10}\) **Black Letter Law definition:** A principle of law so notorious and entrenched that it is commonly known and rarely disputed. Retrieved from http://www.duhaime.org/LegalDictionary/B/BlackLetterLaw.aspx
foreign trained lawyers, the process was daunting, so they decided they would not even attempt the credentialing process. Others may have chosen to pursue it, but due to numerous barriers and challenges, they abandoned the credentialing process along the way. Some have gone through the NCA examinations, passed them, and then have successfully found articling positions. Others have found it particularly challenging searching for articling positions, ending up in non-paid articling positions; many others have failed to secure articling positions altogether. As a result, many have volunteered their services for free or for pay way below what Canadian law school trained students have been paid articling in law firms, the government, or the public interest sector. Fellow NCA students have complained that the evaluation process is not transparent. For instance, someone from the same country who went to the same law school can be evaluated and be required to complete a different number of NCA courses. The research has shown that many immigrants from all professional backgrounds have faced challenges securing jobs in their field of experience. Research has been done on the experiences of teachers, engineers, doctors, and other professions and trades (Banergee, 2008; Galabuzi, 2006; Goldberg, 2005, Robinson, 2003; Seevaratnam, 1994) to show challenges they have faced in the process of professional licensure and securing jobs in Canada.

As an NCA student undergoing the credentialing process while simultaneously undertaking Ph.D. studies in Adult Education and Community Development and the collaborative program in Comparative International Development Education at OISE/UT, I was in a unique position to document the experiences of foreign trained black lawyers. When I started my PhD program, I wanted to research another area of study however
my research interests changed on enrolling in the NCA process and I started taking the credentialing examinations. Through this experience, I came in contact with other NCA students at the University of Toronto and at various networking events. As I continued in the NCA process, I met many more NCA students at different venues and career events. I met and connected with quite a number at a workshop specifically for NCA students. It was a workshop jointly held by the Law Society of Upper Canada, the University of Toronto Law School Career Services, and Osgoode Law School Career Services in May 2008. It was evident at that workshop that many NCA students (over 100 in the room) had some frustration that had been building up as they navigated the NCA process. I finally felt I was not alone going through the legal credentialing process. It was almost therapeutic listening to the concerns other candidates had. It was evident that there was a disconnect between the understanding role of the NCA and the role of the LSUC. The NCA as a body was not part of the seminar so many questions and concerns went unanswered because the LSUC staff said those were questions only the NCA could address. I decided I needed to do something—at least share these experiences and propose recommendations to improve and enhance the experiences of foreign trained lawyers. On completion of my data collection, I had 24 responses to my online survey and had conducted 17 one-on-one interviews.

1.3 Theoretical Framework

I use critical race theory and integrative anti-racist theory as part of my theoretical framework to better understand the experiences of foreign trained black lawyers in Ontario and to understand the impact of race on those trying to enter the profession. I examined how these theories bring about a better understanding of
the barriers, challenges, successes, and experiences foreign trained black lawyers face in regard to credentialing in Ontario.

As a newcomer, through my volunteer experiences in Ontario, particularly with Women’s Health in Women’s Hands (WHIWH), I learned a new language in terms of WHIWH’s work ethic.

We are committed to working from an inclusive feminist, pro-choice, anti-racist, anti-oppression, and multilingual participatory framework in addressing the issue of access to healthcare for our mandated priority populations encompassing gender, race, class, violence, sexual orientation, religion, culture, language, disability, immigration status and socio-economic circumstances.11

I had never heard of words like anti-racist, anti-oppression and the intersectionality of gender, race, class, and immigration status prior to my volunteer work. This is where I learned more about the impact of institutionalized racism and how it is manifested. I did not know there was a name for systemic racism. I have resided in many different countries and this has all helped develop me into the person I am today. The striking thing as I reflect on my experiences in all the countries that I have resided, is that my identity as a black woman allows me to now be able to deconstruct those experiences differently.

The literature review speaks to the theory that I use to analyze the stories of foreign trained black lawyers. This is very much a thesis that will help me to further discover and understand myself and the environments I have grown up in as well as where I find myself today in Canada. I believe that the methodology through triangulation will speak to validity, and I am confident that my research will be richer,

______________________________

11 WHIWH work ethic and commitment retrieved on May 18, 2010 from http://www.whiwh.com/
because it is conducted by someone who has lived experiences as a foreign trained black lawyer. I use critical race theory and integrative anti-racist theory as my theoretical framework to understand their experiences and mine. In my conceptual framework I also use the transformative-emancipatory paradigm (Mertens, 2003) in the methodology, which allows me to empower myself, the participants, and other foreign trained lawyers to advance our career goals in Ontario. The researcher entered this investigation with an open mind, sought to find out what the experiences were, and focused on listening to the stories and experiences of foreign trained black lawyers. The methodology design speaks to how my results were validated below.

1.4 Methodology

I believe that the mixed method research design allowed me to combine the inclusion of quantitative methodology insofar as it can empirically support my qualitative research and provide a clearer understanding of the credentialing experiences of foreign trained black lawyers. Since the experiences are not just one individual’s story, but numerous individuals’ stories and cover a plethora of issues, ranging from finances to support to resilience, mixed methods would help in the analysis of the issue. The credentialing experiences are not to be viewed just from an individual foreign trained black lawyers’ perspective but through various other lenses, including social, political, and economic contexts as well. I chose to employ the transformative-emancipatory paradigm (Mertens, 2003) in my research methods to better help me understand the experiences of FTBL, who are seen as visible minority immigrants in the Canadian context. This paradigm helped me also look at power and social relationships in society as well as at how reality is socially constructed via the experiences of the participants in the study.
1.5 The Researcher – Locating Myself

My way of knowing is rooted in reflecting on my background and experiences that lead me to understand who I am and why I am conducting this research and why the research has personal significance to me. To some, my background may show bias in the research, but that is only if one looks at it from a “postpositivist, science-based research tradition” (Piantanida & Garman, 2009). In the scientific community conscious efforts are made to avoid and minimize different forms of bias, be it by the selections of participants, double blinded studies, and being aware of interviewer bias, among other factors; otherwise, bias may be seen to influence the results of a study.¹²

However, this is not applicable to an interpretive study. This research involved much reflection, thinking of what led me to this work. As Piantanida and Garman (2009) expresses it:

Developing oneself as an instrument entails taking a careful look at what one brings to an interpretive inquiry. The Reflective Interludes suggested throughout The Qualitative Dissertation are meant to encourage greater self-awareness and self-disclosure. By this we do not mean that students are obliged to bare their souls or engage in pseudo-psychoanalysis. Rather, it means cultivating a heightened awareness of one’s worldview, experiences, preconceptions, biases, current knowledge, and so on, and recognizing how these may expand or constrict one’s capacity for being open to and resonating with the experience of the study...Integral to the notion of self as instrument is a capacity for reflection. Through reflection, the interpretive researcher resonates with both the specific and the significant aspects of contextualized experience. To understand what this means, it is helpful to consider, albeit briefly, the notion of reflection. (Piantanida & Garman, 2009, p. 60)

I am an African woman. I have a diverse cultural heritage having grown up in many different countries. My experiences in each country have made me who I am today. I was born in what was then Rhodesia and at the age of 18 months travelled with my mother and brother, then three months old, to join my father; at that time my father was pursuing a Ph.D. in solid state physics in Sheffield, England. My mother worked as a nurse while my dad pursued his studies. I would say right from the start that I did not have the “typical” African child upbringing. I did not grow up speaking my mother tongue fluently. I was a black child in England in the 1960s, a time when many black people from Africa were asked, “Are you from Nigeria?” My Dad speaks of how often he was asked that question. It was also at that young age as a toddler at daycare that I mixed languages—Sotho, the language of my birth, and English. I have been told by my parents that the reason they chose to teach us English only was because I spent one whole day at daycare crying and saying, “I want metsi.” No one knew what I wanted, yet I was thirsty and all I was crying for was water. My parents made a conscious decision to teach my brothers and I English only and believed we would learn to speak our mother language when we got older. I was born at a time in the mid-1960s when the civil rights movement was gaining momentum in the USA and there was a growing African nationalism and struggle for independence from colonialism. When my dad completed his studies, he took up a lecturing position at the University of Zambia. He

---

13 Rhodesia, England, Zambia, Botswana, Zimbabwe, USA, Canada. I list Rhodesia, which is now Zimbabwe, separately, due to the chronology of my life and when I lived there. I was born in colonial Rhodesia, and left when I was 18 months old and moved back to independent Zimbabwe when I was 17 years old.
could have accepted an opportunity to work for NASA in the USA, but he wanted to be closer to home. He wanted to work and contribute to education in Southern Africa.

I started elementary school in Zambia and went to an English medium school. We then moved to Botswana in 1974, where I completed elementary and high school. As a child, I loved reading novels about law and watching legal drama movies. One day during my teen years at a Maru-A-Pula¹⁴ High School Career Day, I was inspired by a Ghanaian woman judge who spoke about how she came to work in the law. At the end of high school, though, I was thinking more of pursuing a career that exploited my artistic talents and wanted to pursue interior design or journalism. However, my father, who is quite the academic, stressed that he wanted me to “get a degree.” At that time in Zimbabwe, there were no degrees offered in interior design or journalism. I had sufficient “A” Level¹⁵ points to get into law school, so that is what I did.

¹⁴ Maru-a-Pula is a world-class school rooted in Botswana. Founded in 1972 to serve as a model of non-racial education in southern Africa, Maru-a-Pula is a coed, independent day and boarding secondary school that has gained a reputation as one of Africa’s premier academic institutions. Noted for its progressive and holistic approach to education, Maru-a-Pula offers rigorous academic preparation for the Cambridge IGCSE and A-Level examinations (Forms 1-6 or U.S. Grades 7-12), preparing students for entry to highly selective universities world-wide. Maru-a-Pula’s 50-acre campus is located at the heart of Botswana’s capital city, Gaborone.

The Advanced Level General Certificate of Education, universally referred to as an A-level, is a qualification offered by education institutions in England, Northern Ireland, and Wales and by a small minority of institutions, typically private, in Scotland. In Scotland, students usually take the Highers and Advanced Highers of the Scottish Qualifications Certificate. A-levels are usually studied over a two-year period and are widely recognized around the world.

Despite being part of the optional tertiary Further Education (FE) process in the United Kingdom, the majority of students study for the qualification at a sixth form college, which is an integrated part of a secondary education institution. This is normally done as a direct continuation of the secondary education process; hence most students study for the qualification from age 16 to 18.
I then went to the University of Zimbabwe to pursue a law degree. I must mention here that just before I started law school in February 1984, while I was staying with an aunty (late Margaret Tlou) in Bulawayo for a few days, she took me with her to visit Joshua Nkomo (also known as Father Zimbabwe), who was not feeling well at the time, in Pelandaba township, Bulawayo. When we got to his home, we were ushered to his bedroom. My aunty introduced me to him as Professor Phineas Makhurane's (Makhurane, 2010) daughter, and he asked me what I was doing in school. I told him I was about to start studying law at the University of Zimbabwe (UZ), and he responded, “Oh, you will be involved in politics.” At the time, I naively thought that would not happen, not realizing how close to the truth he was. There were 10 women in my law class of 60 students, so it was male-dominated. There was one Indian male and one white female. Nearly all were Zimbabwean, but there was one South African male.

I was a lawyer for 11 years in Zimbabwe before proceeding to graduate school in the USA in 2000. I was admitted to the bar in Zimbabwe in June 1989. In Zimbabwe, we

A large number also study A-levels at a dedicated further education college (occasionally referred to as a tertiary college), which tends to offer a wider array of vocational courses. The qualification is the most common method used by British Universities to determine an applicant's suitability for academic subjects.

A-levels are also taken in some Commonwealth countries and British Overseas Territories, including Bangladesh, Pakistan, the Commonwealth Caribbean, Cyprus, Hong Kong, Malaysia, Mauritius, Sri Lanka, Singapore, Zimbabwe, Malawi, Gibraltar, Brunei, New Zealand, Malta, Zambia, South Africa, and India. Due to respective changes in the systems, these examinations differ both in terms of content and style from the A-levels taken in the United Kingdom.

16 Joshua Mqabuko Nyongolo Nkomo, (born June 19, 1917, Semokwe Reserve, Matabeleland, Rhodesia [now Zimbabwe]—died July 1, 1999 in Harare, Zimbabwe). He was a black nationalist in Zimbabwe (formerly Rhodesia) who, as leader of the Zimbabwe African People’s Union (ZAPU), was Prime Minister Robert Mugabe’s longtime rival. Retrieved from http://www.britannica.com/EBchecked/topic/416655/Joshua-Nkomo
petition the court for admission as a legal practitioner. We do not have an articling
process similar to what we have in Canada, but a one term (3-4 months) internship/legal
clinic work was introduced (sometime in 1987-1988) to help students with some
practical experience while they were at law school. In Zimbabwe, lawyers are
considered middle class in terms of socio economic status and often the reaction of
society is one of respect or disgust, depending on the experience individuals have had
with lawyers. In my experience, particularly as a human rights lawyer, I was respected
and sought after to come and present to community groups to educate them about their
basic human rights. Often my family would ask why I didn’t work more in the private or
corporate sector because the financial rewards were better. I was always more
interested in working on issues of human rights and educating the indigent in my
community to ensure that access to justice was available.

   My first job was as a public prosecutor in the Ministry of Justice under the
   Attorney General’s office. After two years, I went to work for a life insurance company
called Old Mutual, where I practiced corporate law for two years as an assistant legal
advisor.

   My father was then appointed to build and lead the National University of Science
and Technology (NUST), and I chose to move from Harare to Bulawayo, where he was
based (Makhurane, 2010). I worked for about eight months in a private practice law firm
with two partners. I assisted mainly in conducting interviews with clients and preparing
trial cases. One day, my mother told me that my aunty,\textsuperscript{17} who was working for a human rights organization, the Legal Resources Foundation’s (LRF), at their Bulawayo Legal Projects Center (BLPC) had advised that there was a vacancy for a lawyer to work in human rights education. I called the director at the time, David Coltart.\textsuperscript{18} Needless to say, my life changed. I had always had an interest in human rights, but at the time of my law studies no human rights courses were offered. I joined the LRF and worked as a project lawyer at their Bulawayo Legal Projects Centre. Four years later, I joined another Human Rights Organization, Zimbabwe Human Rights Association (ZimRights), and worked as a Legal Officer. I worked in human rights for seven years and reluctantly left due to some pressure from my family because I was then a young wife and mother. The political tide was changing, and my family began to fear for my safety. Subsequently, I worked as a lecturer at the Bulawayo Polytechnic in the department of Commerce and Education (COMEDU) teaching courses in Introduction to Law, Business Law, and Commercial Law. Through this teaching experience, I decided to pursue graduate studies.

My family and I moved to the USA in August 2000 where I enrolled in graduate school pursuing a Masters in Higher Education at Iowa State University (ISU). Once I

---

\textsuperscript{17} Mary Ndlovu was born in Canada in 1942, and educated in Toronto and New York. She went to Zambia in 1966 as a teacher. She married Edward Ndlovu in 1972 and moved with him to Zimbabwe in 1980, where they had three children. She taught history, civics, and geography at secondary schools and has lectured in teacher education at tertiary levels in both Zambia and Zimbabwe. In the latter part of her career, she worked for the Legal Resources Foundation developing training programmes and materials in legal and human rights. Recently retired, Mary Ndlovu continues to live in Bulawayo and is active in promoting library services in Matabeleland South. Mary was published in \textit{Writing Still (2003)}. Her latest publication is \textit{Against the Odds: a History of Zimbabwe Project}. This bio is from \url{http://www.weaverpresszimbabwe.com/the-authors/48-mary-ndlovu-.html}

\textsuperscript{18} David Coltart was the Director of the Legal Resources Foundations, Bulawayo Legal Projects Center. For further information, see his bio retrieved on December 19, 2010 from his website at \url{http://davidcoltart.com/?page_id=9}
completed my studies, I debated proceeding with a Ph.D. in Education, but I missed the law and instead decided to pursue LL.M. studies in International and Comparative law. I became a law student at The University of Iowa Law School. This gave me an opportunity to conduct research in an area of my own interest and I wrote a five-credit paper looking comparatively at the independence of the judiciary in Zimbabwe, South Africa, and the United States of America (Russell, 2003). While I completed my LL.M., I had the opportunity to work for the University of Iowa Center for Human Rights (UICHR) on a Child Labour Initiative. It was while working at the human rights center, having graduated from my LL.M., that I started Ph.D. studies in Social Foundations of Education. Unfortunately, I was not able to get funding for my Ph.D. studies and after 9/11, many American students in my department were going unfunded too. I couldn’t get a job in Iowa, and our family decided it might be best to go back to Zimbabwe.

Due to the worsening political and economic crisis in Zimbabwe, my mother strongly advised against us moving back. She told me how one of my friends had come back from the UK and was detained and harassed because she was believed to be a “spy for the West.” We decided after much wrestling and discussion that returning to Zimbabwe was not an option. A number of human rights lawyers I knew personally and had worked with in the past were facing persecution and harassment, and I feared for my young family and myself. But where would we go? My political safety was a concern. Thus, I did what I am good at—I researched and learned that Canada had a refugee asylum process. We had inquired about asylum in the USA, but that wasn’t a viable alternative because there was a strict requirement that you had to apply for asylum within the first year of being a resident there. When we first went to the USA, we had no
intention of staying and had every intention of going back to Zimbabwe. Sadly, every time we thought things could not get worse in Zimbabwe, they did.

Never in my life would I have considered myself a refugee. Didn’t that term apply only to people from war-torn zones? However, the UN definition of a refugee clearly pointed out that we were in that category, which was ultimately confirmed when we were declared convention refugees in Ontario. I was a human rights lawyer; my job was to advocate for others. Now here I was trying to wrap my head around the concept of being a refugee. Before coming to Canada, I did my research and found an organization that helped people like our family, the Detroit-based organization called “Freedom House.” They helped set appointments for asylum seekers who chose to settle in Canada, and we arrived in April 2005.

Through the process of settling in Canada, I was told by personnel in various refugee resettlement agencies that I could never work as a lawyer in Canada, and for a while I believed that. They would encourage me to go to career exploration programs. One organization that I actually requested that social services send me to was a program specifically designed to prepare immigrant women for work. I found it very discouraging because the first day I went there, during their orientation they mentioned that once I had completed the program I had to apply for any position that wasn’t necessarily related to my skills and aspirations. I was not alone and have learned that…

…many recent immigrants find the whole recruitment and selection process in North America very confusing and frustrating, because it unfolds according to a logic that is completely foreign to them. (Laroche &Rutherford, 2012)

I never went back and advised my social worker that I knew what I wanted to do and that I wished to pursue two things—lawyer credentialing and graduate education
through a Ph.D. Social services were accommodating and provided assistance in paying the application fees for the Ph.D. program at the University of Toronto. They were also willing to pay my application fees to the NCA for the legal credentialing evaluation. I had to make a special request and it went through a higher level decision-making process, but I was blessed to get the assistance. Apparently they had never had such a request before. I must mention here that it was only after being in Ontario for about four months, that one of my friends—a human rights lawyer I had worked with in Zimbabwe, who is now based in the UK—advised me to find out if there was a process for getting my legal qualifications recognized in Canada. I was so bogged down with the resettlement process that this had not occurred to me. I had asked our refugee lawyer how he came to practice (he went to law school in Nigeria), and he advised that he enrolled in a Canadian law school. He made no mention of the NCA as a credentialing body. I couldn’t ask about what I didn’t know. I googled “foreign lawyers in Canada” and discovered the National Committee on Accreditation (NCA). That’s how I was able to begin pursuing the lawyer licensing process.

When I first settled in Ontario, I volunteered with Women’s Health in Women’s Hands (WHIWH) and a few other AIDS service organizations that serviced the African and Caribbean community as well as the Canadian HIV/AIDS Legal Network. I also worked as legal support in a number of short-term legal projects, conducting document review for cases facing litigation. In August 2009, I completed my eight credentialing exams and received my Certificate of Qualification (December 2009). I was registered in the LSUC lawyer licensing process but was withdrawn in April 2013 because I was not able to complete the licensing process in the required three years while I was also
conducting my Ph.D. research. I cover this some more in my discussion chapter. I also worked temporarily as a clinical research agreements and contracts specialist for a maternity leave fill-in. During that same period, I worked in the evenings as a sessional instructor teaching classes in a Clinical Research Associate/Research Ethics and Regulatory Affairs course at McMaster University in the spring of 2009.

Many a time in my new home, Canada, I felt as if my life before April 2005 didn't really exist. I had many questions. Here I was a human rights lawyer, now a refugee and dependent on the state for support. Here I was, a woman, constantly being told I couldn’t do this and I couldn’t do that. Was it because I was black? Was it because I was a newcomer? Was it because I was an immigrant? Why was it so difficult? Before leaving the USA, as I’ve already mentioned briefly, I started a Ph.D. program (during the fall of 2004) in Social Foundations of Education at the University of Iowa’s College of Education. At that time, I made a PowerPoint presentation at the Yager Conference (Russell, 2005) titled “Social Capital and Racial Barriers to Employment Related to African Immigrants/Non-Immigrants in the USA.” I forgot all about it until 2008 when I decided to pursue research on foreign trained lawyers. I was so overwhelmed with the process of settling into Canada as a newcomer that it surprised me one day when I discovered my presentation among my documents in an unpacked box. When I started the Ph.D. program at OISE/UT, I initially wanted to conduct research on HIV/AIDS prevention and the human rights based approach to the racialization of AIDS, but that changed for me as I was progressing through the legal credentialing process.

After my first meeting with my thesis supervisor, Dr. Njoki Wane, at the Black Female Lawyers Association Retreat on November 11, 2007, and during a subsequent
mentoring meeting facilitated by the Office of the Status of Women at the University of Toronto, we discussed the currency and viability of the research in HIV/AIDS for me. It dawned on me that with all the experiences I was having, navigating the NCA process to become recognized as a lawyer in Canada and having other foreign trained black lawyers tell me about their experiences, this was something I should write about.

During the 2007 Retreat, the convener\(^\text{19}\) of the Black Female Lawyers Retreat (Sistahs-in-Law) stated that there was no documentation of the progress of black women lawyers in Canada. She had conducted her own research and documented it on a poster, showing when the first black woman was called to the bar and the progression up to that date. When she shared the timeline, I realized that in 1989, when I petitioned the court to be registered as a legal practitioner in Zimbabwe (equivalent to being called in Ontario), there were only five black female lawyers in Canada. That was very surprising. The majority of calls of black women lawyers have been in the years after 2000, the year I left Zimbabwe. In 2005, I was starting from scratch and being regarded as an inexperienced lawyer. This is where the concept of Canadian experience came into play.

As of April 2010, a report was published on behalf of the Law Society titled “Racialization and Gender of Lawyers in Ontario” that spoke to what the convener alluded to regarding the majority of black female calls.

\(^{19}\) Denise Dwyer, at the time legal director, Ministry of the Attorney General, Toronto, Canada. As of October 2013, she is assistant deputy minister, Public Safety Training Division at the Ministry of Community Safety and Correctional Services, Ontario, Canada.
It is a story of endurance and success that I wish to bring forth in this research project as well as the challenges and heartache the process has caused and the disruption or delay of dreams for numerous foreign trained black lawyers. It is about people who were considered professionals and who in some cases were employers in their homelands, now having to seek and take employment in positions that do not truly reflect their skill set. However, I do hope that this research will lead to modifications or accommodations in the legal credentialing process where necessary. Access is the challenge as the fees are high; not surprising considering that the law society is a self-regulating profession. I hope to be a conduit for social justice and not exploitation for lawyers. I feel that in a country with immigrants from around the world, lawyers of diverse backgrounds are needed to help serve the needs of the diverse linguistic, religious, and racial communities that make up Canadian society. As an African diasporic person, I believe that God brought me to Canada for a purpose and a plan. I believe part of my purpose is that I have an important role to play in contemporary social processes, and I am in unique position to contribute to this body of knowledge by focusing on foreign trained black lawyers. My previous work experience and educational experiences are very much in line with my leadership capabilities as well as my belief in human rights. I believe it is important that all humans are treated in a just and equitable manner, regardless of gender, color, race, ethnicity, sexual orientation, personal preferences, or national origin. Therefore, I perceive higher education to be the conduit for creating the positive environment for all people to develop to their full potential, especially those who are disadvantaged. I would like to continue my research work
focusing on my experience on the re-skilling and education of foreign trained black lawyers in Canada.

I had the privilege and opportunity to speak about my thesis ideas at the Sistahs-in-Law retreat\(^{20}\) in a room with 130 women who self-identify as black. I saw that it was possible to do my research focused on foreign trained black lawyers. After my brief presentation, I was approached by at least 10 foreign trained women lawyers who all expressed an interest in participating in my study. What I found particularly interesting was that half of them were Canadian born, of African or Caribbean descent, who had gone and studied law in England or Australia; on their return to Canada, they too had to go through the NCA credentialing process.

One issue I explored is whether race plays a major role in the licensing process as well as the recruiting process in securing legal articling positions. One Nigerian trained lawyer shared with me at a networking event that when she sought legal articles she had to work for free. Another shared with me that when she was seeking an articling position in Toronto, she ended up working for a few months in Toronto and had to do the other seven months in the USA working for an uncle. She confirmed that she had checked with the Law Society first to see if she could do that, and it was acceptable. One thing that I discuss more in my findings was if and how “race” impacted some participants, some of whom didn’t seem to think it was an issue but rather expressed that having an “accent” or being “foreign” was the key distinguisher!

\(^{20}\) Black Female Lawyers Network annual retreat and fundraiser held in downtown Toronto on 11 November 2008.
1.6 Summary

In this introductory chapter, I provided a background explaining why I embarked on this research.

I also mentioned my theoretical framework and methods briefly. I gave an overview of the legal credentialing process in Ontario and then presented my research question and sub questions. I also located myself in the research.

The thesis has 11 chapters. The next chapter, chapter 2, is my literature review and it explains my rationale for conducting the research. I speak about race and my theoretical framework. This includes an explanation of critical race theory and integrative anti-racist theory. In Chapter 3, I discuss my research design and methods. In Chapter 4, I share my mixed methods findings and thematic findings. In Chapters 5 through to 9, I present the thematic findings, namely Chapter 5, the NCA (National Committee on Accreditation), the lack of transparency and consistency in the process, and the Law Society of Upper Canada, specifically the LSUC exams; Chapter 6, Articling in Ontario, focusing on the challenges of securing articling positions; Chapter 7, the Impact of Racism, focusing on disempowerment and discrimination; Chapter 8, Resilience and Career motivation, highlighting the participants’ coping mechanisms, sustenance, and support; and finally Chapter 9, Networking, in particular the importance and relevance of social capital in finding suitable work experiences.

In Chapter 10, I discuss the participants’ final thoughts and recommendations, and lastly, in Chapter 11, I summarize my key findings as well as present and discuss my recommendations and conclusion.
Chapter 2  
Literature Review

This chapter explores the existing literature on my area of research. Research focused on challenges faced by immigrants to Canada is not a new issue. Extensive research has been conducted regarding foreign trained professionals resettling in Canada and the challenges they face securing recognition and placement in their professions (Banergee, 2008; Galabuzi, 2006; Seevaratnam, 1994).

Shanahan (1997), who researched the experience of foreign trained lawyers going through the legal accreditation process, specifically the National Committee on Accreditation (NCA) process in two Toronto universities, showed that the NCA process has been slow to change and improve over the years. However, her research did not specifically speak to the experiences of foreign trained black lawyers in Ontario. Research has been done generally about immigrant professionals (Goldberg, 2005) and some have focused specifically on teachers (Robinson, 2003; Seevaratnam, 1994) engineers (Ostapchenko, 2013), and doctors (Peters, 2011). However, I have chosen to fill a gap and focus on the experiences of foreign trained black lawyers navigating the NCA credentialing process and the Law Society of Upper Canada’s (LSUC) lawyer licensing process in Ontario.

The research speaks to the barriers and challenges that immigrants to Canada face trying to secure work in their professions because they don’t have what is referred to as “Canadian experience.” A research project by Sakamoto, Chin, and Young (2010) speaks to this concept of Canadian experience and the employment challenges of skilled immigrants to Canada. The Ontario Human Rights Commission recently made a
policy stating that “employers who demand Canadian work experience are discriminating against potential employees.” The insistence, therefore, on Canadian experience before hiring someone would be a violation of the Ontario Human Rights code.21

Canada’s policy on multiculturalism has been one of the driving forces on immigration to Canada. Yet it seems the right to work—a basic right in the UN Declaration of Human rights, to which Canada adheres, and a right that Canada’s own Charter of Rights subscribes to—is effectively denied many new Canadians from varied racial and cultural backgrounds. Newcomers get mixed messages. On one hand it is: “Friend, we uphold human rights. Come on over if your rights have been violated somewhere. We welcome you.” Or you are asked (via the Canadian Immigration website—CIC),22 “Do you have skills? We need them. Please come.” Then the next thing employers ask is, “Do you have Canadian experience? Well if you don’t, sorry, we can’t hire you.” Then it seems your only option is to take a survival job! The reviewed literature points to why immigrant professionals—particularly black lawyers—may face


On July 15, 2013, the Ontario Human Rights Commission (OHRC) launched a new policy on removing the “Canadian experience” barrier. This policy states that a strict requirement for “Canadian experience” is discriminatory and can only be used in rare circumstances. In a statement, the OHRC said “employers and regulatory bodies need to ask about all of a job applicant’s previous work – where they got their experience does not matter. The policy also tells employers and regulatory bodies how to develop practices, policies, and programs that do not result in discrimination.”

challenges, barriers, and/or successes in entering their chosen profession. I wanted to
better understand the impact of race on black lawyers navigating the NCA and LSUC
licensing processes. Hence my major research question, addressed in this project is:
Are foreign trained black lawyers in Ontario disproportionately challenged by the
NCA/Law Society of Upper Canada’s (LSUC) credentialing and licensing process?

The description of Galabuzi’s (2006) book speaks volumes about the impact of
race and employment of immigrants in Canada. It states:

Canada’s Economic Apartheid calls attention to the growing racialization of the
gap between rich and poor. Despite the dire implications for Canadian society,
the rift is increasing with minimal public and policy attention. The myths about the
economic performance of Canada’s racialized communities that are used to
deflect public concern and to mask the growing social crisis are challenged in this
relevant work. Dr. Galabuzi points to the role of historical patterns of systemic
racial discrimination as essential in understanding the persistent over-
representation of racialized groups in low-paying occupations. While Canada
embraces globalization and romanticizes cultural diversity, there are persistent
expressions of xenophobia and racial marginalization that suggest a continuing
political and cultural attachment to the concept of a White, settled society.\textsuperscript{23}

This book excited me and helped me believe that this research would contribute to the
body of knowledge in Canada. I must mention that foreign trained doctors face
numerous barriers too.\textsuperscript{24} It is good to know that a fellow graduate student\textsuperscript{25} is doing
research work regarding the experiences of foreign trained doctors.

\textsuperscript{23} Retrieved from \url{http://books.google.ca/books/about/Canada_s_Economic_Apartheid.html?id=dEzDhwE7JYsC}

\textsuperscript{24} Various articles illustrate the dilemma foreign trained doctors face in Canada. Is Canada discriminating against
foreign trained doctors? Retrieved from \url{http://www.macleans.ca/society/health/is-canada-discriminating-against-
foreign-trained-doctors/}

Canada desperately needs foreign trained doctors. Retrieved from \url{http://www.weeklyvoice.com/headlines/canada-
desperately-needs-foreign-trained-doctors/}
2 Our Racialized Society

The researcher realized there was a gap regarding research on the experience of foreign trained black lawyers whilst navigating the lawyer licensing process. This is a gap I have chosen to fill by documenting the lived experiences of black foreign trained legal professionals in Ontario. Other racialized or minority groups trained outside of Canada could have faced similar circumstances, but the focus of this study is black lawyers. Generally, there has been research done on racialized groups, some of which has discussed the challenges black people have faced in other areas such as the education system in Canada. In fact, Ontario recently introduced an Afrocentric school to help address this challenge. As a result, when conducting the literature review, I found documented research about Canada’s racialized society. For instance, institutionalized racism has been documented by (Bolaria & Li, 1988, p. 109) where they discuss the meaning of institutional racism as: “Such discrimination was systemic and legal, and was rationalized by an ideology which advocated the racial superiority of


Cindy Sinclair, PhD Candidate OISE, University of Toronto. The working title of her thesis is “Life Experiences of Immigrant Medical Doctors beyond Refusal of Medical Recertification in Canada.” She advised me that this title will definitely change as time goes on, but it reflects the focus of her research.


The Africentric Alternative School began operating in September 2009 in response to an initial community request for such a school in June 2007 to address a high dropout rate and achievement gap affecting students of African descent. TDSB initiated a consultation process with stakeholders. In January 2008, a report titled Improving Success For Black Students was presented to the Board of Trustees with a number of recommendations. Ultimately, the Board approved a recommendation to establish the Africentric Alternative School to open in September 2009 at Sheppard Public School.
whites over non-whites.” They further state that: “Non-white immigrants to Canada have
experiences similar to a colonial situation regarding racial hierarchy.” (p. 231).

I mention the concept of whiteness to assist in placing the focus of the literature
review in context. Benjamin (2003) speaks to the system of whiteness and states:

[T]he system of Whiteness not only privileges those who are ascribed White, but
it is based in economic, political, social, cultural and other institutional
arrangements historically and contemporarily. Such systems constitute and
express dominant norms and values which often have deleterious effects on non-
Whites.

Benjamin supports this understanding by citing Dei’s (2000) statement on whiteness:

Whiteness exists within a system of economic, political, cultural, psychological,
emotional and social advantages for dominant groups at the expense of
racialized others. Whiteness is a racial category, a social marker of power and
privilege; but rather than posit ‘who exactly is Whiteness’ we must adhere to
Giroux’s (1997) caution against conflating a warranted critique and careful
interrogation of Whiteness with criticism of White people. We must reframe the
question ‘who’ is Whiteness to ask how and why is Whiteness produced,
maintained and elaborated upon in social order.’ Whiteness is a social
construction with political, cultural and economic capital. It is produced by and
productive of the social contexts of power that constructs difference, normality
and privilege. It is also an ideology in the way it conjures images, conceptions
and promises that provide the frameworks through which dominant and other
groups represent, interpret, understand and make sense of social existence. (p.
28)

Whiteness as a system therefore helps us understand racism. Numerous other
texts also speak to the experience of racism in Canada (Dei, 2007; Halli, Trovato, &
McKague, 1991; Samuel, 2005), Canada’s colour-coded legal history of racism
(Backhouse, 1999; Gates, 1997), the experiences of black Canadians (Dei, 1996;
Henry, 1998; Mensah, 2002), ethnicity and ethnic relations (Bienvenue & Goldstein,
as well as racism in the USA, which also relates to racism in Canada (Asante, 2003; Bell, 1987; hooks, 2004; Osborne & Sandford, 2002). Gunaratnam (2003), in her work on researching “race” and ethnicity states that:

In order to develop a theoretical and political approach to researching ‘race’ and ethnicity which addresses the tensions, contradictions and dilemmas that I have identified, it is helpful to think of and approach research as a ‘doubled-practice’ (see Lather, 2001b). For me, this means challenging and seeking to transform the essentialism of categorical approaches to ‘race’ and ethnicity in research. It also means connecting theory with lived experience, where the claiming of personhood through categories of ‘race’, ethnicity, gender and sexuality, for example, needs to be recognized and examined critically as part of a potential move towards social transformation.

What Gunaratnam refers to as “doubled-practice” I understand to refer to intersectionality, which I speak to more in my theoretical framework as I discuss critical race theory in section 2.2.1.

Having identified that a gap exists regarding specific research on the lived experiences of foreign trained black legal professionals, the researcher—one someone pursuing graduate studies in Adult Education and Community Development with the collaborative program in Comparative International Development Education at OISE/UT while undergoing the process of legal credentialing—was compelled to conduct this research. I wanted to also understand if and how social capital comes into play in the experiences of FTBLs. Could it be that it is challenging for black lawyers—women in particular—to build social capital in Ontario, especially when many of the connections made in the legal community stem from socializing in predominantly white male social environments? This was a question I considered, and my findings point to the answer. I am fascinated by the reactions and perceptions expressed when white people in Ontario (depending on their own world experience) learn that I have legal training.
Some have expressed surprise and amazement “You’re a lawyer?” I often wonder why the surprise, although admittedly when I first qualified as a lawyer in Zimbabwe, I was in a class of about 70 students and only 10 of us were female; as such, I know black people at times are surprised too.

I see myself as a living thinker (James, 1993). I see myself though my experiences creating my own interpretation of Black Feminist Thought (Massaquoi & Wane, 2007), which helps me in my understanding of who I am as a black woman who thinks. It is the story of my heritage. It is part of the story of my present and the story of my future and my dreams. It tells my story from an individual standpoint in relation to my community and the community of foreign trained lawyers. It is important to me to pass this experience on to my children and to others in my community; hopefully, this can lead to positive policy change reforms and considerations for the reality and difficulty of the legal credentialing process.

2.1 Speaking About Race

As mentioned above, a discursive framework will be used to examine the experiences of foreign trained black lawyers. Some may ask, “Why black lawyers?” My response: because that is my lived experience. Some may think it is not necessary to focus on black lawyers specifically, but George Dei (2007) in his book, boldly titled *Racists Beware: Uncovering Racial Politics in Contemporary Society* touches on the impossibility of speaking race today. He looks at anti-racist theory and the lived experience of race in people’s lives. He also discusses the challenge in speaking about race and how that can be dangerous for the individual who is compelled to speak about it. In an article Dei (1999) stated those dangers as follows:
There are academic dangers in speaking and writing race. As Fine et al. (1997, p.x) have observed, the development and pursuit of a critical and oppositional discourse to challenge power and dominance opens oneself to assault, misinterpretations, abuse and denial (Dei, 1999 at pg 20).

It is my hope that my research will not put me in any danger as Dei (2007) expresses above, but will place foreign trained black lawyers' experiences and ideas at the center of the analysis via a discursive theoretical framework. I chose to use critical race theory and integrative anti-racist theory, and that helped me clarify and analyze the historical, social, cultural, and economic relationships of people of African descent. I also believe my research will be an invaluable tool to clarify the black lawyer's ancestry and how that has contributed to the machinery of labour in the Canadian market. Further, using that discursive framework would be a paradigm that is grounded in the historical as well as contemporary experiences of foreign trained black lawyers as mothers, fathers, activists, academics, and community leaders. It is all about empowerment. Kabeer (2001) defines empowerment as “the expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them” (p. 19).

For me the researcher, the process of credentialing as a foreign trained lawyer has been a bittersweet one. In one sense, it gave me the opportunity to reevaluate my goals and start my career afresh in a new jurisdiction, and in another sense it made me question who I was professionally and what I had achieved in the past as well as who I was as a “newcomer” in Canada. Canada is recognized as a moral leader and

---

advocates for human rights throughout the world. I found it ironic that as a human rights lawyer I could not enjoy the basic right to work. Granted, legal professionals from different jurisdictions cannot expect to just walk into a legal job, and of course, foreign trained lawyers expect to face a different jurisdiction when they immigrate. All countries have unique laws and legal systems, and the legal profession the world over is—to a large extent—elitist and self-regulatory, so the profession would not want everyone to get in. However, I thought that past professional legal experience would count for something.

There is a process of de-skilling and re-skilling in professions that occurs in Ontario. This is one of the reasons why I came to school to pursue a Ph.D. I had been told by agencies helping me to settle that I could never work as a lawyer in Canada. In fact, when I arrived in April 2005, there was no ‘Career Map for Internationally Trained Lawyers’ joining the legal profession as it now appears on the Ontario Immigration website. This was only posted in January 2008.

Living in the West (USA and Canada) made me more aware of my skin colour than I had been in years. As a child growing up in Botswana, I was teased by other kids for being dark-skinned and called names like “black mamba” and “black engine.” When my family moved to Zimbabwe in 1980, I felt for the first time like I belonged somewhere, I looked like everyone else! Only thing was I couldn’t speak the languages, Shona or Ndebele. I could speak my mother tongue to an extent—Sotho, a minority language in Zimbabwe, which is a dialect of Setswana, a language spoken in Botswana,

or southern Sotho, spoken in South Africa. However, since English is an official language in Zimbabwe, it wasn’t so bad. Fanon and Memmi wrote about language as a means of acculturation in their books (Fanon, 1952; Memmi, 1967). As a young black person who spoke English “through the nose,” I did not think too much of it. After all, it was an advantage to speak English well. Zimbabwe’s Prime Minister, who later became the President, Robert Mugabe was renowned at that time in the early 1980s, when he advocated “reconciliation” with the Smith “Regime.” The world marveled often of Mugabe’s eloquence when he spoke. To many, it meant he spoke the Queen’s English! Zimbabwe was colonized by the British, and after the “struggle for liberation,” Mugabe was appointed the first black Prime Minister of former Rhodesia under the Lancaster House agreement of 1980. The struggle for liberation in Zimbabwe was all about land and who had the means of production. Colonialism also impacted the indigenous peoples in Canada. Colonization took a different road, and indigenous peoples have used legal tools to claim their land rights.

For many people in North America, the phenomenon of indigenous peoples going to court to assert their rights to their traditional homelands seems a recent one, part of what is referred to as the “judicialization of society.” In actual fact, indigenous rights litigation has been part of the legal landscape of the United States, Canada and other Commonwealth jurisdictions for almost three centuries. (Monet & Wilson, 1992)

This research led me to read and study my history, my blackness, and to seek out and read about the history of oppression and subjugation to help me look at myself as a black woman and learn about black men in the Western context and the Caribbean context (Amos & Parmar, 1984; Aylward, 1999; Bell, 1987; Dei, 1996, 2004, 2005, 2006, 2007; Galabuzi, 2006; Gillborn, 2008; Henry, 1994; Henry, Tator, Mattis, & Rees, 2006; King, 1992; Razack, 2002; Snowden, 1983). As I read, many thoughts raced...
through my mind. *What does it mean to be black in Canada? Can your foreign education save you from poverty? There are too many stories of highly educated people living in poverty in Canada. Is there social equality in Canada?*

Surely this multicultural society that had welcomed my family thought we were equals; hence that should include social equality, economic equality, and human rights equality. However, do we have an equal opportunity to succeed, even as black newcomers? The following statement regarding the famous American Supreme court case, *Brown vs. Board of Education*,29 where the separation of blacks and whites in public education was held to be unconstitutional, is helpful.

Those of the older generation, such as Dr. Kenneth B. Clark, the famous black child psychologist, embraced the liberal belief that there can be no social equality where there is no equal opportunity to succeed. In fact this philosophy became the philosophical linchpin that bound those who successfully sued the Topeka, Kansas Board of Education in 1954 for the Reverend Oliver Brown’s right to send his black daughter to a predominantly white neighborhood school. (King, 1992, p. 63)

I understood better why I had been told by family members that Canada can be deceiving. It makes itself out to be a moral leader in human rights and dignity, with multiculturalism touted at every corner. However, this is one country that calls people of colour “visible” minorities, yet in reality we are “invisible.” In fact, a recent study seeks to challenge the invisibility of white identity, the understanding (or lack thereof) of racial privileges, and adherence to individualistic, color-blind ideals (Hartmann, Gerteis, & Croll, 2009).

I am a black African woman married to a man who is considered “coloured” (biracial) in Zimbabwe, but in Canada he is considered a black man. His great grandfather was a white Scotsman who was a soldier in the army Cecil Rhodes had under the British South Africa Company.30 Ironically, Scots men were some of the first white men to settle in Canada (Cowan, 2006).

Growing up in Zimbabwe, there were four main categories of people based on race, namely, black, white, coloured, and Indian. I am not unique in that I am an example of how colonialism is intrinsic in my life and the lives of black people the world over. Who am I, and why are things the way they are? Am I a black person with a white mask (Fanon, 1952)? I have lost my mother tongue or language. English is my first language. How have the choices my parents made for me impacted my world view? Am I acculturated? What is my identity? Is it truly linked to my profession, my race, my gender, my national origin?

To help me answer some of these questions and my broader thesis question, I chose to look at the relevant literature. Initially I decided to research black lawyers in Canada but couldn’t find information specific to black lawyers; rather, the existing research was related to the legal profession and treatment of blacks in the justice system. There was also literature on affirmative action in admitting black students to universities in the USA, but that is not what I was researching. Foreign trained lawyers

30 British South Africa Company (BSAC, BSACO, or BSA Company), was a mercantile company based in London that was incorporated in October 1889 under a royal charter at the instigation of Cecil Rhodes, with the object of acquiring and exercising commercial and administrative rights in south-central Africa. The charter was initially granted for 25 years, and it was extended for a 10-year period in 1915. Retrieved from http://www.britannica.com/EBchecked/topic/80349/British-South-Africa-Company
are not seeking affirmative action. Furthermore, I am more interested in whether or not being black impacts the credentialing and licensing process. As a result, I looked at research concerning blacks in the education system, in the schools. I also reviewed research regarding critical race theory and looked at it with a lens to relate it not to criminal perpetrators but to black law professionals. Finally, I looked at research related to integrative anti-racist theory.

Much of the literature speaks to not just racialization but also how poverty and economics are linked to race (Anderson, Attwood, & Howard, 2004, p. 125; Asante, 2003; Bell, 1987; Dei, 1996; Galabuzi, 2006; Henry, Tator, Mattis, & Rees, 1998; hooks, 2004; Mensah, 2002; Osborne & Sandford, 2002). Should the fact that black foreign trained lawyers come from former British colonies and speak English entitle them to not having to struggle through credentialing like someone from a country where English is not spoken?

I have come to think of the education of a person of colour and how the education systems were originally not designed for people of colour but for those in power, who were white. Five aspects of power proposed by Lisa Delpit (1988, p. 125) in a chapter titled “The Silenced Dialogue: Power and Pedagogy in Educating Other People’s Children” (cited in Anderson, Attwood, & Howard, 2004) helps to better understand how power plays into the education system. Her five aspects of power are:

1. Issues of power are enacted in classrooms
2. There are codes or rules for participating in power; that is, there is a “culture of power”
3. The rules of the culture of power are a reflection of the rules of the culture who have power
4. If you are not already a participant in the culture of power, being told explicitly the rules of that culture makes acquiring power easier.

5. Those with power are frequently least aware of—or least willing to acknowledge—its existence. Those with less power are often most aware of its existence.

This appears to be true because it does indeed appear that those most marginalized are most aware of what they don’t have, yet those most privileged are least aware or unaware of their privilege.

I have come to question whether racism is something that was deliberately structured or it just evolved by accident. Surely one group of humans could not deliberately plan to dominate another? Wait a minute, there was the slave trade! Slavery was practiced even in biblical times. However, regarding colonization, how could they have had the foresight to plan such dominance based on race? Are blacks just overly sensitive? All those questions have been answered (Aylward, 1999; Bell, 1987; Dei, Karumanchery, & Karumanchery-Luik, 2004; Dei & Kempf, 2006; Delgado & Stefancic, 2000; Fanon, 1952; Gillborn, 2008; Henry, 1998; hooks, 2004; Mensah, 2002; Memmi, 1967). How could it have been so neatly packaged and called colonialism? Albert Memmi (1967) captures it well in the introduction of his text stating that:

The engine of colonialism turns in a circle; it is impossible to distinguish between its praxis and objective necessity. Moments of colonialism, they sometimes condition one another and sometimes blend. Oppression means, first of all, the oppressor’s hatred for the oppressed. There exists a solitary limit to this venture of destructiveness, and that is colonialism itself.

It is not only blacks who have objected to the oppression that was colonialism. Many people from former colonies in Asia and the South Pacific countries have too (Hồ, 2007), as have First Nation and Aboriginal peoples in Canada (Monet & Wilson, 1992).
Much research has been done regarding racism in education (Gillborn, 2008; Taylor, Gillborn, & Ladson-Billings, 2009) that has raised questions about racism in the classroom and systematic racism in institutions and society. One article focused on the institutionalized process of social nullification of lawyers of colour and racialized immigrants with foreign legal degrees (Foster, 2009). Lorne Foster (2009) referred to an event the Canadian Association of Black Lawyers (CABL)\(^{31}\) held where they described the historical context of black lawyers in the profession in Canada as follows:

In January 2005, members of the CABL examined the historical evolution of race relations in the profession, approaching the 120th anniversary of Delos Rogest Davis breaking the colour-barrier. The event was attended by approximately three dozen young lawyers who gathered in Toronto to specifically address what they viewed as a collective problem of “articling placements and post-call hiring”—the catch-22 barriers preventing them from practicing the type of law they want and, in some cases, driving them out of the profession. Many licensed lawyers in the Black community, for instance, feel shut out almost entirely from corporate and commercial law, which accounts for about 65 per cent of new jobs (Tyler, 2005). In the supportive and reflective environment of the seminar, some wondered aloud if senior partners of law firms are worried big business clients will feel uncomfortable having too many members of visible minorities sitting in on meetings and orchestrating their deals, or just can’t picture them in that setting. Meanwhile, although there are more than 38,000 lawyers in the province of Ontario, less than 2% are Black and there are just four Black partners at major Ontario law firms—a number counted on one hand. Across Canada, there are less than 25 Black judges at all court levels. And there are only about 10 tenured law professors at 21 law schools in Canada (Tyler, 2005). (Foster, 2009, at 200)

This statement is very telling and illustrates the concern black lawyers already in legal practice have regarding the influence of race on their professional growth and experience. My findings showed why it was important for me to conduct this research—

so we can document the lived experiences of foreign trained black lawyers trying to enter the legal profession.

2.2 Theoretical Framework

The theoretical framework I chose to analyze the experiences of FTBL incorporates critical race theory and integrative anti-racist theory, which speak to the experiences of the group I studied. It has allowed me to examine and better understand the experiences foreign trained black lawyers face in regard to credentialing in Ontario.

Paulo Freire’s (1972) theory of Critical Pedagogy piqued my interest in better understanding critical race theory and integrative anti-racist theory. I find the intersectionality of critical race theory and integrated anti-racist theory intriguing. Both theories are an asset to the analysis, and I believe the intersectionality of the theories helps to contextualize my experiences and the experiences of other foreign trained black lawyers. The issue of intersectionality can be defined as a means “to understand the interlocking relationships among race, class, and gender means incorporating an analysis of power (including state power), labor, material domination, and the formation and expression of consciousness” (Anderson, 2005, p. 447).

Critical pedagogy, which was founded on Freire’s theory based on his famous book titled *Pedagogy of the Oppressed*, is defined as:

A teaching approach which attempts to help students question and challenge domination, and the beliefs and practices that dominate. In other words, it is a theory and practice of helping students achieve critical consciousness.32

---

For further clarity, one needs to understand what critical consciousness or conscientization means.

Conscientization refers to a type of learning which is focused on perceiving and exposing social and political contradictions. Conscientization also includes taking action against oppressive elements in one’s life as part of that learning.\(^{33}\)

Ira Shor (1992), who worked with Freire, helps clarify even further and defines critical pedagogy as:

Habits myths, official pronouncements, traditional clichés, received wisdom, and mere opinions, to understand thought, reading, writing, and speaking which go beneath surface meaning, first impressions, dominant myths, official pronouncements, traditional clichés, received wisdom, and mere opinions, to understand the deep meaning, root causes, social context, ideology, and personal consequences of any action, event, object, process, organization, experience, text, subject matter, policy, mass media, or discourse.

I believe using critical pedagogy will help me contextualize my experiences and the experiences of other foreign trained black lawyers. Through this research project, I anticipate finding ways to contribute to the body of knowledge and to help develop a more just and equitable society.

Critical pedagogy considers how education can provide individuals with the tools to better themselves and strengthen democracy, to create a more egalitarian and just society, and thus to deploy education in a process of progressive social change.\(^{34}\)

Undertaking this research resulted from critical reflection and is a form of resistance for the researcher and the participants in this study. It is a way of sharing the struggle as well as understanding the context of credentialing from our black bodies. In

---


Akua Benjamin’s afterword, cited in Baines (2007), she speaks to how, upon critical reflection, many in social work have a responsibility to resist and conduct transformative work. She discusses how someone may be launched into resistance when faced with a struggle even if one is reluctant. She states:

Using the process of critical reflection, each of us must think through this notion of responsibility for resistance and transformative work. In addition to understanding our individual responsibilities, we need to critically reflect on the context in which we must do this work. I think in the context of any social problem or struggle as the stage that launches us into the process of resistance. Many of us begin this process of understanding context with an understanding of our own location, identities, background and experiences. Many of us got into social work because of some experience that we wanted to share with others or because of a difficulty that we had resolved or wanted to resolve. Some measure of empowerment allowed us to move from a position of being in a struggle to a position of being able and eager to contribute, of wanting to change conditions, not just for ourselves but for a group, a community or our world. (p. 201)

I was a human rights lawyer in Zimbabwe and my work involved advocating for women and children and indigent communities as well as conducting one week long human rights seminars for the police. Human rights and social justice are important, and the current research is giving me a measure of empowerment; this allows me to move from a position of disempowerment as a Canadian immigrant facing settlement struggles to being able to contribute toward changing conditions not just for myself but also for a group of FTBL in Ontario who are NCA students and/or lawyer licensing candidates. In that context, I am in the best position to conduct this research study.

In a video, bell hooks\textsuperscript{35} discusses the role of the media and movies and how they stereotype racial groups. She explains her use of certain words in her work, namely

"White Supremacist, Capitalist, Patriarchy,” because she wanted some language to remind us of the continuous interlocking systems of domination that define our reality. She stated that it is not enough to look at things through just one lens of gender or race, for use of that particular jargon doesn’t fully define things. All these things are functioning simultaneously in black female and male lives. In order to understand experiences, we need to look though different lenses. She also stated that interlocking systems of domination was about the internalized racism of people of colour and keeping whiteness at the center of the discussion. She then explained that she grew up in racial apartheid in the USA, so racism was not just about what white people did to black people but also about how light skinned relatives (grandma) or friends called the darker skinned family member “blackie.” It shows how there is a need of a more complex accounting of identity.

My story and the stories of foreign trained black lawyers’ experiences are unique. The two theories I use speak to the different experiences that make up my life story, and I believe we can work together to help analyze and explain the challenges and perceptions foreign trained black lawyers face when seeking accreditation in Ontario.

2.2.1 Critical Race Theory

Critical race theory (CRT) is a legal theory that stemmed out of the civil rights movement in the USA. To understand what CRT is, one needs to understand its historical context.

Critical Race Theory was developed out of legal scholarship. It provides a critical analysis of race and racism from a legal point of view. Since its inception within legal scholarship CRT has spread to many disciplines. CRT has basic tenets that
guide its framework. These tenets are interdisciplinary and can be approached from different branches of learning.36

After the civil rights movement it was felt change was slow to come; hence, critical race theory is linked to the development of African American thought in the post-civil rights era (Tate, 1996). Legal scholars such as Derrick Bell, Matsuda Lawrence, Robert Delgado, and Kimberle Crenshaw (Crenshaw, 1995) challenged the traditional position of the liberal civil rights stance of a colorblind approach to social justice. However, critical race theory was developed from a male perspective and didn’t necessarily include aspects specific to black women.

CRT points out to the need to examine the intersectionality of multiple oppressions that racialized people face, looking at the broader situation or environment and recognizing that race combined with other factors confronting an individual or community—e.g., gender, class, nationality of origin, and religious background—may cause disempowerment.

Intersectionality within CRT points to the multidimensionality of oppressions and recognizes that race alone cannot account for disempowerment. “Intersectionality means the examination of race, sex, class, national origin, and sexual orientation, and how their combination plays out in various settings.” (Delgado et al 2001, p. 51). This is an important tenet in pointing out that CRT is critical of the many oppressions facing people of color and does not allow for a one-dimensional approach of the complexities of our world.37

The growth of critical race theory began in Canada during the 1980s, and it has been documented and dubbed “Canadian Critical Race Theory” (Aylward, 1999).

Aylward cites Rosenthal (1989-90) speaking to racial discrimination in Canada:

Many ethnic and racial groups in Canada have been victims of direct and explicit discrimination in the past. Today, discrimination persists in forms more difficult to discern such as stereotypes, assumptions and singular viewpoints. It manifests itself as systems, practices, policies and laws that appear neutral, but that, under close inspection, have serious detrimental consequences for members of ethnic and racial communities.

Aylward (1999, p. 94) gives a great explanation of how blacks have been excluded from the legal profession in Nova Scotia. She states:

Historically, Blacks have been excluded from the profession of law in Nova Scotia. There has been an ongoing and continuing struggle by Nova Scotian Blacks to obtain a legal education despite segregation and oppression. Throughout most of the twentieth century, Blacks were legally segregated from the public school system in the province of Nova Scotia. From 1876, Black communities throughout the province formally organized to combat the inferior education and racial discrimination they encountered in the provincial school system. Legal segregation of Blacks in education was only officially repealed (at least on paper) in the late 1960s. In 1964 there were still four segregated school districts in the province, and differential streaming on the basis of race continues in many Nova Scotia high schools to the present day. Critical Race theorists argue that this exclusion from the educational system and the legal profession has seriously undermined the Canadian Black community’s ability to attack issues of racism in a legal framework and has retarded the advancement of rights doctrine in the context of race under the Canadian Charter of Rights and Freedoms.

I grew up at a time when I knew blacks and whites were separated in colonial Rhodesia (now Zimbabwe), when there were sign posts for blacks and whites to use different toilets at the railway station. At that time, in the residential areas, the geography showed which were the “Group A” schools (former white schools) and the “Group B” schools (former black schools); in addition, the residential areas had different recreational facilities—the high density areas (black areas) had beer gardens and
soccer fields and the low density areas (white areas) had swimming pools, tennis courts, and golf clubs. The Color of Poverty Network has conducted research on the color of poverty in Ontario,\(^{38}\) which shows poverty based on race and place of residence. At least two texts (Delaney 1998; Razack, 2002) speak to this physical and geographical separation of races in the American and Canadian contexts.

While growing up in Botswana, one of my best friends from age 10 was a white Canadian. We went to a high school called Maru-A-Pula.\(^{39}\) The school was an experiment in multiracial education, built by a British born man and his wife\(^{40}\) (Deane Yates and Dot Yates—Mma Y as she was affectionately known), who believed it was possible for all races to go to school together. He lived in South Africa at the height of apartheid and built the school in independent Botswana. Children came from all over Southern Africa to attend the school. It was and still is a success. It is in Canada that I have come to recognize how race is a socially constructed concept and is so systemic; it impacts my life in ways I could never have imagined (Bell, 1987; Crenshaw, 1995; Dei, 2007; Delgado & Stefancic, 2000; Tate, 1997).

Racialized people throughout the world have experienced colonialism in one form or another (Dei & Kempf, 2006; Fanon, 1952; Memmi, 1967). In fact, part of what I was


\(^{40}\) Deane Yates was Maru-a-Pula’s first Headmaster. For more information please see http://www.maruapula.org/wp-content/uploads/2014/03/MaPHistoryMarch14small.pdf
interested in discovering was if the experiences of diasporic lawyers from different parts of the world would be similar. That is why I decided to conduct research on foreign trained black lawyers who were Canadian born, African born, and Caribbean born. This study uses critical race theory to analyze the education process related to the credentialing experiences of FTBL.

Drawing on the work of critical race theory scholars (Solorzano & Yosso, 2002; Tate, 1997) we believe that “racism is normal, not aberrant…[B]ecause racism is an ingrained feature of our landscape, it looks ordinary and natural to persons in the culture” (Delgado & Stefancic, 2000, p. xv). Critical race theory and its examination of how race is implicated in societal structures such as the legal system and schooling inform our thinking and deconstruction of our experiences as Black educators. If we are to move forward in reconstructing a socially just education and society, we must learn from the experiences of those who have been on the margins.\(^41\)

As someone in the margins, it is important for me to share my experience and the experience of others to work towards a just society. Research has shown that immigrants (many of whom are racialized people) not being able to work in their professions is costing the economy;\(^42\) this research also shows large wage gaps between new immigrants and Canadian born people.

The struggles new immigrants encounter getting re-established don’t only cause hardship for their families. They have a dramatic impact on productivity in Canada. An August 2012 CIBC study estimates that current employment and


\(^{42}\) Statement supported by Craig Alexander at the The Toronto North Local Immigration Partnership (TNLIP), held on 16 February 2014.
wage gaps between new immigrants and native-born Canadians costs the economy more than $20 billion in foregone earnings.\textsuperscript{43}

At a recent TNLIP meeting\textsuperscript{44} I was invited to, Craig Alexander,\textsuperscript{45} the Senior Vice President and Chief Economist for TD Bank Group, made a statement that intrigued me. He said, and I paraphrase, that:

Within the Canadian labour market, two groups are not being fully utilised; firstly newcomers and secondly First Nations. We need to get good outcomes from newcomers and first nation’s people.

Of course it makes economic sense. How many times have we heard of a doctor who is driving a taxi cab? Why should qualified people drive taxis when they were admitted to this country due to their qualifications? What stories were they told at the port of entry about their job prospects? Were they told they would be driving taxis on their arrival to Canada? Those would be interesting questions to answer in another research project, focused on overcoming barriers for integration in the work force.

However, based on my review of the literature, different foreign trained professionals in Canada (teachers, engineers, doctors) face challenges entering their chosen profession (Goldberg, 2005; Ostapchenko, 2013; Peters, 2011; Robinson, 2003; Seevaratnam, 1994).

\textsuperscript{43} The Ontario Human Rights Commission is trying to make it easier for foreign-trained immigrants to get professional accreditation and find a job in their field. Retrieved from http://www.thestar.com/business/personal_finance/2013/09/15/ontario_human_rights_commission_eases_way_for_foreign_professionals_in_canada.html

\textsuperscript{44} Meeting was organized by The Toronto North Local Immigration Partnership (TNLIP), held on 16 February 2014. The focus of the morning meeting was titled “Leveraging Immigrant Talent: The Power of Collaboration.” For more information, please see http://www.torontonorthlip.ca/

\textsuperscript{45} Craig Alexander. Retrieved from http://www.td.com/economics/about-td-economics/craig.jsp
2.2.2 Integrative Anti-racist Theory

The second theory that informs this study is integrative anti-racist theory, which was developed by George Dei (Samuel, 2005). This theory has eight main elements—namely, the process of articulation of social differences through race, gender, and class; personal experiential knowledge; differential power and privilege; the questioning of white privilege; critiquing Eurocentric knowledge; multiple/shifting identities of the minority group; inclusivity; and a holistic approach.

The experiences of foreign trained black lawyers credentialing can be examined through the eight elements alluded to above. When asked to explain “integrative anti-racism” in an Aurora Online interview, George Sefa Dei (1996) responded:

I use the term as a way to build on some of the early ideas on anti-racism by people like Canadians Enid Lee, Barb Thomas, and Arun Mukherjee. There is also work by people like Phil Cohen, Chris Mullard, and Hatcher, as well as work by critical feminist scholars like Patricia Hill Collins, Angela Davies, bell hooks (sic), and many others.

Integrative anti-racism refers to the intersections of difference through a race-centric analysis. That means that when we talk of difference within an anti-racist framework, we are looking at how race intersects with other forms of difference, such as class, gender, and sexuality. In trying to understand education and social relations, it is important that we don’t see ourselves as simply one thing. The self is complex, having multiple dimensions. One’s race intersects with one’s class, gender, and sexuality.

Lopez (2005), in her research on implementing integrative anti-racist education, takes the definition of integrative anti-racism further and states that it is about equity, representation, and diversity and difference. She asserts:

Integrative anti-racism “deals foremost with equity (values of justice), representation (ways of knowing), and diversity and difference (intersections of race, class, gender, sexuality, language, culture, [physical ability], and religion” (Dei et al., p. 24), through a “racialized” [race-centric] focus. In discussing integrative anti-racist education I draw on the work of George Dei and other scholars, such as Enid Lee, bell hooks, Narda Razack and Patrick Solomon.

A “racialized” discourse is not just about race but includes discussions of culture, language, faith, ethnicity and sexuality, identities of difference. Dei further argues that we need to look at the fluidity of ourselves, and the multiplicity of our identities, but in a way that will not marginalize race. He refers to this as an “interlocking” and “intersecting” approach that examines ways that our multiple identities inform and reinforce each aspect of who we are. We live in a society where race plays an important part in how we are treated.

It is the lived reality of racialized people that race does play an important role in how we are treated, whether we acknowledge it or not. One of my sub-questions seeks to find out if being a foreign trained black lawyer, mother, wife, father, husband, and community member makes black lawyers face more challenges in credentialing in Ontario? The findings will reveal how these intersections come into play in the experiences of the foreign trained black lawyers.

George Dei (2007, p. 5) in a keynote address gave a succinct explanation of what antiracism means, stating:

Anti-racism is about the holistic interpretation of our experiences and realities. This means connecting individual accounts to broader macro-social processes, and to group and community experiences. It calls for matching rights with responsibilities at both the individual and group interface. It also means looking for a synergy of body, mind and spirit. Such understanding calls for re-embodiment so that colonized and oppressed people can speak from their subjective experiences.

The above quote speaks to how I felt motivated to document the experiences of foreign trained black lawyers so that they could speak to their own experiences, what they perceived, and what was their reality in the licensing process. Some may ask, why use these theories as my conceptual framework at all? Aren’t they contentious in our colour-blind, multicultural society? To help understand why I chose to examine these theories, it must be realized that in ancient times there was no discrimination based on race (Snowden, 1993). One Christian author states:

The religion of the Bible recognizes no caste or color. It ignores rank, wealth, worldly honor. God estimates men as men. With Him, character decides their worth. And we are to recognize the Spirit of Christ in whomsoever He is revealed. (White, 1948, p. 223)

In more recent history, black people (and black women in particular) have faced (and continue to face) multiple oppressions. For instance, black women have been racialized together with black men, but they have also faced patriarchal oppression from black men; likewise with white women—black women have been discriminated against for being women but have also been racialized by white women. I speak to this a little more below in section 2.2.2.1.

Integrative anti-racism is part of an anti-racist dianoetic framework that examines ways of knowing. According to Dei it is a framework that interrogates why some “knowledge is validated and privileged” over other forms of knowledge. Because we embody various identities, an analysis that examines multiple identities is useful in understanding our lives in relationship to the world and others. (Lopez, 2005)

As black women and men embody different identities, my research looks to shed light on their experiences as foreign trained lawyers, and how it relates to their relationships as mothers, wives, fathers, husbands, and community members.
2.2.2.1 Anti-Racist Feminism – How my interest in Race was Piqued

I am interested in this research because it speaks to who I am as a woman and a budding academic. Feminisms are frameworks that can be used to give voice to women’s human rights. In fact, many who work within the women’s movement call themselves feminists and many do not. Some may prefer to call themselves women’s rights advocates because calling oneself a feminist is very political. In my human rights work in Zimbabwe, I referred to myself in that way—as a women’s rights advocate. It was still political!

As I mentioned earlier, my first exposure to anti-racist theory came through learning about anti-racist feminism while volunteering during my first few months in Ontario. Anti-racist feminism is a theory that can help clarify the fact that race and gender adversely impact women of colour. Anti-racist feminism is a theory that combines critical race theory and feminist theory.

A more comprehensive definition of anti-racist feminism describes it as follows:

A branch of feminism that highlights and theorizes about the intersectionality of different types of oppression (e.g., racialization, gender, class). Further, it takes issue with the gender blindness of traditional anti-racist work. Anti-racist feminists argue that underlying racism is sexism and that racialized sexism underlies all racisms. Enakshi Dua (1999) highlights some of the tensions around the term. Sometimes called “Black feminism” because the majority of those who write in this area are women of colour, and therefore it has been argued that anti-racist feminism should only be the writings of women of colour or theorizing should start from the position of women of colour (p. 9). This is contentious because it assumes that people put forward ideas based on how they are racialized. “While who we are clearly reflects how we write, such an approach shifts attention away from the ideas and debates that are crucial for the study of [intersectionality].” (Dryburgh, 2004)

The feminist movement also didn't originally include black women specifically, and there is the need to use theories that will acknowledge the multiple oppressions
black women face. Both historically and today, the second wave liberal and radical feminists have largely excluded women of color feminists from the women’s movement. Critical race feminists have passionately and inspiringly written about the racism and classism implicit within the feminist movement. Thus they have carved a dialogical space within North American feminisms for the emergence of critical race feminist writings and research. Another theory—“critical race feminism”—can be viewed similarly to the manner in which Enakshi Dua uses and defines anti-racist feminism—“as a body of writing that attempts to integrate the way race and gender function together in structuring social inequality” (Dua, 1999: 9, cited in Anh Hua, 2003).

As mentioned above, historically black women have faced (and continue to face) multiple oppressions. Black women have as a result been at the bottom of all social strata of society.

There is little recognition in the women’s movement in which the gains made by white women have been and still are at the expense of black women. Historically white women’s sexuality has been described in oppositional terms to black women. (Davis, 1982; Ware, 1983, cited in Amos & Parmar, 1984)

I have become familiar with black feminist thought (Massaquoi & Wane, 2007) as a theorizing tool to help analyze the experiences and stories of foreign trained lawyers credentialing in Canada. Through the lens of black feminist thought, one can examine issues of social justice and how men and women’s lives are regulated first by immigration policy, then by the justice system, and how the law impacts black women’s lives. Are black women really visible, even as professionals?

As seen above, there are many definitions of feminism and one I find compelling is referred to as a “biblical feminist” (Bacchiocchi, 1991, p. 123). He defines a biblical feminist as follows:
Whereas Liberal Feminists reject the Biblical Teaching on headship and submission and the Evangelical Feminists reinterpret it, the Biblical Feminists reaffirm it. They maintain that the Bible clearly teaches that God has established functional role distinctions between husbands and wives – distinctions which do not imply superiority or inferiority but complementarity. (Bacchiocchi, 1991)

To me, this means that if one truly understands the Bible, men do not dominate and subjugate women, and women are not docile and do not submit without consideration of whether or not they are being abused. Rather, each spouse has specific roles that are complementary, and together they enhance their relationship to each other, their family, and their community.

My research, however, does not focus only on the experiences of women lawyers but on the experiences of black male lawyers as well, hence the emphasis on integrative anti-racist theory. The intersection with critical race theory helps contextualize the credentialing challenges foreign trained lawyers face and its implications for their integration into the Canadian legal system. This research will foster a better understanding of the experiences of FTBL. The intersection of Critical race theory, and integrative anti-racist theory, the interlocking of the relationship of black lawyers and the law, the examination of social justice issues and how foreign trained black lawyers’ lives are regulated by the justice system and by immigration policy will also help us understand those experiences in Ontario.

South of the border (to Canada), the discussion of race was brought to the forefront with the election of the first black president of the USA, Barack Obama. I must mention here that were he to immigrate to Canada and want to practice law, he too would have to go through the NCA process. Further, can we say that now that the USA has a black president, racism has been reduced in Western countries? Brooks (2009)
tackles this issue and investigates what the election of a black US president means for racial justice in the country—whether America has now become a post-racial society such that African Americans no longer have to deal with the unspoken or spoken belief that opportunities are limited by race and the USA is a nation in which individual excellence has trumped race at last. My opinion is that race issues are far from over in the USA and that having a black president does not eliminate those issues; it may in fact have made them worse. I don’t know if Canada is ready for that kind of dialogue, particularly when looking at the situation and sensitivity around the relationship with Canada’s First Nations. That would be the subject of a different research project.

2.2.3 Social Capital

One thing that struck me as a newcomer in Ontario was the push for new immigrants to “volunteer.” I have come to understand that it was a way of integrating newcomers into their new environment and community as they settled in. The acquisition of social capital for new immigrants is important. An article by Alejandro Portes (1998) comprehensively discusses the origins and application of social capital. He speaks first to Pierre Bourdieu (1985), whose definition of the concept of social capital was:

Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.\textsuperscript{48}

Second, Portes (1998) speaks to Glenn Loury (1977, 1981), who came upon the term social capital in the context of his critique of neoclassical theories of racial income inequality and their policy implications. He states that:

Loury argued that orthodox economic theories were too individualistic, focusing exclusively on individual human capital and on the creation of a level field for competition based on such skills. By themselves, legal prohibitions against employers’ racial tastes and implementation of equal opportunity programs would not reduce racial inequalities. (as cited by Portes, 1998, p. 4)

He then cites Loury, who stated:

The merit notion, that in a free society, each individual will rise to the level justified by his or her level of competence conflicts with the observation that no one travels that road entirely alone. The social context within which individual maturation occurs strongly conditions what otherwise equally competent individuals can achieve. This implies that absolute equality of opportunity,. is an ideal that cannot be achieved. (Loury, 1977, p. 176)

Third, Portes (1998) discusses that Loury’s work paved the way for Coleman’s (1988) more refined work on social capital. Coleman (1988) believed social capital is a form of capital that exists in the relationships between people. An individual’s ties to other people allow him or her to gain access to a broad range of information and resources. Coleman (1988) focused on three specific forms: (1) obligations and expectations, (2) information channels, and (3) social norms.

These three forms of social capital as described by Coleman (1988) are crucial for FTBL navigating the lawyer licensing process. Of vital importance are learning what the obligations and expectations are for lawyers in Ontario, understanding the information channels and knowing what questions to ask to obtain the relevant information as well as understanding the social norms in the business of becoming and being a lawyer in Ontario, including which associations or networks to belong to.
Much of the research concerning social capital focusing on immigrants that I found relates to people of Asian descent, but it applies to any group of immigrants.

Immigrants and minority groups are, by definition, more alienated from the majority who are native born and white and so may have fewer possible individuals with whom to exchange obligations and expectations. However, among other same-ethnic immigrants, the intensity of the obligation and the expectations for reciprocity should be greater, given the shared experience of migration and the sentimental attachment to one's country of origin. The same would be true of other types of minority groups—members of a tightly knit religious order. (Kao, 2004)

When it comes to information channels, I have observed two things happen. New arrivals seek out those of their nationality who can give them information on the basics of life, such as where to get their native food, and who to talk to about certain other basic information, such as where to buy a car or get insurance. On the other hand, new arrivals simply seek information in a stumble-upon fashion. In regard to social norms, it has been documented that race, ethnicity, and immigrant status can affect the kinds of schools and peer networks that encourage or discourage schooling. I would submit that the same could be said for employment. That is, social capital could build in a certain occupation because that is the occupation that is recognized to be welcoming to Africans. One example is working in food services or custodial work.

Another place where new immigrants seek community is through joining a church or faith community. Weekly fellowship builds social capital and the exchange of information, obligation, and the expectations for reciprocity (Kao, 2004). These are some of the positive elements of social capital, reiterated as follows:

Social capital has been shown to be positively associated with high levels of education, confidence in public institutions, and participation in social, cultural, and political activities. These positive associations are appealing to policy makers, given the hypothesis that trust, reciprocity, and cooperation will correlate with higher outcomes on quality of life indicators such as public safety, health,
and life satisfaction and will create value not only for individuals, but for communities and societies in general. (Kay & Johnston, 2007, p. 169)

Social capital has not always yielded positive results when it comes to the creation of social capital in ethnically diverse communities. This is something I wanted to investigate in the research.

Not all studies have yielded encouraging results. Though a great deal of attention has been focused on the identification of “good” conditions for the creation of social capital, a small body of work carried out in the United States suggests that other things—ethnic diversity in particular—may work to reduce it. (Kay & Johnston, 2007, p. 169)

It was interesting to find out whether or not problems building social capital and building networks was something foreign trained black lawyers faced in their experience and if they deliberately sought out mutually beneficial relationships. In the literature, Kay and Johnston (2007) found that

[some] hypothesize that it is the differing levels of “civic-ness” exhibited by ethnic groups themselves that account for lower overall stocks of social capital (see Banfield, 1958; Black, 1982, 1987; Fukuyama, 1995b; Inglehart, 1988, 1990; Putham, 1993a; Rice & Feldman, 1997; Verba, Schlozman, & Brady, 1995). Others maintain that the answers lie in the social-psychological aspects of majority-minority societal interaction and that the presence of diverse elements in communities inhibits trust and reduces civic and cooperative behavior among dominant groups. (see Coleman, 1990a; Forbes, 1997; Miller, 1995; Uslaner, 2002)

From a Canadian perspective, the differing levels of civic-ness that may result in lower stocks of social capital are a cause for concern, considering Canada’s high immigration numbers and the fact that most ethnically diverse immigrants settle in the large cities (Kay & Johnston, 2007).

The findings in the study differ markedly from those of previous research, particularly in regard to studies carried out in the United States. We find that in Canada, while differences based on ethnocultural identifiers do exist, they are the exception rather than the rule. If diversity were detrimental to social capital,
we would expect to see negative effects across either immigrant or visible-
minority groups. By and large we do not. (Kay & Johnston, 2007, p. 192)

It was interesting to see how this impacts social capital in the experiences of
FTBL and how those who were newcomers interact among themselves, as immigrants
from racially and ethnically diverse backgrounds, and with Canadian born citizens who
are also of diverse racial and ethnic backgrounds.

2.3 Summary

This chapter discussed my rationale for conducting my research. It describes our
racialized society and spoke about race. I shared my theoretical framework, which is a
discursive one, intersecting critical race theory and integrative anti-racist theory. I also
touched on anti-racist feminism and social capital to give a context of what led me to
this research project. In Chapter 3, I discuss the research design and methods I used to
conduct the study; that is, how I identified the participants, collected the data, and
evaluated and analyzed the results.
This chapter presents the research design and methods I employed to identify participants, collect data, evaluate, and analyze the results to answer the research questions. For me to find out more about the reality of black foreign trained lawyers’ experiences in Ontario, I chose the mixed methods of data collection. I decided that by using both quantitative and qualitative data collection methods I could effectively triangulate and validate my data. The benefits of a mixed method research design allowed me to include quantitative methodology insofar as it could empirically support my qualitative research in fully clarifying the credentialing experiences of foreign trained black lawyers. Since the experiences are not just one individual’s story, but numerous individual stories, and cover a plethora of issues, mixed methods would help in the analysis of the issue. The credentialing experiences are not just from an individual foreign trained black lawyer’s perspective alone but among other things include social, political, and economic issues as well. I also chose to employ a transformative-emancipatory paradigm in my mixed methods. A paradigm can be understood to be “simply a belief system (or theory) that guides the way we do things or more formally establishes a set of practices. This can range from thought patterns to action.”\textsuperscript{49}

To understand it better:

\textsuperscript{49} What is your paradigm? Retrieved from http://www.erm.ecs.soton.ac.uk/theme2/what_is_your_paradigm.html
According to Guba (1990), paradigms can be characterised through their: **ontology** (What is reality?), **epistemology** (How do you know something?) and **methodology** (How do go about finding out?). These characteristics create a holistic view of how we view knowledge: how we see ourselves in relation to this knowledge and the methodological strategies we use to un/discover it.

Accordingly, I collected both qualitative and quantitative data via interviews and an online survey, respectively. Qualitative data deals with descriptions and cannot be measured, whereas quantitative data deals with numbers and can be measured.

This is a common approach and helps you to ‘triangulate’ i.e., to back up one set of findings from one method of data collection underpinned by one methodology, with another very different method underpinned by another methodology – for example, you might give out a questionnaire (normally quantitative) to gather statistical data about responses, and then back this up and research in more depth by interviewing (normally qualitative) selected members of your questionnaire sample.

This is what I did. I created an online survey questionnaire and followed up and backed up my research with more in-depth one-on-one interviews with interested participants.

There are four categories of qualitative data, which are in alphabetical order: case study, ethnography, grounded theory, and phenomenology.

Table 1 gives the characteristics of each category.

---

50 What is your paradigm? Retrieved from [http://www.erm.ecs.soton.ac.uk/theme2/what_is_your_paradigm.html](http://www.erm.ecs.soton.ac.uk/theme2/what_is_your_paradigm.html)


Table 1: Characteristics of Four Qualitative Research Approaches

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Qualitative Research Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research purpose</td>
<td>To describe one or more</td>
</tr>
<tr>
<td></td>
<td>individuals' experiences of</td>
</tr>
<tr>
<td></td>
<td>a phenomenon (e.g.,</td>
</tr>
<tr>
<td></td>
<td>the experience of the</td>
</tr>
<tr>
<td></td>
<td>death of a loved one).</td>
</tr>
<tr>
<td>Disciplinary</td>
<td>Philosophy.</td>
</tr>
<tr>
<td>origin</td>
<td>Anthropology.</td>
</tr>
<tr>
<td></td>
<td>Socioculture.</td>
</tr>
<tr>
<td>Primary</td>
<td>In-depth interviews</td>
</tr>
<tr>
<td>data-</td>
<td>with up to 10–15 people.</td>
</tr>
<tr>
<td>collection</td>
<td>Participant observation over</td>
</tr>
<tr>
<td>method</td>
<td>an extended period of time</td>
</tr>
<tr>
<td></td>
<td>(e.g., one month to a year).</td>
</tr>
<tr>
<td></td>
<td>Interviews with informants.</td>
</tr>
<tr>
<td>Data analysis</td>
<td>List significant statements,</td>
</tr>
<tr>
<td>approach</td>
<td>determine meaning of</td>
</tr>
<tr>
<td></td>
<td>statements, and identify the</td>
</tr>
<tr>
<td></td>
<td>essence of the phenomenon.</td>
</tr>
<tr>
<td>Narrative</td>
<td>Rich description of the</td>
</tr>
<tr>
<td>report focus</td>
<td>essential or invariant</td>
</tr>
<tr>
<td></td>
<td>structures (i.e., the</td>
</tr>
<tr>
<td></td>
<td>common characteristics, or</td>
</tr>
<tr>
<td></td>
<td>essences) of the experience.</td>
</tr>
<tr>
<td></td>
<td>Rich description of context</td>
</tr>
<tr>
<td></td>
<td>and cultural themes.</td>
</tr>
<tr>
<td></td>
<td>Rich description of context</td>
</tr>
<tr>
<td></td>
<td>and operation of the case or</td>
</tr>
<tr>
<td></td>
<td>cases. Discussion of themes,</td>
</tr>
<tr>
<td></td>
<td>issues, and implications.</td>
</tr>
<tr>
<td></td>
<td>Description of topic and</td>
</tr>
<tr>
<td></td>
<td>people being studied. End</td>
</tr>
<tr>
<td></td>
<td>with a presentation of the</td>
</tr>
<tr>
<td></td>
<td>grounded theory. May also</td>
</tr>
<tr>
<td></td>
<td>list propositions.</td>
</tr>
</tbody>
</table>

This research study is based on phenomenology to help make sense of the experiences of foreign trained black lawyers in Ontario. I used phenomenology to describe the experiences of the individual participants in the study by analyzing the

---

meaning of statements the participants made to understand their view of their experiences.

In particular, I used a survey to collect both qualitative and quantitative data and followed up with one-on-one interviews to collect further qualitative data. To collect the data, I designed an online survey using Survey Wizard 2, an OISE survey design tool. I also designed an interview document and conducted one-on-one interviews to collect qualitative data. As I conducted the interviews, I wrote comprehensive field notes and recorded the interviews. In analyzing my findings and identifying themes, I listened to the recorded interviews and conducted selective transcription to fill in the gaps in my comprehensive field notes. Mixed methods enabled me to appropriately answer the major research question and sub-questions addressed in this project.

The major question allowed me to interrogate whether or not (and if so to what extent) foreign trained lawyers are challenged by the NCA/Law Society process in Ontario. I met foreign trained lawyers who shared their challenges in the process and were excited when I told them I would be documenting them. A number of them gave me their contact information and expressed an interest in participating in the study. I chose the sub-questions because they helped me to interrogate what factors made foreign trained lawyers face more challenges—was it really a racial issue, was it merely their educational background, was it their accent, or was it previous experience as a lawyer where they trained initially? I was curious about what the legal community is doing to assist NCA students, what special programs, if any, have been put in place to

54 Education Commons, Ontario Institute for Studies in Education of the University of Toronto
make the process more manageable, and if they are effective and affordable. I was interested in finding out whether being a parent or spouse or belonging to a particular community or culture impacted the challenges they faced—that is, did they have support from their family members or friends? Moreover, I wanted to know how the NCA or LSUC influenced, contributed to, or dispelled the challenges that foreign trained black lawyers faced, if any. In particular, I chose to use a theoretical framework combining critical race theory and integrative anti-racist theory to help bring about a better understanding of the barriers, challenges or successes, and experiences of foreign trained black lawyers credentialing in Ontario. It was important to me to use these as part of my conceptual framework because one alone would not sufficiently explain and validate the experiences of the participants. As described above, considering that I was looking at racialized lawyers, I wanted to obtain data that could be authenticated and supported by the intersectionality of the two theories.

3 Research Design

The research design I chose outlines how I conducted my research project, how I collected data, the instruments I used, and how I used those instruments to analyze my data.

3.1 Research Epistemologies

*Epistemology* is our perceived relationship with the knowledge we are un/dis/covering. Are we part of that knowledge or are we external to it?"55

55 What is your paradigm? Retrieved from [http://www.erm.ecs.soton.ac.uk/theme2/what_is_your_paradigm.html](http://www.erm.ecs.soton.ac.uk/theme2/what_is_your_paradigm.html)
I was patently aware that as a foreign trained black lawyer researching the experiences of foreign trained black lawyers, my experience was part of the knowledge I was un/dis/covering. I was also aware even as I determined which methods to use to design and conduct my research that there has been debate regarding research epistemologies and whether or not they are racially biased. Scheurich and Young (1997) state on pp. 8–9 of their article that:

Epistemological racism means that our current range of research epistemologies—positivism to postmodernisms/poststructuralisms—arise out of the social history and culture of the dominant race, that these epistemologies logically reflect and reinforce that social history and that racial group (while excluding the epistemologies of other races/cultures), and that this has negative results for people of color in general and scholars of color in particular. In other words, our “logics of inquiry” (Stanfield, 1993a) are the social products and practices of the social, historical experiences of Whites, and, therefore, these products and practices carry forward the social history of that group and exclude the epistemologies of other social groups. But, again, the critical problem for all of us, both Whites and people of color is that the resulting epistemological racism, besides unnecessarily restricting or excluding the range of possible epistemologies, creates profoundly negative consequences for those of other racial cultures with different epistemologies, ontologies, and axiologies.

The above quote speaks to me because it shows the different ways of knowing and experiencing research. For example, two participants “resisted” using the online survey and preferred to be interviewed personally one-on-one (although it was via the telephone and both participants resided in Ottawa). I had anticipated that some participants might opt for that, and if I was not willing to adjust and accommodate them, I would have missed and excluded their rich, valuable contributions. Their “resistance” supports the African oral tradition of passing information by way of mouth and not using written instruction and tools, whereas, most Western research epistemologies are grounded in written documentation of research.
Tyson (1998) responded to Scheurich and Young’s article with particular reference to the above statement. As she states on p. 22:

This base connects, as Scheurich and Young suggest, with “ontologies, epistemologies, and axiologies [that] are not outside history or sociology; they are deeply interwoven within the social histories of particular civilizations and within particular groups within those civilizations” (1997, p. 8). These intersections demand that we not only look at theories, methodologies, and epistemologies, but that we endeavor to uplift as we inquire in an attempt to create an epistemology of emancipation.

I felt it was important for me to use the master’s tools as a means of emancipation so I could document the experiences and get recognition and validation by using “accepted” technology, knowledge, and understanding before creating a new one.

3.1.1 Transformative-Emancipatory Paradigm

I chose to employ the transformative-emancipatory paradigm in the research methods (Mertens, 2003) as a conceptual framework to conduct the research. It validates my thinking regarding what I hope to contribute to the body of knowledge. I agree as set out in the definition of the transformative-emancipatory paradigm that “knowledge is not neutral but is influenced by human interests, that all knowledge reflects the power and social relationships within society, and that an important purpose of knowledge construction is to help people improve society.” It was important for me to hear the voices and stories of black foreign trained lawyers, to reflect on their

56 Tyson states in the footnote of her article that – For some, this may beg the question: how is this epistemology of emancipation to be created? I purposely resisted the inclination to prescribe because there are no recipes of epistemology, nor do I want to oversimplify the complexity of the questions and issues at this beginning point of what I hope will be an ongoing conversation.
knowledge and experiences, and learn what interested and motivated them to pursue this process in spite of any barriers.

The quote Martens refers to further states that:

Transformative theory is used as an umbrella term that encompasses paradigmatic perspectives such as emancipatory, anti-discriminatory, participatory approaches, and is exemplified in the writings of feminists, racial and ethnic minorities, people with disabilities, and people who work on behalf of marginalized groups. (Mertens, 2003, p. 139)

This statement speaks to my work, because as a racialized female I felt it necessary to document my story and the story of other black lawyers whose experiences could possibly be generalized to the experiences of other marginalized groups. Many times, I felt isolated in the licensing process because it is a very individualistic process and if one doesn’t seek others out, it can be very isolating and disempowering. To me, this research helps build a link and glimpse into a community that many outside of it know nothing about. As a black person one is already marginalized and this research attempts to bring foreign trained black lawyer experiences to the fore. Another reason why this paradigm is appropriate for my research is found on page 142 of the Martens article where three biases in mainstream literature sources are listed. Namely that:

1. Quantitative research continues to dominate most journals in social science and behavioral sciences, either because of the choice of the researchers or because of the gatekeepers who decide which articles will be published.

2. It is uncommon to find articles that directly address issues of discrimination and oppression within the context of research variables.

3. Published literature represents an elite perspective that may well be different from that found in the streets and communities where the less powerful groups live.
Conscious of these three biases, I chose to use a mixed methodology to allow me to obtain quantitative data, so my research can be published by the gatekeepers (academic/journal publishers, including the Law Society of Upper Canada and the National Committee on Accreditation)—even if it does address issues of discrimination and oppression within the context of research variables—and further contribute toward the publication of the lived experiences of less powerful people in an academic study.

These three biases in mainstream literature sources impacted notions of how I chose to collect, examine and analyze my data. I did not take lightly the opportunity to explore research addressing foreign trained black lawyers in particular and wanted to do so at an empirical level in higher education. As a woman, a wife, and a mother, I truly believe in what Dr. James Emman Kwegyir Aggrey (1875–1927) said:

No race or people can rise half-slave, half free. The surest way to keep people down is to educate the men and neglect the women. If you educate a man you simply educate an individual, but if you educate a woman, you educate a family. 57

Some have used this phrase: “educate a woman and you educate a nation.” I would further extend that phrase to “educate the world.” I say this simply as a diasporic woman with roots in Africa, who pursued further studies in the West and now resides in North America.

As a woman, it is important to me that my education extends to my family and to my community at large. It is in this vein that I did not take lightly the time that participants took to share their experiences with me. The participants’ responses were vital in showing how their background and experiences informed their perception of the credentialing process. Their answers further showed how they perceived their “foreignness” to help them interpret and construct their reality in terms of what they have/are experiencing, as they do/did all they can/could to enter their chosen profession. The survey and one-on-one interviews helped substantiate those experiences based on the participants’ interpretation and construction in their responses. In working with the transformative-emancipatory paradigm, I wanted to understand as much as possible how power and social relationships influence the lived experiences of the participants as foreign trained black lawyers credentialing in Ontario.

3.2 Why Mixed Methods Design

The mixed methods design was appropriate and greatly assisted in establishing the validity of my research. However, I understand that mixing qualitative and quantitative methods of data collection would make it more challenging for analysis.

The design is complementary and in analyzing the data triangulation would be used to help “increase the validity of constructs and inquiry results by counteracting or maximizing the heterogeneity of irrelevant sources of variance attributable especially to inherent methods bias but also to inquiry bias, bias of substantive theory, and biases of inquiry context” (Greene, Caracelli, & Graham, 1989, p. 259).

My design also has a developmental aspect to it—that is, the findings in one research question can assist in building and understanding another research question in the context of the theoretical frameworks and the gender perspectives of the research.
The use of mixed methods inquiry informs the qualitative or quantitative method in the different research questions. Since my overall purpose is to understand why foreign trained black lawyers face the challenges they do in credentialing in Canada, a mixed methods design is the most comprehensive way to understand and explore the question.

In my design, I chose to mix methods at selected stages of the research process, for instance in designing my research instruments: the survey to collect quantitative data and the interview questionnaire, to collect qualitative data. I also mixed methods during the analysis stage when I identified themes that emerged from the data. Overall, the design was transformative, intended to reveal the different power relationships and empower black foreign trained lawyers to be able to establish themselves in their chosen profession in Canada.

3.3 Participant Identification

After the ethics review protocol was approved, I proceeded to identify and compile a list of potential participants. From the time I started doing my Ph.D. studies in the fall of 2006, I met a number of foreign trained black lawyers at a variety of networking events over the years. Two significant events come to mind in terms of identifying participants: first, the Law Society of Upper Canada’s (LSUC) NCA students meeting held in May 2008 and second, the Black Women Lawyers Retreat (Sistahs-in-Law) held on November 11, 2008. It was at the Sistahs-in-Law event that my desire to conduct this research was sparked. That was also the day I met Dr. Njoki Wane, who had been invited to be the keynote speaker. We were introduced because we were both at OISE. After that event, I met with Dr. Wane and discussed my research interests and my experience as a newcomer to Canada. I shared with her that I was at a crossroads. I
had started research focusing on the feminization of HIV/AIDS, but I was feeling some frustration going through the legal credentialing process. After attending the Sistahs-in-Law retreat, I felt a compelling need to document my experience and that of people who were taking the same journey as me. After we dialogued and she heard me, my decision was firmed. My experience and the experience of other foreign trained black lawyers needed to be documented. Needless to say, she became my mentor and thesis supervisor.

I also contacted an Ottawa-based organization called the Alternative Career Transitions for International Legal Professionals ran by the Catholic Immigration Centre that helped foreign trained lawyers integrate in Canada.

I was referred to them by a white female lawyer who worked at the West End Legal Services (Ottawa), whom I had met on April 1, 2011 while attending the Immigration Law conference in Ottawa. I was articling with Amnesty International Canada at the time. I shared my Ph.D. thesis plans with her, and she suggested I contact the Catholic Immigration Center of Ottawa (CIC). In my email to the program office, I asked if they knew of any black foreign trained lawyers seeking their services and if so, would they be able to pass on the notice of my research that I’d included in my message to them. I indicated that I would collect data until the end of December. I received a response promptly stating that:

The employment program that I coordinate assists mainly internationally trained lawyers who are not interested in pursuing to practice law again in Canada; however I would be pleased to talk with you to see how I can help you.

That was nice, but I chose not to follow up with her. I did wonder why the foreign trained lawyers had decided not to pursue practicing law, but by then I was happy with the response I was getting to my survey and had enough participants to work with so I
let it go! I also sent emails to Margarett Best, whom I’d met at the Black Women Lawyers Retreat, as well as to the Congress of Black Women of Canada, where I’d volunteered for a number of years, and they passed it on to their networks.

I posted a notice on the NCA students’ Facebook page and sent a number of inbox messages to some potential participants who had been part of my initial email. Three participants—two males of Nigerian descent—indicated that they wanted to participate, but after numerous back and forth messages, I decided to let them go too because they were constantly unavailable. One runs a busy practice and was actually my immigration lawyer when I first came to Canada!

The participants were all foreign educated and trained lawyers, some who had practiced law in the country they trained in and others who were just fresh out of law school, wherever they had studied. They were at different stages of the lawyer credentialing and licensing process. There was a total of 28 participants. Of the 28, twenty-three were female and five were male. Twenty-four of the participants completed the online survey. I interviewed two via telephone using questions on the online survey as per their request and preference; one participant started but didn’t complete, and one registered their email but didn’t start the survey. Of the 24 who completed the online survey, two participants who completed it did so when the survey was “closed,” so I had saved their answers when I was checking responses after I had initially sent the survey out. Please see fuller explanation below regarding the online survey. I conducted one-on-one interviews with 17 of the participants. Of the 17, 13 were female and four were male.
Of the 28 participants who responded to the survey, 25 indicated the countries they studied in, which are as follows: Australia (1), Caribbean/Jamaica (3), England/United Kingdom (4), Ghana (2), Kenya (1), Liberia (1), Nigeria (7), Rwanda (2), USA (2), and Zimbabwe (2).

The NCA has two appendices in a document titled “NCA Policies and Guidelines” that shows lists of common law and hybrid law countries. A common law jurisdiction is described as one whose legal system subscribes to judge-declared law or law that exists and applies to a group on the basis of customs and legal precedents developed over hundreds of years in Britain. A hybrid law jurisdiction is defined in the NCA Policy and Guidelines document as:

A jurisdiction that combines two or more legal traditions, i.e., civil law, customary law, common law, religious law, etc. An Applicant with legal credentials obtained in a hybrid jurisdiction will be assessed solely on the common law component of the Applicant’s legal education. Hybrid jurisdictions with a common law component include Bangladesh, Israel, Philippines, Scotland, and South Africa (see full list in Appendix B). An Applicant from a hybrid jurisdiction that has no common law component will normally be required to complete a Canadian common law degree.

---


A body of English law of law that originated with an oral tradition of tribal justice in Britain thousands of years ago and grew into a unique, cohesive national body of law (the realm) developed and set to writing by English judges over time, and which was eventually imported as the law of British colonies throughout the world such as the United States of America (except Louisiana), Canada (except Quebec), and India.

“The common law is judicially created law that is developed on a case by case basis,” wrote Chief Justice Hannah of the Supreme Court of Arkansas in Mason v State. In R v Rusby, Justice Kenyon wrote: “The common law, though not to be found in the written records of the realm, yet has been long well known. It is coeval with civilized society itself, and was formed from time to time by the wisdom of man.”

Table 2 shows the countries.

Table 2: Common Law and “Hybrid” Jurisdictions

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Bangladesh</td>
</tr>
<tr>
<td>Bahamas</td>
<td>Cameroon</td>
</tr>
<tr>
<td>Barbados</td>
<td>Canada (Province of Quebec only)</td>
</tr>
<tr>
<td>Belize</td>
<td>Guyana</td>
</tr>
<tr>
<td>Bermuda</td>
<td>Israel</td>
</tr>
<tr>
<td>Canada (except Quebec)</td>
<td>Liberia</td>
</tr>
<tr>
<td>Fiji</td>
<td>Malaysia</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Nepal</td>
</tr>
<tr>
<td>India</td>
<td>Philippines</td>
</tr>
<tr>
<td>Ireland</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>Jamaica</td>
<td>South Africa</td>
</tr>
<tr>
<td>Kenya</td>
<td>Sri Lanka</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Sudan</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Tanzania</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Uganda</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>United Kingdom (Scotland only)</td>
</tr>
<tr>
<td>United Kingdom (except Scotland)</td>
<td>Zambia</td>
</tr>
<tr>
<td>United States</td>
<td>Zimbabwe</td>
</tr>
</tbody>
</table>

From table 2, it can be seen that the participant’s countries of study jurisdictions were categorized as follows:

Australia (1), Common law

Jamaica (3), Common law

England/United Kingdom (4), Common Law

Ghana (2), not listed, but Ghana’s legal system is based on a common law system.61

Kenya (1), Common law

Liberia (1), Hybrid

Nigeria (7), Common law

Rwanda (2) was not listed, but Rwanda’s legal system is based on German and Belgian civil-law systems and customary law.62 The Chief Justice has stated Rwanda desires to have a hybrid legal system.63

USA (2), Common law

Zimbabwe (2), Hybrid

I communicated with the participants mainly by email; that’s how I made my initial contact. I did follow up with a few potential participants by phone if I was familiar with them or if they had questions about the survey, as they may have been having trouble

61 Retrieved from http://www.ghana-mission.co.in/legal.htm


The Deputy Chief Justice, Prof Sam Rugege, has said that Rwanda is dedicated to developing its own legal system compatible with the nature of the problems the country faces, rather than dwelling primarily on other systems.

Rugege said this yesterday at the opening of a conference on civil procedure in Common Law, targeting legal practitioners, which was organized by the Institute of Legal Practice and Development (ILPD).

Stating Rwanda’s desire to have a hybrid legal system, Rugege said: “We are not married to any legal system. What we do is look around for best practices from other systems and integrate them to come up with our own.”
conducting the survey. Two participants could not access the link that I sent with the online survey through the “online survey participant system” that I speak to a little more below. I had to resend it as an “open survey” link and then one of the two was able to complete it. Most participants were happy to participate, and some actually emailed or called me to advise that they had done so. There were one or two potential participants who indicated their interest—a few to whom I’d sent the advert to directly and others through my Facebook post on the NCA Facebook page—but for whatever reason ended up not doing so.

Many of the participants worked, so I understood that their time was limited. In fact, it was because of the distances and for convenience sake that I chose to create the online survey; that way, participants could complete it in their own time at their convenience. There are two participants, both located in Ottawa, who indicated when I emailed them that they preferred for me to conduct the online portion and the one-on-one interview with them directly via phone. I cannot specifically identify all the participants who completed the online survey because it was an anonymous survey, and the only information I have for them is their email. I could, however, identify some after because they agreed to be interviewed further and had to complete the participant consent letters. Their emails also helped me identify some that I may have known previously. I have given pseudonyms to the 17 participants I conducted one-on-one interviews with.

3.4 Participant Profiles

The participants were wonderful people who were so willing and happy to share their experiences. Table 3 illustrates the profile of the participants I interviewed. I gave each one a pseudonym to protect their identity and to fulfill confidentiality requirements
although some indicated that they didn’t mind me using their real names when I went through the consent letters with them before being interviewed. I had met and knew eight participants personally; nine participants I didn’t know and met through this research project.

Table 3: Participant Profiles – One-on-One Interviews

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Gender</th>
<th>Marital Status</th>
<th>Faith</th>
<th>Canadian Legal Status</th>
<th>Country of Origin/Birth/ Descent</th>
<th>Country of Initial Law Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Fatima</td>
<td>Female</td>
<td>Married</td>
<td>Muslim</td>
<td>Canadian citizen by naturalization</td>
<td>Nigeria</td>
<td>Nigeria</td>
</tr>
<tr>
<td>2) Clare</td>
<td>Female</td>
<td>Living in common-law</td>
<td>Christian</td>
<td>Canadian citizen by birth</td>
<td>Trinidad and Tobago</td>
<td>Australia</td>
</tr>
<tr>
<td>3) Farai</td>
<td>Female</td>
<td>Separate</td>
<td>Christian–Pentecostal</td>
<td>Permanent resident</td>
<td>Zimbabwe</td>
<td>Zimbabwe</td>
</tr>
<tr>
<td>4) Garkai</td>
<td>Male</td>
<td>Single</td>
<td>Christian</td>
<td>Canadian citizen by naturalization</td>
<td>Zimbabwe</td>
<td>Zimbabwe</td>
</tr>
<tr>
<td>5) Marcel</td>
<td>Male</td>
<td>Single</td>
<td>Christian</td>
<td>Permanent resident</td>
<td>Rwanda</td>
<td>Rwanda</td>
</tr>
<tr>
<td>6) Ruth</td>
<td>Female</td>
<td>Separate</td>
<td>Christian</td>
<td>Canadian citizen by naturalization</td>
<td>Ghana</td>
<td>Ghana</td>
</tr>
<tr>
<td>7) Peter</td>
<td>Male</td>
<td>Single</td>
<td>Christian–Anglican</td>
<td>Canadian citizen by naturalization</td>
<td>Jamaica</td>
<td>England</td>
</tr>
<tr>
<td>8) Tola</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Pentecostal</td>
<td>Canadian citizen by naturalization</td>
<td>Nigeria</td>
<td>Nigeria</td>
</tr>
<tr>
<td>9) Naomi</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Baptist</td>
<td>Permanent resident</td>
<td>Jamaica</td>
<td>Jamaica</td>
</tr>
<tr>
<td>10) Karen</td>
<td>Female</td>
<td>Single</td>
<td>Spiritual</td>
<td>Canadian citizen by birth</td>
<td>Jamaica</td>
<td>England</td>
</tr>
<tr>
<td>11) Charlotte</td>
<td>Female</td>
<td>Divorced</td>
<td>Christian–Pentecostal</td>
<td>Canadian citizen by naturalization</td>
<td>Liberia</td>
<td>Liberia</td>
</tr>
<tr>
<td>12) Emilia</td>
<td>Female</td>
<td>Single</td>
<td>Christian–Non-Denominational</td>
<td>Canadian citizen by birth</td>
<td>Jamaica</td>
<td>Jamaica</td>
</tr>
<tr>
<td>13) Amy</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Anglican</td>
<td>Canadian citizen by naturalization</td>
<td>Nigeria</td>
<td>Nigeria</td>
</tr>
<tr>
<td>14) Anita</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Evangelical</td>
<td>Permanent resident</td>
<td>Ghana</td>
<td>Ghana</td>
</tr>
<tr>
<td>15) Maria</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Protestant</td>
<td>Permanent resident</td>
<td>Kenya</td>
<td>Kenya</td>
</tr>
<tr>
<td>16) Pierre</td>
<td>Male</td>
<td>Married</td>
<td>Christian–Catholic</td>
<td>Canadian citizen by naturalization</td>
<td>Democratic Republic of Congo</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>17) Tapiwa</td>
<td>Female</td>
<td>Married</td>
<td>Christian–Catholic</td>
<td>Canadian citizen by naturalization</td>
<td>Zimbabwe</td>
<td>England</td>
</tr>
</tbody>
</table>
3.5 The Online Survey

I designed an online survey to help me gather data to ensure I had both quantitative and qualitative data. One of my reasons was convenience because the idea was that those foreign trained black lawyers I had come in contact with, once they had completed the survey, would forward the survey link to other foreign trained black lawyers in their network. Those lawyers could in turn forward the link to foreign trained black lawyers in their network, creating a snowball effect. The online survey allowed me to gather both quantitative and qualitative data with the open ended questions. In my recruitment script for lawyers in my network, I stated:

As a participant, you will be asked first to complete a survey questionnaire either online or hard copy that will take about 30 minutes and secondly, if you consent, to participate in a single question-and-answer session lasting approximately 60 minutes with the researcher.

No one requested a hard copy of the survey to complete. In that online survey, I asked a question—whether or not the participant was willing to be interviewed further one-on-one—and if they indicated in the affirmative, I asked what mode they preferred, i.e., by phone, in person or via Skype.

I chose these options due to the vastness of Ontario as well as for the convenience because, due to lack of funding for this research, it would have been a challenge for me to travel. Moreover, there would have been scheduling challenges because some foreign trained black lawyers were working or simply lived in another city. As mentioned earlier, two participants, both from Ottawa, advised that they would not be able to complete the online survey; hence, they preferred that I call them and conduct the interview of the online survey and the one-on-one interview in one session.
I created an online survey to assist in collecting data, and once participants completed it, I was able to track them and set up one-on-one interviews if they indicated an interest in doing so. The survey I developed is an OISE tool called Survey Wizard 2. When I submitted my original questions for ethics review, I had 28 questions for the survey and 22 for the one-on-one interviews. When I started to create and develop the online survey using Survey Wizard 2, I ended up with 56 questions (See appendix B). This was in part because of the design and layout of the survey instrument as well as the fact that after consulting with my thesis supervisor and one committee member, it was suggested I include or modify some of the questions. Once the survey instrument was complete, I sent it out the first emails on October 14, 2011 and the second group I sent out on October 27, 2011.

I first emailed the survey link in late October 2011 to 30 foreign trained lawyers and to contacts that were part of organizations that interacted with foreign trained black lawyers: namely, the Canadian Black lawyers Association (CABL), the Black Female Lawyers Network (Sistah’s-in-Law), the University of Toronto’s Internationally Trained Lawyers Program (ITLP), and a few individuals I mention in the participants’ section above. I must mention I did ask the NCA contact person at an NCA student networking event they participated in, if they could assist in getting the notice placed on the NCA website; however, I was advised that they could not assist me in any way. They said it was because they represented the Federation of Law Societies and not Ontario only, thus could not place any notices for individuals. I met the lawyers and contacts during the time I started going through the credentialing process, and they shared their contact email with me. I met most potential participants at various networking events, and when
I introduced myself to them, I would share the fact that I was planning to do this research and ask if they would be interested in participating. I had quite the collection of business and calling cards and small notes of paper with people’s contacts. When I first emailed the survey, I sent a scripted email with the survey link. Part of the recruitment script at the beginning paragraph stated:

I would like to invite you to participate in my research study to examine “The Experiences of Foreign Trained Black Lawyers in Ontario.” You may participate if you are a foreign trained black lawyer resident in Ontario. Please do not participate if you do not self-identify as Black, African, or Caribbean origin.

When I started sending the email out using the Survey Wizard 2 features, it allowed for me to add all the emails of the potential participants I had identified. In my message, I included a script guide for the participants to use if they were willing to forward the research recruitment email, consent letter, and survey link via email to other foreign trained black lawyers in their networks, so they could consider participating as well.

As I began checking to see the response to my recruitment email, I noticed some had completed the survey, but as I kept checking during the first week I noticed that for some who had completed the survey, their responses had disappeared. I contacted Education Commons to ask what could have been causing that in the survey tool; maybe I had omitted something when activating the survey. I spoke with one of the technology experts and he advised, after consulting with his colleagues, that the survey tool was still being developed. In its current state, if I sent out the survey link through the survey email system, it gave a unique number to the participant. If the participant then forwarded that same link with the unique number, if the recipient(s) of that email completed the survey, it effectively deleted the first participant’s results. I was so happy
I had actually downloaded the results of two participants who forwarded the effectively closed survey, so I didn’t lose their results. I was then advised to simply copy and paste the survey link into the body of my email and send an email from my official school email account, utoronto, or from my gmail account. That way the link was open and anyone could complete and pass on the survey link without deleting any other participant’s results.

It was important for me to constantly check to see who was responding and had picked up the glitch in the survey. I had intended for the survey to be open and had been assured it was, but it was a learning moment for all concerned—myself and the staff member at Education Commons.

I now had two survey groups, the one I had specifically named “Foreign Trained Black Lawyers” and the other called “Open survey auto group 2011-10-27 18:43:43.”

The group named “Foreign Trained Black Lawyers” was the one where, if the link was forwarded and the survey completed as a result, it would cancel out the results of a participant who had filled out the survey. Seven participants completed the survey in that group. The other group, “Open survey auto group 2011-10-27 18:43:43,” enabled participants to freely forward the survey link. Seventeen participants were identified—15 completed the survey, one started and didn’t complete, and two logged in but didn’t start the survey at all. I was one of the participants who logged in but didn’t start it. I sent an email to myself to see how the survey worked and debated whether or not I should complete the online survey. In the end, I decided not to because as the researcher, my story is represented in how I locate myself in the research. I will mention that while
developing the survey, I did simulate answering the questions so I could get a sense of how long it would take to complete.

I must also mention here that two participants wanted to complete the survey but told me did not have the time to complete it; as such, they asked me to interview them, covering first the online survey questions, then the one-on-one questions at one time. It was quite an enriching experience as the tone of the interviews was deeper. Both said it was important for them to talk to me rather than complete a survey online (in part because they were working and although they wanted to participate, they had not carved out the time to do so). They were some of the last interviews I conducted, and coincidentally, both were from Ottawa.

3.6 One-on-One Interviews

As mentioned above, a total of 22 participants completed the online survey, and I conducted 17 interviews. After the survey was completed I began to set up interview appointments. I conducted my first one-on-one interview on November 24, 2011 and my last on April 1 2012.

The survey gave me quantitative data. The survey tool also produced pie charts of some of the results. I selected a few to illustrate some parts of the data related to the themes that emerged from the findings. The one-on-one interviews were enjoyable. After each interview, I learned so many new things about the participants as individuals through their experiences. I gave the participants the choice of how we would conduct the interview, either in person, by phone, or via Skype, largely for convenience. With either mode, it was relaxed and comfortable. I went over the consent letter with each participant and clarified any questions they had before we began. It was interesting that one or two participants thought the study was being conducted by the government. I
had to state that it was a Ph.D. study by someone going through the same process. That statement made the participants relax and open up more and reduced anxiety, even to the extent that at times the researcher became the interviewee.

One of the advantages of conducting one-on-one interviews as part of my data collection was that it allowed the participants to respond in their own words in the way they liked. The interviews also enabled me to obtain personal information, attitudes, perceptions, and beliefs. This helped to triangulate and validate my findings. I developed semi-structured questions that I asked each participant. I had to be flexible in how I asked some questions depending on the stage in the credentialing process that a participant was in. As much as possible, I asked the same questions so I could summarize and analyze the data; furthermore, I did not have a pre-determined list of answers. The interviews were very enlightening and rich.

3.6.1 Selective Transcription

The one-on-one interviews gave me rich qualitative data. I audio recorded the interviews and as I recorded, I hand wrote copious notes almost verbatim. I also listened to the audio recordings to fill in the gaps in my handwritten notes. These processes helped me to code and identify the emerging themes in the data. I debated

---

64 Questionnaire and Interview as Data Gathering Tools. Retrieved from http://www.okstate.edu/ag/agedcm4h/academic/aged5980a/5980/newpage16.htm


whether or not if it was necessary for me to transcribe verbatim the interviews in light of the audio recording and thorough notes I had collected. I found I was not alone in this thinking of selective transcription because it has been questioned, particularly in mixed methodology research. I found research that specifically focused on this issue of verbatim transcription (Halcomb & Davidson, 2006) in an article ironically titled “Is verbatim transcription of interview data always necessary?” In the article, Halcomb and Davidson highlighted “the case for verbatim transcription” and one of the pros they stated for that was:

> [A] verbatim record of the interview is clearly beneficial in facilitating data analysis by bringing researchers closer to their data. In more generic mixed-method research, these relationships and degree of closeness between researchers and their data are not as critical.

The authors then discussed “the case against verbatim transcription”:

> It is also widely accepted that the process of verbatim transcription is not only time consuming but also complex and fraught with technical dilemmas (Fasick, 2001; Wellard & McKenna, 2001). Whether researchers transcribe the tapes themselves or engage professionals, transcribers are still human (MacLean et al., 2004). As such, the process of transcription is open to a range of human errors, including misinterpretation of content, class, and cultural differences and language errors (Easton et al., 2000; Gilbert, 1993; MacLean et al., 2004).

I agree with them that thorough note taking and re listening to the audio recording was helpful to have a superior grasp of the nuances, tone, sarcasm, frustration, relief, and joy that was expressed by the participants during the interviews. I read a few articles (Halcomb & Davidson, 2006; Davidson, 2009; Bucholtz, 2000) regarding transcription to see if there was any research on this and came to the conclusion that transcription in itself is a highly selective analytical process. Some researchers choose to have strangers transcribe their recorded interviews, and I submit that these individuals may lose the sense and nuances that may be useful for analysis, since they are clerically
transcribing without fully understanding the subject matter they are working on. I chose to immerse myself in that data by listening over and over to the interviews and garnering from the tone of voice, laughter, and heavy sighs and pauses, interpretations of the experience of the individual participant.

Halcomb and Davidson support my submission in that they argue that

The use of written field notes taken either during an interview or immediately afterward has been reported as being superior to the exclusive use of audio recordings that are subsequently verbatim transcribed (Fasick, 2001; Wengraf, 2001). Fasick (2001) asserted that although audiotapes provide an accurate record of the conversation, the difficulties inherent in verbatim transcription and coding reduce the value of such data collection. Even ardent qualitative researchers, such as Barney Glaser, assert the importance of memoing and field note writing to capture researchers’ thoughts and interpretations during the process of listening to audio recordings (Wengraf, 2001). Considering that the process of transcription should be more about interpretation and generation of meanings from the data rather than being a simple clerical task, the need for verbatim transcription in every research project that generates verbal interview data must be questioned.

After all the interviews, I photocopied my notes and listened to the recording twice, filling in the gaps and coding as I listened. I decided not to transcribe the interviews verbatim, deliberately because I already had hand written notes and typed notes from the online survey. I decided that the best way for me to code and analyze the data was by hand, manually highlighting themes, similarities, and differences that arose in the data. Once I had coded and identified my themes, I typed out quotes from the various participants and placed them in the themes they represented. I found that the way I designed the one-on-one questions allowed me to see a pattern of how the themes emerged. This helped me further engage with the data and evaluate the responses to the one-on-one interviews. Therefore, I could more easily triangulate and validate my findings and the themes that emerged as well as categorize them based on the research sub-questions they helped answer. I also highlighted statements that
helped answer my main research question and sub-questions, which will be summarized in the thematic chapters.

3.7 Summary

In summary, this chapter outlines how the type of method and design I chose to conduct my research enabled me to obtain rich data to be discussed in my findings. I also discussed the tools I used to collect my data, i.e., the online survey and interviews and the process I went through to code and identify the major themes and begin the analysis of my findings. In the next chapter, Chapter 4, I present my findings from the mixed methods of data collection and identify my major themes.
Chapter 4
Research Findings

As stated in the introduction, the research is about foreign trained black lawyers (FTBL) navigating the Canadian legal credentialing process, the National Committee on Accreditation (NCA), and the lawyer licensing process. When newcomers come to Canada, Ontario specifically, they believe they have come to make their home in a special place.

Foreign trained lawyers are part of the group of new immigrants who choose to make Ontario their home. Some of the foreign trained lawyers, however, are Canadian born, who decided to study for their law degree in another country and have come back seeking to practice in Canada. In this chapter and the next few chapters, I present the findings, analysis, and discussion of the themes that emerged from my research. Initially, in this chapter I share some overall findings and share some pie charts from the online survey; then, in Chapters 5 to 9 I share the findings, analysis, and discussion theme by theme.

4 Findings

The data came from two major sources, the online survey and the one-on-one interviews. I obtained a lot of rich data from both sources, and I had many findings that are too numerous to include in this research project. From the survey responses, the following categories popped out at me as I printed and laid out all the results on a big sheet of paper. I broadly identified nine categories from the survey results. To help me summarize and analyze the data, I developed a table to illustrate the nine categories identified from the survey results, a table that identified the questions helping to inform
the themes that emerged, and the third table shown below that lists the five major themes and sub-themes identified after evaluating and analyzing all the mixed data. To assist my summary and analysis, I printed off the survey results and placed them on a huge chart so I could physically see and categorize the themes by highlighting them with different colours.

4.1 Online Survey and One-on-One Interview Themes

The online survey theme categories identified related to demographics; countries the participants studied in; difficulties they experienced regarding their NCA evaluation; NCA courses; NCA and the Certificate of Qualification; the Law Society of Upper Canada; Articling, Family, Resilience, Faith, Career motivation; and Race.

After conducting the one-on-one interviews, I reviewed the audio recording and filled in the gaps in my copious interview notes, bearing in mind selective transcription. After coding and comparing the findings of the online survey with the interview questions, I was able to identify the major themes. The mixed methods of data collection helped validate the themes identified in the survey responses. The questions in the one-on-one questionnaire helped me determine how the themes emerged and helped me effectively triangulate and validate the findings. I looked at the survey themes as well as the themes that emerged from the one-on-one interviews and grouped the findings into five major themes with sub-themes.
4.2 Five Themes and Sub-themes

Table 4: Five Themes and Sub-themes in chapter order

<table>
<thead>
<tr>
<th>THEMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 5 - <strong>NCA (National Committee on Accreditation)</strong> – Lack of</td>
</tr>
<tr>
<td>transparency and consistency</td>
</tr>
<tr>
<td>5.3.2) <strong>LSUC Exams</strong></td>
</tr>
<tr>
<td>Chapter 6 - <strong>Articling in Ontario</strong> – Difficulties securing articling</td>
</tr>
<tr>
<td>Chapter 7 – <strong>Impact of Racism</strong> – Disempowerment and discrimination</td>
</tr>
<tr>
<td>7.4.2) <strong>Accent</strong></td>
</tr>
<tr>
<td>Chapter 8 – <strong>Resilience and Career Motivation</strong> – Coping Mechanism</td>
</tr>
<tr>
<td>and sustenance</td>
</tr>
<tr>
<td>8.2.3) <strong>Finances</strong></td>
</tr>
<tr>
<td>Chapter 9 - <strong>Networking</strong> – Importance of social capital</td>
</tr>
<tr>
<td>9.3.2) <strong>Type of work</strong></td>
</tr>
</tbody>
</table>

There was an overlap with the results obtained from the survey and the one-on-one interviews. Once I got the results from the one-on-one interviews in particular, I looked at the survey results and the interview results together before I narrowed them down into five major themes and four sub-themes each linked to one of the major themes. I confirmed the identified themes as I re-listened to my participant interviews and did my selective transcription to augment the comprehensive notes I took when I conducted the one-on-one interviews; then I typed up all the participant responses and quotations related to the questions and themes that emerged.
### 4.3 The Online Survey Results – Quantitative Findings

The following pages will show the profile of the survey participants and various pie charts illustrating some of the results from the online survey for 23 participants. As I mentioned in my methodology chapter, I interviewed two participants directly on the survey questions when I conducted their one-on-one interviews. Those two profiles were not included in the survey profile but are included in the profile of the one-on-one interviewees.

#### 4.3.1 Survey Participant Profiles and Demographics

In the pages that follow, I present demographics on the participants and will provide an understanding of the background of the participants. In the research, all the participants self-identified as black.

Table 5 presents demographics of the participants who completed the online survey questionnaire. The online survey was anonymous, so a number represents each participant. I then present their marital status, legal status in Canada, and the country where they obtained their law degree. The participants were all of African and Caribbean descent.

**Table 5: Online Survey Participant Profiles**

<table>
<thead>
<tr>
<th>Survey Participant</th>
<th>Gender</th>
<th>Marital Status</th>
<th>Legal Status</th>
<th>Country Law Degree Obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Male</td>
<td>Single</td>
<td>Canadian citizen by naturalization</td>
<td>Zimbabwe</td>
</tr>
<tr>
<td>2</td>
<td>Male</td>
<td>Married</td>
<td>Permanent resident</td>
<td>Caribbean (country not specified)</td>
</tr>
<tr>
<td>3</td>
<td>Female</td>
<td>Married</td>
<td>Permanent resident</td>
<td>Kenya</td>
</tr>
<tr>
<td>4</td>
<td>Female</td>
<td>Common law</td>
<td>Canadian citizen by birth</td>
<td>Australia</td>
</tr>
<tr>
<td>5</td>
<td>Female</td>
<td>Married</td>
<td>Permanent resident</td>
<td>Jamaica</td>
</tr>
<tr>
<td>6</td>
<td>Female</td>
<td>Divorced</td>
<td>Canadian citizen by naturalization</td>
<td>Liberia</td>
</tr>
<tr>
<td>7</td>
<td>Female</td>
<td>Married</td>
<td>Canadian citizen by naturalization</td>
<td>Nigeria</td>
</tr>
<tr>
<td>8</td>
<td>Male</td>
<td>Single</td>
<td>Permanent resident</td>
<td>Rwanda</td>
</tr>
<tr>
<td>9</td>
<td>Female</td>
<td>Single</td>
<td>Canadian citizen by</td>
<td>Nigeria</td>
</tr>
</tbody>
</table>
The online survey questionnaire tool (Survey Wizard 2) produced a number of pie charts from some of the questions I asked in the questionnaire. Figure 1 shows the gender of the participants. It was important for me to know the gender to assess if there were any differences in their experiences based on gender.

---

68 Survey Wizard 2. Retrieved from https://surveys.oise.utoronto.ca/surveywizard2/
Figure 1 shows that out of the 23 participants, 82% (18) were female and 18% (6) were male. One thing I inadvertently omitted to ask was age in my survey. I thought about it when I was analyzing my data, but I do not think it really mattered because I had other questions that helped me figure out the age of a participant—i.e., Questions 28 and 29 regarding their years of practice after their first degree before coming to Canada and how long they had practiced. Their marital status and family background gave me another indication of their age. The fact that they had children and their ages was also an indicator. I must mention that the age range was between 28 and early 50s. That is not surprising because immigrants come at different stages of their lives for different reasons.
Figure 2 shows that a slight majority, 41% (10), of the participants were married, 36% (9) were single, 9% (2) were divorced, 9% (2) were separated, and 5% (1) were living in common-law.

One participant in the one-on-one interviews stated that his marriage broke down in large part because he wanted to pursue the lawyer licensing process. Participant 16, Pierre, stated: *My wife then, my ex-wife was one of those who discouraged me [from] going back to school. She wanted me to make money and to apply for a mortgage.*
Figure 3: Ethnicity

Figure 3 shows that out of 23 responses, 70% (15) of the participants were African born, 20% (6) were Caribbean born, and 10% (2) were Canadian born. One participant indicated under “other” that they were African-American born. Of the two Canadian born participants, one was brought up in Jamaica and came to live in Canada after completing their law degree.

I included this information because I wanted to know if being African born, Caribbean born, or Canadian born influenced the participants’ experiences in any way. When it came to the issue of accent, it seems to have made a difference. I speak to that more in Chapter 7.

Figure 4 shows the legal status of the participants in Canada at the time they participated in this research.
The chart shows that 50% (12) of the participants were Canadian citizens by naturalization, which means they were born outside of Canada. Of the other half of the pie chart, 27% (7) of the participants were permanent residents—that is, they were citizens of other countries but resided permanently in Canada—and 23% (5) were Canadian born citizens. I wanted to know the legal status of the participants because when I started the NCA process, a person’s legal status in Canada had an influence on whether or not someone could apply for accreditation and register in the Law Society licensing process. That is no longer required. So long as someone is a permanent resident, they can apply.
Legal Systems and Law Schools of Participants

The legal systems that the participants initially studied in, was background information of interest to me. When a foreign trained lawyer seeks accreditation that is one of the questions the NCA asks for in evaluating the credentials. In fact, transcripts from an applicant’s law school must be sent directly to the NCA as part of the evaluation and assessment process. I wanted to know if the participants went to established law schools. I speak to the type of legal system they were educated in in more detail in Chapter 3, section 3.3. I was also curious about whether or not they had established law societies that regulated their profession.

Of the 24 participants who completed the online survey, 21 obtained their law degrees in common law jurisdictions, two from hybrid jurisdictions (mixed legal system of English common law, Roman-Dutch civil law, and customary law), and one from a civil law jurisdiction.

Question 9 of the online survey touches on the law schools the participants went to, as indicated in the following table. I divided them into African, Caribbean, and Western law schools. The term “Western”\textsuperscript{69} refers to Eurocentric countries, such as North America, Europe, Australia, and New Zealand.

\begin{table}
\centering
\begin{tabular}{|c|c|c|}
\hline
Country & Law School & Population
\hline
African & 10 & 50%
\hline
Caribbean & 4 & 20%
\hline
Western & 7 & 30%
\hline
\end{tabular}
\caption{Law Schools of Participants}
\end{table}

Table 6: Law Schools Participants Originally Attended

<table>
<thead>
<tr>
<th>African Law Schools</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Kinshasa – Democratic Republic of Congo</td>
<td></td>
</tr>
<tr>
<td>Ghana School of Law – Ghana</td>
<td></td>
</tr>
<tr>
<td>University of Ghana – Ghana</td>
<td></td>
</tr>
<tr>
<td>University of Nairobi – Kenya</td>
<td></td>
</tr>
<tr>
<td>Arthur Grimes School of Law – Liberia</td>
<td></td>
</tr>
<tr>
<td>Ahmadu Bello University – Nigeria</td>
<td></td>
</tr>
<tr>
<td>University of Benin – Nigeria</td>
<td></td>
</tr>
<tr>
<td>University of Ibadan – Nigeria</td>
<td></td>
</tr>
<tr>
<td>Nigerian Law School (Enugu)/Delta State University – Nigeria</td>
<td></td>
</tr>
<tr>
<td>Nigeria law school – Nigeria</td>
<td></td>
</tr>
<tr>
<td>Nnamdi Azikiwe University/Nigeria Law School – Nigeria</td>
<td></td>
</tr>
<tr>
<td>Olabisi Onabanjo University, Ogun State – Nigeria</td>
<td></td>
</tr>
<tr>
<td>Kigali Independent University – Rwanda</td>
<td></td>
</tr>
<tr>
<td>University of Zimbabwe – Zimbabwe</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Caribbean Law Schools</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>University of the West Indies and the Norman Manley Law School – Jamaica</td>
<td></td>
</tr>
<tr>
<td>Faculty of Law – University of the West Indies – Barbados</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Western Law Schools</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond University – Australia</td>
<td></td>
</tr>
<tr>
<td>University of Buckingham – UK</td>
<td></td>
</tr>
<tr>
<td>Cardiff University – UK</td>
<td></td>
</tr>
<tr>
<td>London Metropolitan University and University of Westminster – UK</td>
<td></td>
</tr>
<tr>
<td>Queen Mary, University of London – UK</td>
<td></td>
</tr>
<tr>
<td>Michigan State University – USA</td>
<td></td>
</tr>
<tr>
<td>University of Pennsylvania School of Law (PENN LAW) – USA</td>
<td></td>
</tr>
</tbody>
</table>

Table 6 shows that the majority of the participants who were African born and obtained their law degree from an Africa law school went to Nigerian law schools. Two participants went to Caribbean law schools; one was Canadian born and the other Jamaican born. Of the seven participants who went to Western law schools, one was African born, five were Canadian born, and one was American born. It was interesting to
see that the participants came from jurisdictions that were highly influenced by the legal system of their respective colonizers, many of which were or are part of the Commonwealth countries.

**Figure 5: Established Law Society in Country Participants Studied in Originally**

Figure 5 shows that 100%, all participants obtained their foreign law degree in a jurisdiction with an established law society. It illustrates clearly that each country the participants studied in had an active, established law society. That indicates that the practice, ethics and activities of lawyers in the respective countries were governed and regulated accordingly.
Figure 6: Was it Easy Getting all the Information from your Initial Law School and Law Society?

Figure 6 indicates that the majority of participants found it easy to get the information they required from their law school and law society for the NCA to evaluate their education and experience (to be accepted in the NCA process). The majority, that is 77% (17) found it easy. This information helped show the resilience and determination of the participants—despite the challenges, they did all they could to obtain the information required to enter the legal credentialing process in Ontario. The following are some comments related to their experience in their effort to get the information they needed to start the process.
One participant from Jamaica, who found it easy, nonetheless included a statement that qualified their response. They stated, “It was not difficult, but because of the distance it was very time consuming.”

The other 23% (8) found that it wasn’t easy obtaining the information they required. and these are the reasons they included below. The participants who faced challenges were from Jamaica, Liberia, Nigeria, and Zimbabwe.

The Liberian participant expressed facing challenges with “mailing, communication due to year-long civil war which resulted in more expenses in getting documents to me or the NCA.”

Nigerian participants stated:

1) “No online services so you have to depend on human/physical assistance in procuring transcript, etc.”
2) “I had to go in person [to Nigeria] to apply for my transcripts.”
3) “It took longer than average to get the documents.”

Zimbabwean participants expressed difficulties as follows:

1) “At the time my country was experiencing economic problems and there was no system in place for my university to send records to students [who were] living abroad and unable to attend at the university to pay for their transcripts and then facilitate their sending to foreign based institutions.”

2) “I don't understand the question clearly. I am not sure what you mean by “getting all the information.” I am not sure whether you mean information regarding practicing in Canada or information with respect to my practice in my home country, or some other ‘information.’ However, generally, the law society was not as engaging as the law society here in Canada (LSUC).”

As can be seen from the comments above, some participants faced difficulties and had to go to the extent of returning to their home country to get the information they
needed. I asked this question because I had heard of some people who did not even start the process when they read about the information the application required.

**Figure 7: Interested in Further One-on-One Interviews**

Figure 7 shows the enthusiasm of those participants who completed the online survey and wanted to be interviewed further. The majority indicated they wanted to participate in one-on-one interviews. Sixty-seven percent preferred to be interviewed by phone, 20% in person, and 13% via Skype. Initially, I planned to interview up to 10 participants in the one-on-one interviews. However, the response was great and after discussion with my thesis supervisor, we decided I would interview all who were interested in being interviewed; therefore, I ended up interviewing 17 participants. Figure 7 shows more participants than I actually interviewed. This was because more
participants indicated an interest in participating in one-on-one interviews, after completing the online survey; however, after numerous failed attempts to connect for the interviews, I decided to let them go.

4.4 The One-on-One Interview Results – Qualitative Findings

Table 7 illustrates the demographics of the participants I interviewed.

Table 3 that I shared in Chapter 3, section 3.4, shows the participant profiles in more detail as well as the pseudonyms I gave each participant. I changed the participants’ real names to protect their identity and comply with research ethics protocols.

Depending on the country they were from, I chose a name common to that country. If they had a Eurocentric or Western name, I just chose another Eurocentric or Western name.

Table 7: Overview of Participants including Location in Ontario

<table>
<thead>
<tr>
<th>Participant</th>
<th>Gender M/F</th>
<th>Black Identity</th>
<th>Location in Ontario</th>
<th>Mode of interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>F</td>
<td>West African</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>2</td>
<td>F</td>
<td>Caribbean (Canadian born)</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>3</td>
<td>F</td>
<td>Southern African</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>4</td>
<td>M</td>
<td>Southern African</td>
<td>GTA</td>
<td>In person</td>
</tr>
<tr>
<td>5</td>
<td>M</td>
<td>Central African</td>
<td>Ottawa</td>
<td>Skype</td>
</tr>
<tr>
<td>6</td>
<td>F</td>
<td>West African</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>7</td>
<td>M</td>
<td>Caribbean (Canadian born)</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>8</td>
<td>F</td>
<td>West African</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>9</td>
<td>F</td>
<td>Caribbean</td>
<td>GTA</td>
<td>Skype</td>
</tr>
<tr>
<td>10</td>
<td>F</td>
<td>Caribbean (Canadian born)</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>11</td>
<td>F</td>
<td>West African</td>
<td>GTA</td>
<td>Phone</td>
</tr>
<tr>
<td>12</td>
<td>F</td>
<td>Caribbean</td>
<td>GTA</td>
<td>In person</td>
</tr>
<tr>
<td>13</td>
<td>F</td>
<td>West African</td>
<td>Windsor</td>
<td>Phone</td>
</tr>
<tr>
<td>14</td>
<td>F</td>
<td>West African</td>
<td>GTA</td>
<td>Skype</td>
</tr>
<tr>
<td>15</td>
<td>F</td>
<td>East African</td>
<td>NW Ontario</td>
<td>Phone</td>
</tr>
<tr>
<td>16</td>
<td>M</td>
<td>Central African</td>
<td>Ottawa</td>
<td>Phone</td>
</tr>
<tr>
<td>17</td>
<td>F</td>
<td>Southern African</td>
<td>Ottawa</td>
<td>Phone</td>
</tr>
</tbody>
</table>
Table 7 shows that I interviewed two participants in person, three via Skype, and 12 by phone. These modes of communication were the most convenient for the participants and the researcher. In the case of the participant in Northwestern Ontario, I did not specify the city she resides in to protect and maintain her confidentiality. Often, I had to switch off the recorder and spend time giving or getting advice about the NCA or licensing process. I did not find much difference in the mode of the interview; I had a recorder and was writing notes at the same time while I was home alone, so I had them on speaker.

I found the interviews a very enriching experience, and I could hear, feel, and discern the laughter, joy, pain, uncertainty, frustration, and other emotions in the voices and faces of the participants. On average the interviews took an hour to conduct. I had great discussions with every participant and learned so much from each one. It became normal that by the end of the interview, I would have to pause and turn off the recorder because we were chatting like old friends. Most interesting were the two interviews I had with the participants who did not do the online survey. It was fascinating how much richer and detailed their responses were because they spoke them rather than wrote them. I noted, however, that their responses were very much in sync with the responses of the other participants.

One thing I did in designing my one-on-one questions was I repeated some of the questions included in the online survey in the one-on-one questions to help validate and triangulate my results. For the one-on-one interview participant profiles, please see table 3 in Chapter 3, section 3.4.
4.5 Summary

This chapter introduced the findings by highlighting the major themes, with their subthemes, and highlighted the quantitative findings, including the demographics from the online survey and one-on-one interviews. The next few chapters of the thesis will reveal the major findings, which combine the quantitative and qualitative findings, analysis, and discussion theme by theme. In the thematic chapters, I give a brief background on the particular major theme, present the qualitative results, and discuss the results as well as how they interlink with the literature review and my thoughts. Moreover, these chapters reveal why various stakeholders, NCA, LSUC law schools, foreign lawyer candidates, and the community at large should care about the results (Blum, 2006).

Chapters 5 to 9 will be presented as follows. Chapter 5 deals with the NCA (National Committee on Accreditation), its lack of transparency and consistency, and the Law Society of Upper Canada’s (LSUC) examinations. Chapter 6 addresses Articling in Ontario and the difficulties I had securing articling positions. Chapter 7 focuses on the impact of racism (including accent) along with issues of disempowerment and discrimination. Chapter 8 is Resilience and Career Motivation (including finances) and the coping mechanisms and sustenance the participants had in the process. Lastly, Chapter 9 covers the last major theme that emerged, networking and the importance of social capital. It also speaks to the type of work the participants had as they navigated the credentialing process.
At the conclusion of the interviews the participants’ shared their final thoughts and recommendations, I include them Chapter 10. In many respects their concluding thoughts supported the findings that emerged in the major themes.

The next chapter focuses on the themes that emerged relating to the NCA (National Committee on Accreditation), including the lack of transparency and consistency, as well as that of the Law Society of Upper Canada, specifically the LSUC exams. I present the qualitative findings and then discuss the findings.
Chapter 5
The National Committee on Accreditation (NCA) and the Law Society of Upper Canada (LSUC)

In this chapter, I look at the theme that emerged relating to the NCA’s (National Committee on Accreditation) lack of transparency and consistency, and the Law Society of Upper Canada, specifically the LSUC exams. It addresses sub-question 4 – What is the impact of the NCA/law society in contributing toward and/or dispelling the challenges foreign trained black lawyers face when credentialing in Ontario? I will give a brief background of the NCA and LSUC. I will show how the participants found out about the NCA and what courses they were required to take to obtain a Certificate of Qualification (COQ) prior to registering in the LSUC lawyer licensing process. I will then present the qualitative findings and discuss the findings.

5 NCA and LSUC

The NCA and LSUC are part of the Canadian legal credentialing process, referring namely to the accreditation body (NCA) and the law society in Ontario (LSUC). As I stated in the introduction of this thesis, the NCA is a standing committee of the Federation of Law Societies of Canada (FLSC) and is comprised of representatives from the Council of Canadian Law Deans, members of the practicing bar, and members involved with the administration of provincial law societies.
This statement on the NCA website aptly explains the NCA’s function.

Foreign lawyers who wish to become members to Canadian Law Societies must apply to the National Committee on Accreditation for an evaluation of their legal credentials and experience. The NCA was established through the joint efforts of the Council of Canadian Law Deans and the Federation to evaluate credentials of persons applying from outside Canada for admission to one of the Canadian Law Societies and to evaluate degrees from the province of Québec for the purposes of entry into the bars of the common law provinces.\textsuperscript{70}

Once foreign trained lawyers have completed the evaluation process and successfully passed the exams that were assigned to them, the next step is to register to be licensed as lawyers. The Law Society of Upper Canada (LSUC) is the provincial law society for regulating the legal profession in Ontario. The academic requirements for applying to and entering the Licensing Process are to complete a common law degree program (LL.B. or J.D.) from an approved Canadian university or complete a Certificate of Qualification from the National Committee on Accreditation. Licensing candidates then have to complete a 10 month period of articling and online Professional Responsibility course and two 7 hour multiple-choice exams, the Barrister’s and the Solicitor’s exams respectively. The Law Society has a policy for equity and diversity in Ontario’s law profession, which states:

The Law Society of Upper Canada is committed to promoting equity and diversity in the legal profession and to help stop discrimination and harassment. Through its activities, and through its Equity Initiatives Department, it seeks to ensure that both law and the practice of law are reflective of all the peoples of Ontario, including Aboriginal people, Francophone people and equity-seeking communities. The Law

\textsuperscript{70} From \url{http://www.flsc.ca/en/lawSocieties/lawSocieties.asp#foreign} retrieved on 29 March 2010.
Society’s Equity Initiatives Department is not, however, involved with the evaluation of foreign legal credentials.\(^7\)

The NCA has an application process and the NCA evaluates candidate’s credentials and determine how many courses each individual will have to take to obtain a Certificate of Qualification. Once candidates have completed the assigned courses, either as self-study or through one of the law schools in Canada, they can apply to a provincial law society of their choice to undergo the lawyer licensing process. In Ontario, the Law Society of Upper Canada (LSUC) is the provincial law society. In Ontario, the lawyer licensing process consists of an online professional responsibility course, 10 months of articling (unless the candidate gets an exemption or abridgement), and two bar exams, which are composed of 7 hour multiple-choice questions that each need to be read, analyzed and answered in approximately 1 minute 20 seconds. They are the Barrister’s and Solicitor’s exams respectively. The material candidates must read is about the size of a Bible; and suffice to say, every word is important. Barrister’s covers Civil Law, Criminal Law, Family Law, and Public Law. Solicitor’s covers Business Law, Real Estate Law, and Estate Law. Both have a section on Professional Responsibility.

5.1 The NCA – Lack of Transparency and Consistency
The NCA is the accreditation body for foreign trained lawyers, and I was interested in learning how the participants became aware of it. Table 8 shows how each participant in the one-on-one interviews learned of the NCA as a body of accreditation.

\(^7\) Career Map for Internationally Trained Lawyers, retrieved on 5 January, 2009 from http://www.citizenship.gov.on.ca/english/working/career/professions/lawyers.shtml
Table 8: How Participants Found out about the NCA

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Friend</th>
<th>Web search</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Fatima</td>
<td>Friend in Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Clare</td>
<td>Friend in Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Farai</td>
<td>Friend in Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Garikai</td>
<td>Settlement Agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Marcel</td>
<td>Didn’t know about NCA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Ruth</td>
<td>Friend while in Ghana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Peter</td>
<td>Knew about NCA before he went to England</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8) Tola</td>
<td>Friend in Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9) Naomi</td>
<td>Website scan, CIC roadmap for lawyers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10) Karen</td>
<td>Friend in Canada</td>
<td>Google</td>
<td></td>
</tr>
<tr>
<td>11) Charlotte</td>
<td>Friend in Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12) Emilia</td>
<td>Website scan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13) Amy</td>
<td>Website scan, called NCA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14) Anita</td>
<td>Google</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15) Maria</td>
<td>Online search</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16) Pierre</td>
<td></td>
<td>Knew about it, but chose to go to law school directly</td>
<td></td>
</tr>
<tr>
<td>17) Tapiwa</td>
<td></td>
<td>Called University of Ottawa, who told her about NCA</td>
<td></td>
</tr>
</tbody>
</table>

Table 8 shows that seven participants found out about the NCA from a friend. I could relate. I found out about the NCA by googling it after a conversation with a friend in England who said there must be a governing body regarding the licensing process of foreign trained lawyers. As I mentioned before, when I came in 2005, there was no CIC pathway to lawyer licensing. Six participants conducted a web scan or google search and found out about the NCA that way. Three participants found out about the NCA in varied ways. One found out from a settlement agency, one found out by calling a university and being directed to the NCA, and one knew about the NCA but deliberately chose not to go that route but to enroll in law school directly as a regular student. One
participant didn’t even know what the NCA was, and had enrolled directly in law school without any NCA evaluation as well.

5.1.1 NCA Courses Assessed for COQ

Figure 8 shows the number of courses the participants in the online survey indicated they were required to take as part of their process to get a Certificate of Qualification (COQ) that would allow them to register in the LSUC lawyer licensing process.

Figure 8: Courses assessed to do to get COQ

The participants started the NCA process at different times, ranging from January 2003 to July 2011. During that process, the NCA changed a number of their policies quite substantially and introduced a “Review” process, after some candidates had initially been evaluated and given a certain number of courses to complete to obtain a COQ. As a result, some candidates requested the “Review” and some were fortunate to have a substantial number of courses removed. One participant, for example, was
initially assessed to do 12 courses; on “Review,” he was only required to complete four courses. NCA candidates could have been evaluated and required to study and pass a range of 1 to 14 courses to obtain a Certificate of Qualification (COQ).  

Figure 8 shows that initially participants were required to do a wide variety of courses. There appeared to be no uniformity. Courses assessed varied even between candidates from the same country and similar work backgrounds.

On “Review,” some candidates indicated the change in number of courses as stated in the following quotes:

“Initially got 7, that was reduced to 3.” (Caribbean born participant who studied at the Faculty of Law – University of the West Indies)

“Yes, I ended up doing one. My course was changed after the NCA restructured.” (African born participant who studied at Olabisi Onabanjo University, Ogun State Nigeria)

“After evaluation, they removed only one of the recommended courses.” (African born participant who studied at the University of Zimbabwe)

“I was asked to do 5 courses. I registered and paid for the exam materials. When I reviewed the syllabus, I asked for a review as much of what I was assessed to do was identical to what I had already covered in the UK. The Committee met and reduced the

---

72 The COQ allows an NCA candidate to be considered equivalent to a Canadian law school graduate, although it is not considered a law degree; it allows an NCA candidate to register in the lawyer licensing process in any provincial law society in Canada.
courses from 5 to 2.” (African born participant who studied at the University of Buckingham in the United Kingdom)

“Yes. I eventually I wrote 6 courses. Two courses were taken away after the review.” (African born participant who studies at Ahmadu Bello University, Nigeria)

“Courses were changed from 12 courses to 4.” (African born participant who studied at University of Benin, Nigeria)

Table 9 shows the pseudonym of the participants I interviewed as well as the number and names of the NCA courses they were evaluated to take for their COQ, as part of their credentialing process.

You see that on table 9 I included the courses I was assessed to write as “Researcher.” The courses I was assessed to do were Administrative Law, Constitutional Law (Charter Component), Corporate Law, Evidence, Family Law, Income Tax Law, Remedies and Trusts. I did Administrative Law, Evidence, Remedies and Trusts at the University of Toronto Law School and Corporate Law, Income Tax, Constitutional Law, and Family Law via self-study.

Table 9 illustrates the NCA’s lack of transparency and consistency in assessing the participant’s courses. It shows that participants from the same country, with similar legal backgrounds, were assigned different courses. It also shows the most commonly given courses, namely: Administrative Law; Constitutional Law; Criminal Law; and Family Law.
<table>
<thead>
<tr>
<th>Name</th>
<th>No. of courses</th>
<th>Admin Law</th>
<th>Bus/Corp Law</th>
<th>Civil Law</th>
<th>Com Law</th>
<th>Cont</th>
<th>Constit Law</th>
<th>Cri m Law</th>
<th>Evid</th>
<th>Family Law</th>
<th>Fdns of Cdn Law</th>
<th>Profes s Resp</th>
<th>Prop</th>
<th>Rem</th>
<th>Tax</th>
<th>Trusts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatima</td>
<td>5</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clare</td>
<td>8</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Ruth</td>
<td>4</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peter</td>
<td>11</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Karen</td>
<td>7</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emilia</td>
<td>3</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anita</td>
<td>4</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maria</td>
<td>4</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Researcher</td>
<td>8</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farai</td>
<td>10, 9</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Garikai</td>
<td>9, 10</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Tola</td>
<td>8, 7</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Naomi</td>
<td>7, 3</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlotte</td>
<td>12</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amy</td>
<td>11, 3</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tapiwa</td>
<td>11, 12</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Marcel</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pierre</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 9: List of Courses Participants had to take to meet their NCA Requirements**

**Full names of Courses:** Administrative law, Business Law, Corporate Law, Civil Law, Commercial Law, Contract, Constitutional Law, Criminal Law, Evidence, Family Law, Foundations of Canadian Law, Professional Responsibility, Property Law

1) Garikai, took a course in Labour Law as his own choice while doing his NCA courses at law school.
2) For Naomi, after she requested a review, the three courses removed were Civil Procedure, Evidence, and Family Law.
3) Tapiwa took a course in Written Advocacy as her own choice while doing her NCA courses at law school.

4) From Farai to Tapiwa, the first number represents the number of courses the participant was initially assessed and the second number represents the number of courses they actually wrote after they requested a review of their assessment.
5) Marcel and Pierre did not get assessments from the NCA but enrolled directly in law school and followed the law school curriculum and credits per their school.

6) Charlotte was assessed 12 courses, but she could not recall the names of three of the courses.
You will also notice on table 9 that Ruth, Anita, and Maria were assessed only four courses to do. This was due to some of the substantial changes the NCA put in place at about the same time the review process was introduced. The NCA Review process was introduced in March 2009. Per the notice on the NCA website regarding the new rules for assessment, applicants with a common law LL.B. degree who were assessed prior to March 1, 2009 could request a review of their file based on the new rules. I speak to this more below in the discussion.

5.2 Summary and Discussion of Theme

The NCA process was interesting to say the least. Below I show the results of the participants’ responses regarding their experiences with the NCA. The theme that emerged summarizes the qualitative findings of the interviews regarding the theme, NCA – Lack of transparency and consistency, and some of the participants’ experiences with the LSUC, in particular the bar exams, which are part of the licensing process. The responses help to answer my research sub-questions 1 and 4, which were as follows:

Research sub-question 1

What factors contributed to the challenges of foreign trained black lawyers in Ontario as they navigated the NCA process? *This was accomplished through* a literature review, Critical Race Theory and integrative anti-racist theory and conducting participant interviews.

Research sub-question 4

What is the impact of the NCA/law society in contributing toward and / or dispelling the challenges foreign trained black lawyers face when credentialing in Ontario? *This was accomplished through* the online survey/questionnaire, i.e., online Facebook NCA group.

The NCA’s lack of transparency and consistency was one of the major findings. The participants’ quotes eloquently show how and why they asserted that below. The
discussion looked at the lack of transparency and consistency in the experiences of the participants. I touch on the LSUC licensing process and show in part how NCA students at law schools feel marginalized throughout the process. NCA students are also marginalized from bar examination preparation courses offered by private groups or organizations due to the prohibitive costs. Furthermore, I speak to the mushrooming of bar prep courses. It was interesting but not surprising that only one person mentioned doing a bar preparation course. That was Amy from Windsor, who was an older NCA candidate and found it helpful. She recommended I look into taking one, and I was fortunate to get a bursary again from my wonderful friends at Massey to help pay for it.

5.2.1 Lack of Transparency and Consistency

Four participants found the NCA, as a body, to lack transparency and consistency. It was interesting to hear Farai state what she thought after speaking to other NCA students:

[W]hen you compare notes, you find the process is unfair; they can do anything for anybody. One person is given 4 courses and another 9. The process of evaluation is very arbitrary because I have friends who don’t know what they are doing in legal practice. I’ve set up an office as an immigration consultant and 4 of my friends who are now licensed lawyers are setting up their offices. They have no idea what they are doing. I find there is a need to assess people in a fair manner. It seems to depend on the day they (NCA) sit and consider your application.

Two participants, Marcel and Pierre, did not even go through the NCA in their process to become licensed lawyers in Ontario. Marcel didn’t even know about the NCA. However, I contacted him directly to participate because I knew he was a foreign trained lawyer and had in fact been a judge in Rwanda. I chose to continue the interview and ask about his experiences. He found his experience challenging, stating:

My experience about becoming a lawyer in Ontario is challenging because they don’t consider all of the experiences and courses and work experience you have from back home. You have to start at the beginning. Everything is from the
beginning. They ignore whatever you have done, your background and experience. You have to restart everything. It is challenging because I know some people are discouraged to go through the process and become a lawyer, and as a result, they choose to take other classes or take other jobs.

Pierre on the other hand knew about the NCA but deliberately chose to enroll directly in a law school. He explained why after I asked him why he applied directly:

I applied directly to law school and did not go through the NCA. I went to the Faculty of Law at the University of Ottawa. They provided me with the opportunity to go to law school here. I come from a Francophone country, so I felt the right thing to do was go back to law school. I figured that the common law way is the way I should go. Common law was the legal system used by almost all the Canadian Provincial jurisdictions, with the exception of Quebec. I came from a French speaking country and although most of the Faculty of Law program was in English, I had four reasons why I chose the University of Ottawa. 1) My English was not good enough to apply for the English program; 2) With the French section, at the University of Ottawa, I didn’t have to pass the LSAT, which would have been a major obstacle for me to get a legal education in Canada; 3) I found that the fees were affordable for me; and 4) I was living in Toronto, so it was closer than the mountain, the French common law program. Because of these four points, the major ones being the first two, I applied directly to the Faculty of Law University of Ottawa and was admitted.

The other 15 participants all underwent NCA evaluation and were at different stages in the process. For instance, Farai and Ruth were yet to write their NCA exams, while others had just completed the NCA process, like Anita and Maria, and were about to join Naomi’s stage, being registered in the LSUC licensing process. A few others—like Amy, Clare, Emilia, Fatima, Garikai, Karen, Peter, Tapiwa, and Tola—had completed the NCA process and the LSUC licensing process and were licensed lawyers. Charlotte had completed the NCA process and two components of the LSUC lawyer licensing process (i.e., articling and the Professional Responsibility course) but was not successful in the bar examinations and had withdrawn from the licensing process.

Clare, Farai, Peter, and Tola all felt the NCA process was indeed lacking in transparency and consistency. Clare put it bluntly, saying she:
Felt there was no guidance or direction and no rhyme or reason to anything, any process. Why was I asked to take these particular exams and courses when Canadian law students didn’t have to do them? Just in general I felt I was in the dark. I felt [there] was no guidance, no assistance, no direction, [it was] kind of at their mercy, everything was very secretive. No one wants to give information, the NCA in particular. That’s my comment on that.

Farai supported this by speaking to her experience particularly regarding the number of courses she was asked to do:

You know it’s very difficult to practice in an area, especially law…..You have all kinds of startup costs and the part of that is the NCA itself. So when they gave me 9 courses I had a problem with some of the courses. It’s like going to law school again. I have to do two years or more essentially. It costs money……

Peter was straightforward and said the process was “hell.” He elaborated as follows:

Hell! It was one of those things where you felt unwanted. There was this thing, “how dare you study outside and come back here; we don’t care, we want you to fail.” I’m not sure if the NCA was trying to portray that, but that’s what I felt.

I first wrote exams in north Toronto, way up on Bay. The venue for the examination was part of a daycare and kids were running around making noise and I couldn’t concentrate. They said there was nothing they could do. People complained, and then they started to have examinations at the Law Society. That was in 2006. It seems from day one, the NCA have made some improvements; otherwise, it would be detrimental to people later on. I found they forced you to take subjects you wouldn’t have taken otherwise, for example family law. I personally think family law should not be learned for the first time on the bar examination. I think all should learn family law; certain rulings don’t seem to be just, when you understand the basic principles. It’s different from other areas of law, and some people get confused when they study family law for the first time. The NCA was a blessing in disguise in that case because that forced you to take certain subjects you wouldn’t have otherwise taken.

Dealing with the faceless NCA petrified me. When I heard Fran Russo73 and Vern Krishna74 left the NCA, after reading an article, I thought, don’t complain, look at

73 Fran Russo, was the Administrator of the NCA
74 Vern Krishna, was the Executive Director of the NCA
India, they don’t let others come in [to their bar]. Vern Krishna’s attitude was not good. In the article he was commenting on the licensing process.  

Peter was of Jamaican decent, a Canadian citizen who studied law in England. On his return home to Ontario, he felt unwanted. He acknowledged that is what he felt, even though it may not have been the intention of the NCA, but dealing with the NCA petrified him.

Farai and Tola spoke of how their family life affected their experience in the NCA process. Farai shared that she was a single mum and Tola that she was married and had a baby during the process. Farai stated:

… When I came to settle in Ontario, I had to live, pay bills, take care of family and children. It’s difficult to support yourself and fulfill all the credentialing requirements. I came to Canada with two kids, I’m a single Mum. I had to provide for the children to establish my kids, and do what everyone should do in a new place, like finding accommodation….I’m not saying this chronologically, but for them to evaluate me to take 9 courses while I [was] trying to start up was too much. The evaluation fees cost $500 and something, and to sit for an examination costs $500 and something. At the end, paying for all this was a problem. It was difficult paying for evaluation. I was volunteering a lot, getting Canadian experience, and then I sent in my application. I also had to send money to folks at home. The NCA assessed me too many courses and some were first year courses. I didn’t think they should ask anybody to redo first year courses. I’d think they would be more progressive.

Tola spoke of the challenges of the process in her experience of being a married woman with children and having to balance home, studying, and work. She stated:

To me it was challenging. I’m married, have a home to keep and I am working full time, and I had to study. I got pregnant and had another baby. Now I have two kids, so it was really stressful. The only time I had to study was at night and weekends. If I didn’t study at weekends, I had to create extra time to study. I had to work and pay


The labour market for lawyers has gone global. International opportunities await Canadian lawyers who seek fame and fortune abroad. But woe to anyone who tries to come home again.
the bills. It was challenging because there were so many things to do at the same
time. I couldn’t rush the examinations. I had a lot going on at the same time. At the
time, examination sittings were held twice a year so I was taking one subject at a
time. Now you can do NCA examinations four times a year.

Naomi thought the NCA process was okay, but when it came to articling, it was, in her
words “ridiculous.” She laughed heartily during this portion of the interview. She put it
this way:

Nothing short of ridiculous [laughs]. When I applied for accreditation, I waited till I got
called to the bar, based on the guidelines about exams you’d get in Jamaica, so I
waited. So the actual NCA process is okay, [but] you realize how ridiculous it is
when you apply for articling. It is ridiculous, and you realize how ridiculous the NCA
process is because they give you an option to write challenge exams or to go to law
school. At the time, I was working so I couldn’t go to law school. Half the law firms
don’t know what the NCA qualification means. When you apply for jobs, they put
your resume at the bottom because they don’t know what a pass or fail means. So I
wonder whose onus it is for advising applicants who might want to article. I did my
masters at the University of Toronto Law School, so most employers could
understand my grades. Right now, I’m at the articling stage. The NCA doesn’t
prepare you one bit if you are a foreign trained lawyer who has not practiced. Even if
you have practiced before it is a problem, but is a greater barrier if you have never
worked.

Amy, Anita, Charlotte, Emilia, and Karen to some extent all spoke to how
stressful, tedious, long, and expensive the process was. Karen spoke further to the fact
that if she had chosen to go to law school as an NCA student, she would not have been
able to access career services like the traditional law student, yet she would have been
paying more in tuition. She stated in part:

….It was difficult doing it at the time and realizing that if I went to the University of
Toronto I would have to pay $3,000 (for) getting assistance; but coming from law
school with debt from England, I got to University of Toronto as an NCA and there
was no advantage. I wouldn’t be able to access Career Services and pay $10,000, I
would not be categorized differently, I must study for the exam on my own. To
clarify, if I went to the University of Toronto, they would not provide Career Services
to me and I could not get resume critiquing. They only provided that to University of
Toronto students. It was somewhere in the letter. It rubbed me the wrong way that
there would be no career service assistance. I understand I was not a student in the
traditional sense...
Tapiwa spoke to this feeling of being at outsider as an NCA student at a law school. I have summarized her quote in chapter 7 on the Impact of Racism. She lamented:

My experience credentialing and requalifying, well, you know actually the part of being at law school is still like being an outcast. You don’t fit in with the law school students; you are not part of the mainstream of courses. They leave you out of the core orientation programs so I felt out of sorts throughout. So I didn’t like that and it was hard. It wasn’t easy because you are getting to know a totally different system. Yeh, you were not included, even with on campus interviews, you were not included. I found out through friends. I had to physically ask Career Services so I could be put on the listserv, so I could get to know what was going on, because they dealt with the social things and I didn’t know about any events going on.

It is puzzling, if you have been accepted into a law school as an NCA student, why career services are not availed to you. You are paying tuition (more per course than the traditional law student), but for some reason best known to the law schools, you are not included in interviews or career services which will help you integrate into the legal work environment. This places NCA students at a disadvantage in their search for articling positions. As Naomi stated:

…Half the law firms don’t know what the NCA qualification means; they put your resume at the bottom because they don’t know what a pass or fail means. So I wonder whose onus is it that’s advising applicants who might want to article...

I had an interesting experience when I underwent my NCA process that showed the inconsistency of the process. I did question why some people were given less subjects and others more even if they came from a similar legal background. When the opportunity to request a review of the number of courses I was assessed was given, it was of no particular advantage to me. I’d been advised by the NCA via email that they could reassess and determine that I would have to write more subjects than originally assessed. They also advised that on review, I could be given the same number of courses, but they could be different courses. On the other hand, in conversation with
Tola, she advised me that she had received an email stating that in review you could not be reassessed and given more courses than originally given. I wrote to the NCA and queried without mentioning my conversation with Tola. I asked them why I might be given more subjects than originally assessed and why the subjects might actually be different. The NCA responded by advising that the correct position was what Tola had been told, i.e., that you could not be reassessed to do more courses than originally assessed; however, their response fell short of them apologizing for the incorrect message I had been given in the first place.

The next few paragraphs show what happened in my email dialogue with the NCA regarding the review process. I requested a review although I had three subjects left to do. I knew some new applicants were being assessed only four subjects. The NCA responded in part stating: *Please be aware that the NCA may impose a new subject(s) that was not listed on your original recommendation letter.*

On receiving their response, I understood it to mean I might be given more subjects than originally asked and wrote to withdraw my request for review.

I would like to humbly request to withdraw my request for review based on the new rules. In light of your last sentence in your message below, which states: “Please be aware that the NCA may impose a new subject(s) that was not listed on your original recommendation letter?” I am concerned because as I am also a Ph.D. candidate, I have received an extension letter from the NCA and have till January 2010 to complete my exams based on my original recommendation letter. I have two exams left and have expressed intents to write them in August 2009.

I erroneously thought on browsing the NCA website that the new rules simply meant there may be exemptions made on review and not additions.

---

76 Email from NCAOTT, dated April 03, 2009
77 Email from Researcher to NCAOTT, dated April 13, 2009
I actually thought they might exempt me taking the last two courses I had, not add to them. I then spoke with a few NCA students who shared that the NCA advised them they would not be given more subjects that originally assessed. The response below is what other NCA students had been advised once they had requested reviews:

Please be aware that the NCA may impose a new subject(s) that was not listed on your original recommendation letter. However, you will not be asked to do more subjects than the original number recommended. The previous letter will no longer be valid.\(^78\)

You will note the last sentence was not included in the NCA message to me. I then wrote the NCA to clarify the position. I asked in part:

…I am seeking clarity regarding the effect of a review based on the new rules. I fear I may be unclear regarding the purpose and effect of the review. A few NCA students advised me that they were advised that in the event of a review they would not be asked to do more courses than originally recommended. Is this correct?

This wasn’t something that was made clear to me in your message below, because I simply understood you to mean there was a possibility of more subjects being added, over and above the original subjects, in my case 8 (so I could end up with more than 8)….\(^79\)

The NCA responded to me and advised:

Yes, we revised our acknowledgement statement to include the fact that the total number of exams would not increase. The committee may substitute subjects however. If you are given any new subjects they would have to be written in January. This is a completely new evaluation so some subjects may change, some may be dropped and some may be added, but you will not be asked to do more than before.\(^80\)

I considered their response and decided I would rather write the few I had left than be reassessed new subjects altogether and decided to withdraw my request for review. As

---

\(^78\) Quoted in Email from Researcher to NCAOTT, dated May 21, 2009

\(^79\) Email from Researcher to NCAOTT, dated May 21, 2009

\(^80\) Email response from NCAOTT, dated May 22, 2009
can be seen in table 9, some NCA students, depending on where they were in the process, benefited from the review and had a number of courses removed.

I must mention here that when I started the Ph.D. program, I was advised by Dr. Karen Mundy, my academic supervisor, that I could take any course at the University of Toronto or at any other institution in Canada so long as I was a graduate student and obtained the requisite permission from my academic supervisor and department chair. I asked if that included the University of Toronto Law School since I was interested in also having my legal degree recognized in Canada, and she advised me to contact the law school to see how I could do so.

I think it was sometime in October 2006 that I looked on the University of Toronto Law School website and called the law school registrar’s office. I explained that I was a foreign trained lawyer and an OISE/UT Ph.D. student who would like to do some law courses in the spring semester to fulfill the requirements sent me by the NCA. In the end, I was granted permission to take two courses in the fall of 2006. When I sought permission for two other courses in the winter semester 2007, the acting admissions officer told me I’d have to be removed from the courses and asked me to write a statement explain how I came to be an “NCA student who hadn’t applied the traditional NCA way.” I must mention I was totally unaware that there was another way to apply. I submitted the statement as I was asked, and after the law school’s consideration I was

81 Dr. Karen Mundy is a Professor at OISE, University of Toronto, and one of my thesis Committee members. Retrieved from http://www.oise.utoronto.ca/lhae/Faculty_Staff/1509/Karen_Mundy.html
She was instrumental in encouraging me to apply to OISE as a PhD student. From 2006 – 2007 I worked with her and was a pre-service coordinator for the Canadian Global Campaign for Education. From 2007 - 2008 I was her research assistant working on a draft constitution for CIDEC as well as planning logistics, preparation, and PR for weekly CIDEC Seminars.
advised that I would be allowed to complete the two courses I was already enrolled in. However, regarding the other two I wanted to do in the winter of 2007, I was told to apply as an NCA student. I was further advised that it was too late to apply for admission in the University of Toronto Law School’s winter semester because they didn’t admit any students in the winter semester. The acting admissions registrar actually advised me to apply to York University.

The great thing was I was a non-resident fellow of Massey College. The Master of Massey saw me looking rather despondent during one lunchtime and asked me what was wrong. I shared my dilemma and Massey College advocated on my behalf afterwards so that the law school would not remove me from its roster in the middle of the NCA courses I was already taking in the fall of 2006. A day or so later, I was emailed and advised that I was allowed to apply as a “late admission student” for the winter semester. That enabled me to write the last two courses I wanted to take at the law school. Massey College was extremely generous and even went to the extent of granting me a scholarship of about $3,000, which fully covered the expenses for the courses!

I want to share the fact that my own younger brother, Mooketsi Makhurane, who studied law in the USA, then moved to Ontario nine months after my family and I did, did not even attempt to do the NCA. He took on various legal temporary positions and non-legal positions. Due to family circumstances (our mother is ill in Zimbabwe), after being in Ontario for six years, he chose to go back and help our father take care of her. He has been back for a few months now and in fact after six months secured a lecturing
position at the local university. My brother is one of the numerous foreign trained lawyers who didn’t even try to navigate the challenging credentialing process.

5.2.1.1 The NCA – Transparent and Consistent

Five of the participants in the one-on-one interviews expressed that they had found the NCA to be transparent and consistent. These participants were Fatima, Garikai, Maria, and Ruth. Marcel did not go through the NCA because he did not know about its existence, but he spoke to his experience becoming a lawyer in Ontario and felt it was a transparent and consistent process.

Fatima described her experience this way:

Quite smooth, the whole process from transcript to bar exams took me three years. They gave me two options: do self-study or go to university, which was more expensive than with the NCA. I wrote all my exams as self-study. I bought all the books, I didn’t go outside the books, and I looked for two other NCA students to compare notes with. I did all exams at one sitting.

Garikai thought the process was great but had financial challenges. He stated:

It was great, were some ups and downs. First, I applied to law schools, University of Toronto and York University. U of T said I could do only two courses in one year. That would have been a big problem because of funding. They said I should ask for a loan from Scotia Bank. With Osgoode, they were willing to accommodate me and said I could do all courses, and the people at Osgoode were great. I had some challenges trying to get OSAP and applying for bursaries.

Maria felt surprised at the number of courses she was evaluated to take and believed her thorough preparation in submitting more documents than was required in her application may have led to her being favoured.

First I’d say I’d begin from the process of evaluation; I’d say I was rather surprised I was asked to take five units. Because I was expecting I’d get more, maybe six. I was actually crossing my fingers and saying ‘God don’t let me them be more than six.’ So I was actually surprised when they came [up with] four of them, four core exams. So for me the evaluation part was excellent. However, for me it also goes to say I did a rather good job with the material I put forward for the evaluation. Because I knew that possibly would have been an uphill task, I made sure I got every document. They didn’t ask for references, but I put in references. I got references from my
lecturers and some lawyers, to back up my application, so I think that went a long way.

Ruth also felt the process was okay for her but mentioned different factors affecting her process. Some of the factors she mentioned in her interview were financial constraints and that she had to ask for her registration money back to help feed her children. She said:

I just wish I didn’t have to go through it, that’s all. My personal experience is not so bad. I only have four [courses] but other factors have prevented me from writing the exams.

This is an example of the multiple oppressions alluded to in critical race theory. The other factors related to her family status, specifically being the sole provider for her two children.

Marcel, who didn’t go through the NCA process but went to directly to law school, spoke of the fact that he felt his previous experience was ignored, as part of the de-skilling and re-skilling of foreign trained professionals. He stated:

…You have to start at the beginning, everything is from the beginning. They ignore whatever you did; your background experience and you have to restart everything…

The participants shared some of their challenges—some were financial, some personal. Their experiences were not uniform. These experiences can be better understood through George Dei’s\(^{82}\) (2007) statement giving a succinct explanation of what antiracism means. He stated:

Anti-racism is about the holistic interpretation of our experiences and realities. This means connecting individual accounts to broader macro-social processes, and to group and community experiences. It calls for matching rights with responsibilities at both the individual and group interface. It also means looking for a synergy of body, mind and spirit. Such understanding calls for re-embodiment so that colonized and oppressed people can speak from their subjective experiences. (p. 5)

Depending on the experiences and realities of the participants, it is not surprising that some found the process to be transparent and consistent while others found it to be the opposite. This was also evident in respect to participants of similar backgrounds or jurisdictions being given a varying number of courses to take. The participant quotes helped illustrate the lack of transparency and consistency in the process for each NCA student.

5.2.2 LSUC Lawyer Licensing

The Law Society of Upper Canada (LSUC) is the law society for Ontario. It looks at protecting the public interest as well as the licensing of lawyers and paralegals.

The lawyer licensing process focus is described as:

The focus of the Lawyer Licensing Process is to ensure that candidates have demonstrated they possess the required entry-level competencies in order to provide legal services effectively and in the public interest.

The lawyer licensing process at the time the participants took part in this research consisted of applying and being of good character, then:

1. Writing two 7 hour multiple-choice bar exams, the Barrister’s and Solicitor’s.
2. A 10 month Articling Program
3. An online Professional Responsibility course

---

4. Call to the bar of Ontario to become licensed

This licensing year (2014/2015) a new process has been incorporated to factor in a new articling program due to the fact that many law school graduates and foreign trained lawyers were having difficulty securing articling positions. There was an articling debate in Ontario, and an Articling Task Force\textsuperscript{85} was established to collect submissions from the legal community. The submissions and debate resulted in this new process that now includes a Law Practice Program as an alternate to the Articling Program.

The lawyer licensing program in Ontario now looks like this:\textsuperscript{86}

The licensing process consists of the following mandatory components that must be completed in order to be called to the Bar of Ontario:

\textbf{Figure 9: Ontario Lawyer Licensing Process Flow Chart}

Information about the Law Practice Program\textsuperscript{87} can be found on the LSUC website.

5.2.2.1 LSUC Exams

The Ontario bar exams are currently conducted as two 7 hour multiple-choice exams—an examination paradigm that has been a challenge to many, not just foreign trained lawyers, due to the nature of the multiple-choice bubble test. The fact that the


\textsuperscript{86} Lawyer Licensing Process. Retrieved from http://www.lsuc.on.ca/licensingprocesslawyer/

\textsuperscript{87} Law Practice Program. Retrieved from http://www.lsuc.on.ca/licensingprocess.aspx?id=2147497057
law society will allow licensing candidates the opportunity to re-write signals that they expect people to fail and retake the examination.

Ten participants had written or were in the process of writing the bar examinations at the time I conducted my research. Some of them were still to write their first examination—e.g., Anita, Maria, and Naomi had written one and were about to write their second one. Amy, Fatima, Garikai, and Peter, for instance, had written the bar examinations once and passed. Clare, Tola, Pierre, and Tapiwa had written twice before passing. All those who had passed were called to the bar of Ontario. Charlotte had written several times and ended up withdrawing from the licensing process. I too had written several times in the midst of conducting my research and withdrawn. It was overwhelming and I decided to focus on completing my thesis before considering whether to re-apply to complete the bar examinations or not. I do believe that God set my path in this way to give me the unique opportunity as an “insider” to conduct this research study.

I would argue that the NCA and the LSUC as a program for professional licensing should be considered a post-secondary institution of study. For the purposes of its income supports, the Ontario Disability Support Program (ODSP) has a good description of eligible post-secondary institutions and describes them as:

Eligible programs of study include:
1. A program that is approved for the purpose of federal or provincial student loans (e.g., an Ontario student loan under the Ontario Student Assistance Program (OSAP); or
2. A program that prepares the student to practice a regulated profession that is taught at an institution that is approved for the purposes of federal or provincial student loans. These programs may be bridge training programs for foreign-trained professionals (e.g., nurses, engineers) and may not be eligible for student loans. However, they must take place at an approved post-secondary institution (e.g., college, university, private career college). (Note: regulated professions are those
This shows that the lawyer licensing program at LSUC in particular, in preparing individuals to practice a regulated profession, is considered an eligible post-secondary institution. I would also state that from the quotes of the participants, the NCA and LSUC have not been fully equipped to meet the needs of diverse lawyer licensing candidates. I discuss this further below.

Moreover, some participants spoke to the fact that they had families to support during the different stages of process. There should be no discrimination based on family circumstances, but as non-traditional students, many of the participants spoke of juggling family life and studying. The NCA and LSUC do not consider their family status when they enter this process. For instance, Ruth spoke of even taking back registration money to help feed her children. She said, “That’s been a major issue. I register[ed] for examinations and realize[d] I need[ed] to feed the children so I asked for the money back from the NCA.”

I suppose the fact that the NCA would refund payments, no questions asked, was a good thing. I did not ask Ruth if the NCA required a reason, though I wondered if they just assumed a student deferred simply because they were not ready to write the examination. I wondered if they realized that it was because the student needed to feed their family. The LSUC lawyer licensing process also had provision for deferring exams

to sit at a later date, but I’m not sure you could get your money back unless you were withdrawing from the licensing process voluntarily.

“Nontraditional students” is a term used in post-secondary institutions such as colleges and universities to describe students who are “older” than the “normal” age expected of a student. Lawyer licensing candidates are from diverse backgrounds and may have practiced for a few (or many) years or not at all.

As Ajani (2011, p. 113) has stated, educational institutions are not always well equipped to meet the needs of a diverse student population;

Participants in a postsecondary institution conform to specific norms that have accrued over time, and individuals who enter the organization simply must learn those norms. In effect, a standard is set, and successful socialization is defined by the ability of the individual to internalize, accept, and meet that standard. (Tierney & Bensimon, 1996, p. 13)

I would argue that the Law Society of Upper Canada, like many postsecondary institutions of higher learning, expect that foreign trained black lawyers as participants in the licensing process must conform to “specific norms that have accrued over time.” I would suggest, however, that there must be recognition of different learning styles and abilities, and as there are accommodations for (physical) disabilities, there should be an effort made to recognize different learning abilities. As the advertisement goes, “Disability does not mean inability.” The LSUC does have a program to accommodate students, but it does not include learning styles and accessible materials. I actually called the Law Society when I was preparing to review my bar materials. I was having difficulty reading and was developing headaches, thus I asked if it was possible to get an audio version of the materials. I was advised that that was not available. I know many post-secondary institutions make provision for students with disabilities, and I
wondered, if I was blind, would it have been possible, or do they have the materials accessible in Braille? I have found that the LSUC’s equity and diversity activities state that they do in fact offer these services.

….the Law Society provides a range of services and programs to lawyers, internationally trained lawyers and students, law firms and articling candidates and Principals, and works closely with community groups and schools to encourage law as a career. Its services and programs include:

Support services, which provides supports and services that improve the learning environment for all candidates and offers assistance for those who are unable to comply with the conditions or requirements of the Licensing Process because they have a disability or because of other reasons covered in the Ontario Human Rights Code. These include examinations in audiotape, Braille and text-to-speech, and special equipment for persons with visual and auditory impairments.89

I really wonder why I was told they did not exist! Maybe it was a case of the left hand doesn’t know what the right hand is doing! My experience and the experiences of the participants show how the process can indeed be more challenging for non-traditional students. Research from the Association of Non-Traditional Students in Higher Education has defined the characteristics of a Non-Traditional Students as follows:

The Association of Non-Traditional Students in Higher Education (ANTSHE) defines a Non-Traditional Student as having the following characteristics:
1. Delays enrollment (does not enter post-secondary education in the same calendar year that he or she finished high school)
2. Attends part-time for at least part of the academic year
3. Works full time (35 hours or more per week) while enrolled
4. Is considered financially independent for purposes of determining eligibility for financial aid
5. Has dependents other than a spouse (usually children, but sometimes others)
6. Is a single parent (either not married or married but separated)90


From this definition, it is clear that many of the foreign trained lawyers who participated in this research study were by definition non-traditional students because the characteristics apply to a tee!

The College Board, admission office websites and others, colleges and universities have been altering their admission policies in order to allow Non-Traditional students a more attainable approach to their college education leading to a degree. This is due to many factors:
1. Having a learning disability
2. A pronounced learning style that leads to lower than expected scores on multiple choice bubble tests
3. Problems arising from a student speaking English as their Second Language
4. Being educated abroad or in a school that de-emphasizes standardized testing

Frank Palatnick is the UN Advisor of Global Education, International Agency for Economic Development. As far as we are accustomed to, schooling is thought of as a classroom experience, obtaining as much credit as you can towards a degree. Experiential education, on the other hand, is “learning outside the box.” One of the ways to learn outside the box is by something called a “life experience portfolio.”

The portfolio can be used for practically any subject taught in college or university. Most colleges have that mode of gaining credit already. Colleges around the world also allow that pathway. However, each college has limitations on the amount of credit one can get towards that degree with one exception. Thomas Edison State College in Trenton, New Jersey has no limitations on credit through life experience. In conclusion, we must alter the definition of a non-traditional student because our world is changing exponentially, not only in the education arena but also in all disciplines.

Every year new colleges are becoming more holistic by making standardized entrance tests optional. As well as undergraduate schools, there are graduate schools that are getting on the bandwagon. For the same reasons that the undergraduate schools making entrance tests optional, the graduate schools are making GRE (Graduate Record Exam) and other graduate entrance exams optional.
The second factor is very close to home for me. I can admit, multiple-choice bubble tests are not a mode of assessment and evaluation I am comfortable with. After failing one of the bar exams, I considered the idea of doing the bar admission in another province myself; however, as someone who was also doing her Ph.D. thesis, it was not practical. Dr. Ann Lopez,\(^{92}\) one of my thesis committee members, advised me, “Tii, I could have told you; multiple-choice is not your paradigm of learning.” I recall responding by saying, “I know, but that is the process here.” I shared with her that I might consider doing the lawyer licensing after my Ph.D. in another province that doesn’t base their process on an exam grade. An example of a different licensing process is the Canadian Centre for Professional Legal Education (CPLED)\(^{93}\) Program, which is the bar admission course delivered in the classroom and online in Alberta, Manitoba, and Saskatchewan. Regarding licensing examinations:

The creation of new organizational and programmatic forms of public education is an important aspect of educational innovation given the growing recognition of the diverse needs of learners and communities. Research has shown that standardized models of public education do not effectively address the needs of many students, particularly those who face forms of social marginalization. (Gardner & Crockwell, 2006)

I would like to complete the licensing process when I have more time to dedicate to studying the materials, which has been a challenge for me. I have been pursuing

\(^{92}\) Dr. Ann Lopez. She is an OISE Professor and one of my thesis committee members and I worked with her in the Concurrent Teacher Education Program (CTEP) as her Teacher Education Program Assistant (TEPA) for three academic years. Please see http://www.oise.utoronto.ca/lhae/Faculty_Staff/17641/Ann_Lopez.html

\(^{93}\) The CPLED Program is the bar admission course for the law societies of Alberta, Manitoba, and Saskatchewan. The CPLED Program is administered in Alberta by the Legal Education Society Alberta, in Manitoba, by the Law Society of Manitoba and in Saskatchewan, by the Law Society of Saskatchewan. Retrieved from http://www.cpled.ca/licensing-requirements/the-cpled-program/
Ph.D. studies while juggling family life and working part-time as a teaching assistant. I also worked full time for two years. I think of Anita’s comment, that “…it’s like running a 100 meter race and you get to the 80 meter point; when you’ve almost finished it up then you give up and will not run many more.”

Through this process, I have debated with myself about why I have pursued this licensing process: maybe because God wanted me to share these experiences and get a Ph.D.; but I believe one reason I pursued the licensing process is because I would like to be an academic and teach. I understood from my research before pursuing the Ph.D. and licensing process that for me to teach legal subjects, it would be good to have a legal license for credibility. However, there are teaching positions in law that don’t necessarily require a law license, particularly since I already have a Masters in Law (LL.M) degree.

I would argue that considering that each province in Canada has different ways of conducting their bar admissions, why not have an alternative licensing process in Ontario, the most diverse and multicultural province in all of Canada? Arguably, most of those already in practice never wrote multiple-choice examinations alone. The Ontario bar examinations at one time consisted of a combination of multiple-choice questions and problem questions that would accommodate different learning styles. Ontario has the highest number of immigrants and the highest level of racial diversity. Some may suggest, if you don’t like the licensing process here, why don’t you go and write the bar in another province where they don’t have multiple-choice examinations?

94 Please see Anita’s quotation, Chapter 5, section 5.2.2, Career Motivation.
However, that’s not always possible when you factor in family circumstances, children and social capital one may have already built in Ontario. It is not so easy for someone with children in school, high school or college, or a family who has struggled to settle in Ontario, to just pick up and go to another province for a few months to a year, to do for instance, the CPLED that is offered in Alberta, Manitoba, and Saskatchewan.

The process of legal credentialing opened my heart and mind. It was not just about a job or qualifications; rather, it allowed me to self-reflect on my life journey. When I found out that I did not pass my last attempt at the Ontario bar examinations, it actually made me realize God put me in a unique position for this research. I was intimately involved in the process and was not an “outsider” collecting data on the experiences of the participants. As I conducted this research, my own experiences came to inform not just my data collection, methodology, and design but my analysis as well. It made me understand more intimately the experiences of other foreign trained lawyers—their pain, suffering, and joy depending on their particular experience.

The process has made me think about whether or not I want to be a “new” or a “young” lawyer going through and learning as I did over 20 years ago when I started practicing law in Zimbabwe. I’m evolving into a different stage of my life where I’d like to explore different policy, research based pursuits. I think of my father, in that as a

__________________________

95 Professor P. M. Makhurane. See also https://www.nust.ac.zw/index.php?option=com_content&view=article&id=69:about&catid=2:uncategorised&Itemid=157

On the 19th of May 1991, Professor P. M. Makhurane was appointed as the inaugural vice-chancellor of the university.
young Ph.D. graduate in solid state physics, he started off lecturing physics in
university, then his career took a different turn. He ended up in university administration
and then ultimately building the National University of Science and Technology
(NUST)\textsuperscript{96} in Bulawayo, Zimbabwe literally from scratch.

As a Ph.D. candidate, I have been employed part-time as a Teacher Education
Program Assistant (TEPA)\textsuperscript{97} helping teach concurrent teacher candidates at OISE. That
experience has helped me better appreciate the Ontario education system, particularly
at elementary and high school. As a graduate student the last eight years, I have
learned a lot about the post-secondary education system as well. I have also had the
privilege to participate in the Teaching in Higher Education course (THE500H),\textsuperscript{98} so I’m
comfortable teaching in a post-secondary environment. I have learned many strategies
for teaching and learning that could be transferred to legal education; that’s why I
believe it is important to recognize different styles of teaching and learning.

The National University of Science and Technology strives to become a flourishing and reputable institution not
only in Zimbabwe and in Southern Africa but also among the international fraternity of universities. Its guidance,
cultural values is the encouragement of all its members and society of those attitudes of fair mindedness,
understanding, tolerance, and respect for people and views which are essential for the attainment and maintenance of
justice, peace, and harmony at all times.

On the 8th of April 1991, NUST opened for the very first time with 270 students in the three faculties that have
already been mentioned. The number of academic staff was 28.

\textsuperscript{96} National University of Science and Technology. Retrieved from https://www.nust.ac.zw/

\textsuperscript{97} Teacher Education Program Assistant (TEPA) positions. Retrieved from
http://www.oise.utoronto.ca/oise/Current_Students/Graduate_Student_Funding/Grad_Student_Jobs/TEPA_Positions/index.html

\textsuperscript{98} Teaching in Higher Education Course, THE500H. Retrieved from
http://www.wdw.utoronto.ca/index.php/programs/the500/overview
I can see how it will help my children, since many foreign trained professionals uproot and move to a new country, for, as Ruth so put it eloquently, for “a hope for a brighter future.” Even as I and other foreign trained black lawyers go through the licensing process, especially those with families, our time here is to help them get established. They are being educated here and are used to the Canadian education system, style of learning, assessment, and evaluation. Much of which is a challenge, particularly for older NCA students.

5.2.3 Private Bar Prep Courses

There is a saying I first heard at an Empretec\textsuperscript{99} entrepreneurship training course I took in Zimbabwe that goes “where there is chaos and confusion there is opportunity.”\textsuperscript{100} I say this in reference to the bar exams in Ontario, especially from the perspective of foreign trained lawyers. Concerning the mushrooming of private bar preparation courses, these courses have been developed by legal faculty and private legal practitioners now that the bar exams are 7 hours of self-study materials. The developers of these course have seen that law students—not just foreign trained lawyers—need guidance in tackling and fully understanding the bar materials.

\textsuperscript{99} Empretec Zimbabwe. Retrieved from \url{http://www.empretec.co.zw/}

Empretec Zimbabwe was set up in 1992 as a joint initiative of United Nations Development Programme (UNDP) and the Zimbabwe Investment Centre. In 1997, Empretec was registered as a Trust in order to facilitate transition into an autonomous entity that would be able to sustain its programme activities beyond the project period. Empretec’s mandate is to develop entrepreneurship. Throughout its years of operation, Empretec has been instrumental in the development of some of the most successful entrepreneurs in Zimbabwe.

\textsuperscript{100} The closest reference I could find for that quote that has stuck in my mind from the Empretec entrepreneurship course I did in 1998 is from Marc Ostrofsky. Retrieved from \url{http://www.brainyquote.com/quotes/authors/m/marc_ostrofsky.html}
Considering that the materials are over 1,600 pages, they acknowledge that students have different learning styles. So the self-help multiple-choice examinations the LSUC started in the 2006/2007 licensing year have created business opportunities for the various bar examination review courses and programs. Some of these courses are classroom based, like CANBARPREP\textsuperscript{101} and the University of Toronto’s Internationally Trained Lawyers Program (ITLP) bar prep course;\textsuperscript{102} some that are online\textsuperscript{103} are based on simulated multiple-choice questions. The downside is that these courses have fees that are over and above the LSUC fees. Most Canadian trained law students apparently don’t participate in them (from the discussions on law student forums)\textsuperscript{104} but some do take them. When I attended the University of Toronto ITLP bar prep course, I found that foreign trained lawyers were the majority of the participants.

\footnotesize
\begin{itemize}
\item \textsuperscript{101} CANBARPREP. Retrieved from http://www.canbarprep.com/
\item This website claims that “CanBarPrep’s intensive course will provide you with the expert knowledge, structure, discipline, confidence, and guidance to help you pass the Ontario Licensing Examinations.”
\item \textsuperscript{102} University of Toronto’s Internationally Trained Lawyers Program (ITLP) bar prep course. Retrieved from http://www.itlp.utoronto.ca/programs/bar-exam-prep-course/
\item This website claims that “Successfully passing the bar exams and achieving membership with the Law Society of Upper Canada (LSUC) is one of the final steps to becoming a lawyer and one of the first steps towards building your legal career in Ontario. Indeed, the bar exams can be a challenge for both internationally and Canadian-trained lawyers alike.
\item The Bar Exam Prep Course (BEPC) provides students with the foundational knowledge, guidance, and support essential to successfully navigate the process. BEPC is a two-week intensive course that takes place over evenings and weekends. It includes a discussion of the exam format, sample questions, and advice on exam-taking strategy, and provides students with a framework for creating an effective study schedule.”
\item \textsuperscript{103} There are two online bar exam prep courses:
\item b) LawExams.ca. Retrieved from http://www.lawexams.ca/
\item \textsuperscript{104} LawStudents.ca. Retrieved from http://lawstudents.ca/forums/
\end{itemize}
Amy was the only participant who mentioned CANBARPREP. She recommended I try one of them because it had helped her. The problem, though, is that foreign trained black lawyers already have limited funding and it is not always an affordable option. However, I was fortunate enough to apply for and get a bursary from Massey College to help me pay for the University of Toronto’s ITLP bar prep course. Since I haven’t completed the licensing examinations, they guarantee that I can participate in the course one more time to help me successfully pass without paying again. It cost about $2500. Considering the LSUC lawyer licensing fees—which for the next licensing year 2015/2016 have gone up about a whopping 74% \(^{105}\) because of the introduction of the new articling course for candidates unsuccessful at securing an articling position—a bar prep course is a lot of money for foreign trained lawyers on limited incomes. The chaos surrounding limited articling positions over the last several years led to the Articling Task Force being set up to do their work looking into Ontario’s licensing crisis. After consultations with the legal community, the Legal Practice course was introduced.

5.3 Summary

In this chapter, I examined the theme that emerged relating to the NCA’s (National Committee on Accreditation) lack of transparency and consistency for some applicants, and the Law Society of Upper Canada, specifically the LSUC exams. I gave a brief background of the NCA and LSUC. I showed how the participants found out about the NCA and what courses they were evaluated to take to obtain a Certificate of Qualification (COQ) to enable them to register in the LSUC lawyer licensing process. I

then presented the qualitative findings and discussed them. I also briefly spoke to the LSUC licensing process and the LSUC bar exams and mentioned the different bar prep courses that have evolved in recent years. The next chapter focuses on articling in Ontario and the difficulties the participants had securing articling positions.
Chapter 6
Articling in Ontario

In this chapter, I look at the major theme that emerged relating to articling in Ontario, the difficulty securing these positions. I begin with a brief overview of what legal articling is and then present the findings of the theme. I examine the articling timelines and abridgements, then discuss the responses of those participants who found or did not find articling positions. First, I present the findings of the online survey; then, I present the qualitative findings and discuss these findings accordingly.

6   Articling in Ontario

As mentioned in the introductory chapter of my thesis, once foreign trained lawyers have completed the NCA evaluation process, have successfully passed the exams that were assigned to them, and have obtained a Certificate of Qualification (COQ), the next step is to register with a provincial law society to undergo another process to be licensed as lawyers. The Dalhousie law school careers website explains it well.

In Canada, following the completion of a law degree, students can join firms or clerk for courts as part of the last step towards accreditation. Articling serves as a training year (although it doesn’t last that long in most provinces). The completion of this year enables one to be admitted as a full member of the law society of that province. During the articling year you are supervised by a member of the bar for that province and you attend bar admission classes to prepare you to write the bar exam.¹⁰⁶

As described above, part of the lawyer licensing process in Ontario requires that a period of articling be served.\textsuperscript{107} I will give a brief history of what articling is. Canada’s legal system has its historic roots from England:

Like many Canadian traditions, legal training draws its inspiration from England. It wasn’t uncommon in the mid-19th century for a 16-year-old, with little knowledge of the law, to find work in an English practitioner's office. Once hired, the “student” would perform routine errands and clerical work in the hope of one day joining the ranks of solicitors. Only autodidacts need have applied, as they generally took on the laborious task of reading up on legal principles after work. During the day, they learned the tricks of the trade from their experienced mentors.\textsuperscript{108}

In the present day, articling can only be done by a law student registered in the lawyer licensing process. Articling is a period of legal training about the business of law under the supervision of a seasoned lawyer, called an articling principal, to help, mentor, and guide a law student to gain experience in the practice of law. The articling experiences vary in their makeup, depending on where a student-at-law\textsuperscript{109} articles. The Ontario Bar Association published an article called “The Articling Survival Guide” in The National, student edition, which illustrates the diversity of articling experiences.

The articling experience is always changing: what the partner or even the associate went through just a few short years ago usually bears little resemblance to what's happening today. Firm culture, partner expectations, student workloads and client

\textsuperscript{107} Articling. Retrieved from \url{http://www.lsuc.on.ca/articling/}

This website states the following “The articling component of the licensing process is 10 months in length, which includes up to two weeks of vacation. In order to obtain credit for articles, candidates must: be registered in the licensing process; ensure that they article with an approved articling principal who has filed the required application, approved by the law society. Also see \url{http://www.lsuc.on.ca/ArticlingNeedtoKnowInfo/} for information that a lawyer licensing candidate needs to know about articling with the Law Society of Upper Canada (LSUC).”


\textsuperscript{109} Student-at-law is another name for a lawyer licensing candidate before they have been called to the Ontario Bar.
demands are constantly shifting. There’s no formula that predicts the universal articling experience.

But even in the midst of change, at least one fundamental truth remains. The articling year is the first time most law students come face-to-face with the hard-core business of law. That’s an intimidating experience for anyone, let alone law schools’ most recent graduates.  

Foreign trained lawyers are considered novice lawyers when it comes to the licensing process and are expected to seek articles of clerkship to become licensed in Canada. Foreign trained lawyers are also diverse in their experience, from those who studied law and never worked to those who have practiced from anywhere between one year to 25 years. There are exemptions to having to complete the articling requirement if the foreign trained lawyer has had work experience in law.

There is a special application process for either an abridgement or partial or full exemption, which a number of foreign trained lawyers seek. The articling process is challenging, though, because the number of positions has remained fairly static at about 300; yet each year the pool of law licensing candidates continues to grow, with more locally trained as well as foreign trained lawyers scrambling for articling positions. However, as will be illustrated in my findings, some foreign trained lawyers have found it challenging to secure articles, and in particular, paid articles. Even if they have experience and seek an exemption to the articling requirement, it seems that can work against them and be a reason why they don’t get hired in their chosen area of practice after the bar admissions process—because they lack “Canadian experience.”

In fact, as mentioned briefly in chapter 5, dealing with NCA and LSUC, the Law Society in Ontario introduced a Law Practice program (2014/2015) as an alternative articling experience for those who may not be able to secure an articling position. Not all countries have articling as a prerequisite to practicing law. In Zimbabwe, for instance, it wasn’t a requirement of practice. So long as you had a law degree and petitioned the High Court per the Legal Practitioners Act, and your petition was successful, you could be registered as a Legal Practitioner. For other information on how bar admissions are conducted in other countries please see the International Practice section on the Law Society of England and Wales’ website. This website has a fairly comprehensive list of countries, including Ghana, Nigeria, South Africa, and various countries in the Caribbean.

6.1 Articling – Difficulties Securing Articling

The first part of this chapter shows the results from the survey portion of my data collection. I share a few pie charts. Thereafter, I share the results from the one-on-one interviews, including quotes and comments from the participants, and I discuss the results.

6.1.1 Online Survey Results

Figure 10 shows the results from the survey related to articling.


Figure 10: Did you apply to do full articles?

Figure 10 shows the responses to online survey question 35: "Have/did you apply to do full articles?" It illustrates that 75% of the 22 participants who responded to the question stated “yes,” they applied to do full articles. Question 36 asked, “If yes, were you successful in obtaining your desired articling position? Please elaborate. If no, why did you not apply to article? Please elaborate in your response."

Fourteen of the 22 participants responded to the question and their very interesting responses follow below. Five of the participants were successful in obtaining some form of articles experience. Survey Participant 1 stated: "I was able to obtain an articling position with a criminal law firm (sole practitioner)." Three participants, obtained articles, although not to their full satisfaction; they shared the following experiences: Survey Participant 6 stated: “No. I worked ten months pro bono without the least (transportation allowance). No lunch or any assistance from the firm. They believed they
did me a favor by enabling me to get articling experience.” Survey Participant 10 stated: 

“No, I was not successful in acquiring full time articling. I had to create my own articling program by spending six months in Jamaica and then four at a small Bay Street corporate-commercial law firm.” Survey Participant 9 obtained a paid position and stated: “I obtained an articling position. It was not my desired position but it was a great learning experience and I have no regrets [that] I took the offer.”

Five participants were not able to secure an articling position at all. Some of their comments as follows: Survey Participant 4 wrote:

No I was not successful. I was informed by one interviewer that I did not have the “direct” trade union experience needed to article as labour law student. Also I was asked questions about where I would reside since I did all my studies in the Caribbean.

Survey Participant 17 stated: “I am still not in a position at this time. [I had] been searching for the last six months. [I am] still pushing forth.” Survey Participant 18 stated:

“No. I was not successful in securing a place to do full articles. I sent out a lot of applications, [but] I only got one interview, which turned out to be unsuccessful.”

Two participants indicated the question was not applicable to them because they weren’t at that stage yet in their licensing process and of the last two who responded, one sought and obtained a full exemption. Survey Participant 15 spoke to this, stating:

I trained in the UK where I had to article for two years, so I applied for an exemption and received it from the Saskatchewan Law Society before I moved to Ontario. I had also practiced for five years before coming to Canada.

The last respondent, Survey Participant 20, applied for an abridgement and stated, “I got an abridgment and was lucky to get a firm willing to work with me.”
In response to question 37, “Did you apply for an abridgment of articles?” the responses of the 22 participant’s show that 53% said no, they didn’t, and 47% said they did. This shows that almost half the participant’s applied for an abridgement.

6.2 Summary and Discussion of Theme

The findings below summarized the qualitative findings of the interviews regarding the theme, articling – difficulties securing the articling positions which are part of the requirements of the LSUC lawyer licensing process. The responses helped to answer my research sub-questions 1 and 4, please see Chapter 1, section 1.2.

6.2.1 One-on-One interview Results

The participants in the one-on-one interviews were drawn from those who had completed the online survey (including the two participants whom I interviewed by
phone covering the online survey questions and one-on-one questions). Some of the questions I asked in the one-on-one questions were designed to verify information given in the online survey and help validate the findings. I asked questions regarding the articling process, which corroborated the findings in the survey.

The discussion of this theme will focus on the experiences of the participants relating to articling, specifically their difficulties securing articles. The discussion will look first at the participants’ responses regarding articling timelines, examine the responses of those participants who found or did not find articling positions, and then discuss why some participants chose to apply for abridgements or exemptions. I will end with the experiences of those who are in the process of applying for articles. Please note that at the time that I conducted this research, the Law Practice Program was not yet a part of the articling process.

6.2.2 Timelines

The lawyer licensing process has numerous timelines. One thing that frustrated NCA students was the independence of the NCA and the LSUC. They deal with the same students but work autonomously. At one time, it was rare to find any information about the LSUC on the NCA website and vice-versa; you wouldn’t find any reference to the NCA on the LSUC website. These days the information is shared on the respective websites.

I specifically asked a question about the timeline for applying for articling positions because I had learned about the timelines ‘through the grapevine,’ and I wanted to know what the participants’ experiences were. Generally, once the NCA evaluates NCA students’ qualifications, these students become so focused on doing the
exams that they are not aware that the Law Society has its own application timelines. Namely:

- timelines for applying to enter the lawyer licensing process;
- timelines for applying for articling positions.

Many NCA students "discovered" the various timelines if they were NCA or masters students at a law school (or other graduate program) and may have been told about the timelines by the traditional law students. For instance, I didn’t know about the timelines for applying to be in the licensing process until I had completed my NCA courses. A friend called to tell me of the deadline on a Saturday evening, with the deadline the following Friday during the first week of December. However, I became aware of the timelines to apply for articling student positions while I was a special student doing some of my NCA courses at the University of Toronto Law School.

The law societies in Canada have specific rules about when legal positions are advertised and when one can apply for them, which varies depending on the province. Generally, if one is applying for a legal clerkship with a judge, one applies up to 18 months before taking up the position; and if one is applying for articling positions in law firms, government ministries or departments, or not for profit legal organizations, the applications must be submitted a year in advance. As a result, many NCA students complete their NCA exams, obtain their Certificate of Qualification, and try to apply for an articling position only to be advised that the positions were filled a year ago. However, some sole practitioners and law firm have openings that need to be filled immediately, but these positions are generally rare and difficult to find.
Nine of the participants—namely Clare, Peter, Karen, Charlotte, Pierre, Tapiwa, Marcel, Naomi, and Ruth—were aware of the timelines to apply for articling positions. The other eight—namely, Garikai, Tola, Amy, Anita, Maria, Fatima, Emilia, and Farai—were unaware of the articling application timelines. It was interesting to see that Clare, Peter, and Karen were aware and they were Canadian born. Charlotte, Pierre, Tapiwa, and Marcel were aware because they were either studying in law school directly or as an NCA student. Naomi found out informally about the timelines. The other eight who were unaware of the timelines were foreign born. Those in a law school environment had an advantage because law school helped them become aware of the various timelines, even if they felt like outcasts as Tapiwa expressed about her experience as an NCA student at the University of Ottawa Law School.

Tola’s experience was interesting. She worked as a legal assistant at a legal ministry. She didn’t know about the various timelines to apply for an articling position and felt forced to apply for an abridged articling position where she worked. I will speak to this more under the section (6.2.5) discussing abridgements and exemptions.

Regarding her experience with timelines, she stated she was unaware of them. She even explained during our interview that she had enlightened another NCA student about articling application timelines. She said

No, I was not aware at all. Most of my friends didn’t know. You won’t believe it—the Ministry I was working for were recruiting and I didn’t know. No one told me before I went on maternity leave. I should have been given the information [so I could apply]. My mentor was on secondment, so she didn’t know either. She was near retirement. I don’t remember how I found out exactly. I saw something online and I had a few days to apply before the close of applications. Because the articling recruitment process was coordinated by LSUC, you have specific dates to apply by, so I had two to three days to put in my application. It’s still happening; people don’t know about the timelines. Just today, an NCA student from Tanzania, asked me, “What do you mean you have to apply one year ahead?” She told me that her son told her to “just
finish all your examinations; you cannot apply for articling now.” I told her that was not true; even law school students apply in their second year of law school for articling positions. This happened today (January 23, 2012).

She did not get a full articling position but eventually got an abridged articling position. I will speak to this more below.

6.2.3 Found Articles eventually

Foreign or internationally trained lawyers come with varied legal experience; some have none, but some have had many years of legal experience. The articling process does not necessarily guarantee that an experience will give a candidate the experience they may need and require, and at times can be said to be haphazard. Even those who are “fortunate” enough to find articles have very different experiences. Some may go to court and have regular mentoring contact with their principal, but others may not see their principal at all. Different firms, not for profit or public interest organizations, and Ministry of Attorney General/or government legal positions mean articling students will have many different experiences and diverse styles of learning.

Eleven participants were successful in finding an articling position. However, it was difficult for eight of those participants to secure a position. Clare, Peter, Tola, Karen, Pierre, and Tapiwa found paying positions, and Garikai and Charlotte found unpaid articling positions.

Clare said of her experience:

It was difficult, it was hard finding articles. I applied for 50 – 60 places, no take that back, 40 – 50 places. I would say responses in terms of interviews, I got some, but can’t remember how many. It was a long time ago.

I was paid. That’s the only way I could have done it, yes I did get a paid position. Otherwise I could not work for free. It’s wrong to do that, make someone work in articles for free. It’s wrong.
Clare is Canadian born and expressed categorically that she would not have worked for free.

Garikai, on the other hand was Zimbabwean born, and he found an unpaid articling position. He stated in part that:

[While] articling I wasn’t being paid, but I didn’t focus on that, I just wanted experience, going to court. By the time I finished I was ready to go to court, unlike my friends who went to Bay Street, they had challenges. They were paid some good money [other Canadian law students], but I realized because I was in a small firm I got experience and it was easy for me to get a job in London, Ontario. After one and a half years, I came back to Toronto…

He didn’t regret his choice to take an unpaid articling position and saw benefits in doing so. He did express then that most Canadian lawyers don’t have confidence in hiring foreign trained lawyers. He was given financial support from the Law Society during his articling term. He said:

The Law Society was helpful after I started articles; I applied for grants, which I didn’t pay back. During articling, I was given $5,000 to help because I wasn’t paid for my articling position. Those are the challenges. Because you are NCA, most lawyers don’t have so much confidence in you because you are a foreign trained lawyer… (see also chapter 7, regarding Impact of Racism re: accent). During the process I tried to look at the positive stuff—my principal was great, he was a sole practitioner, an Indian lawyer and was great teaching me (even if didn’t pay me; it was walking distance from where I stayed). I was doing criminal law. It is funny, the person who introduced me to him, an African lawyer, I met while I was volunteering at Flemingdon Legal Community Clinic. While I was articling, they gave me a certificate of appreciation.

During our interview, I asked Garikai this question: “I guess you are less than 35 years of age?” He said, “Yeh, I’m 30.” I told him after the interview I would share my experience with Flemingdon. After we concluded our interview, I told him that I had secured a summer (summer 2008) student legal job at Flemingdon Legal Community Clinic. The day before I was due to start, I received an email asking me to confirm that I was less than 30 years of age in order to be eligible to take the position. I could not
make that confirmation because I was older and advised them of this. They responded that I could not be hired due to federal regulations; students are considered people up to age 30. Naturally, I was upset and spoke about this with Jane Price,¹¹³ who had informed me of the position and encouraged me to apply for it. At the time, she was working at the University of Toronto Law Schools Career Services as the Director, Professional Diversity & Legal Opportunities, Faculty of Law, University of Toronto. I wrote an email to her lamenting:

I'm so disappointed; I have just found out that Flemingdon cannot hire me because of ageism. I'm not [aged] between 15–30 and the federal program’s condition of funding says the student has to be between this age group. So the search continues...I hope this doesn't mean I cannot apply for any student law position, but I should avoid federally funded positions, talk about being between a rock and a hard place! I guess my search continues (email dated May 29, 2008).

When I told her what had transpired, she was equally disappointed and tried to help by suggesting she could try looking for funding for the position. She tried and advised me she had contacted:

…LFO (the Law Foundation of Ontario), the Maytree Foundation, the Toronto Regional Immigrant Advisory council and so on and no one seems to have dollars that could be accessed for salary dollars to support your role at the clinic this summer…(email dated June 6, 2008).

I would like to think that through this experience, she did something more about it in the form of developing programs to help foreign trained lawyers get internships, which eventually led to the development of the University of Toronto’s Internationally Trained

¹¹³ Jane Price is the Director of the Internationally Trained Lawyers Program. Retrieved from http://www.law.utoronto.ca/faculty-staff/staff/jane-price
Lawyers Program (ITLP). Needless to say, I never got a summer position after searching all summer. However, when I eventually secured my articling position as a Public Interest Law Articling Fellow at Amnesty International Canada, in Ottawa, it was funded by the Law Foundation of Ontario; then I learned once I started articling that Jane Price and my Principal Alex Neve had gone to law school together. Jane knew nothing about me applying to Amnesty. Talk about God purposing my steps!

Peter found it difficult securing an articling position, he believes, in part because of the law degree he did in England and ended up having “split-articles.” He did part of his article in Ontario and the other part in Jamaica. He explained:

No, it wasn’t easy. One of the things that was difficult, because of my path, in doing the Common Professional Examination (CPE) in law diploma and then the masters, “How do you have a masters without a degree in law, it doesn't make sense.” I’d have to explain that CPE is the old name, it should be Graduate Diploma in Law, sounds better and is self-explanatory. No matter what, the attitude here was “you studied abroad, it’s of lesser quality.” It’s so funny, so don’t they know this is an immigrant country; people are so ignorant of foreign countries and how systems work. They say, “We understand students from the University of Ottawa, Toronto, Western, but we don’t know what you went through, go away we are not taking a chance on you.” It was very difficult. I left Canada and did six months articling in Jamaica. I was there the last year that rule applied; for those who came years after me, they could do articling wherever


115 I applied in May 2009, had a telephone interview in June, and secured the position in July 2009. I articled from June 2010 to July 2011 in Ottawa.


117 Common Professional Examination (CPE) -Diploma in Law. This is an intensive postgraduate conversion course designed for graduates in subjects other than law who wish to qualify to take either the Legal Practice Course (to become solicitors) or the Bar Professional Training Course (to become barristers). Retrieved from http://www.londonmet.ac.uk/courses/postgraduate/2013/common-professional-examination-cpe--diploma-in-law/
and four months in Ontario. I articled in Toronto during the 2009/2010 licensing cycle. I was called in January 2010. It’s weird; I’m actually considered a 2009 call.

So I articled in both Jamaica and Toronto; they weren’t up to par financially. In Jamaica, I got a stipend to cover expenses. Here in Canada I got an honorarium at the end of the four months from the firm. It was challenging, but I had to do what I had to do.

Charlotte obtained an articling position but it was unpaid. She referred to it as volunteering. She attended Western Law School as an NCA student so was aware of all the timelines for applying for articling. I asked her if she was able to participate in the on-campus interviews for articling or summer positions and she responded by stating, “I didn’t participate in that, they had a lot of programs and I participated in the different things of interest to me.” Generally, from what Karen and Tapiwa expressed, NCA students in a law school were excluded from on campus interviews. I know that when I was an NCA student at the University of Toronto Law School, NCA students were excluded as well.

Charlotte then spoke to why she didn’t apply for an abridgement during her volunteering articles. She said:

I knew about it, but I didn’t apply for an abridgement. I needed practical experience, the practical aspect of legal system, so I didn’t apply for it.

No, even what I got, you know the story I went through, not even. I volunteered; it was not paid articling. It wasn’t easy for us foreign trained lawyers. I volunteered; I was not given a dime, not even money for transport allowance, totally free. It was accepted by LSUC as a valid articling experience. I volunteered with a sole practitioner. I did not get a dime [laughs].

I was doing the health care aide job. I worked evening or night shifts so I could be in school during the day.

She worked at school during the day and worked at her health care aide job at night. I was amazed and asked her when she slept. She responded, laughing, “I never slept!”

What a challenging experience! I laughed with her, but I understood that she faced a lot
of stress because as a single mother she had to provide for her children and send money back home to family in Liberia.

Pierre was very focused in his response about his difficulty in securing articles. First, he stressed the importance of building one’s network. I speak to this more in chapter 9, section 9.2.1. Regarding his struggle to secure an articling position, he shared that he was fortunate to have a professor advocate for him. Pierre went directly to law school and didn’t go through the NCA. He had this to say:

Yes, but it was not easy as I said. It was a tough time for me so I didn’t get this articling as I should have. For most cases, [you] start by getting a summer position at a firm and at the end of my 2nd/3rd year, that’s when my mayhem started (his divorce). I couldn’t apply for a summer position, so I missed the opportunity. [My situation] was stressful, so it was tough for me. Most articling positions were filled, so instead of starting in August, I had nothing. I was frustrated and found myself without articling. I saw an immigrant lawyer who hired me without giving me a salary. While there, I continued my research and ended up getting a good articling position with a good firm with the help of one of my professors, who had a good reputation. She wrote a letter on my behalf to all the big firms, expressing her frustration that one of her best students couldn’t get an articling position. So at the end of September, three big firms called me for interviews. Among them, one offered me an articling position and the other one promised they would take me the next year if I didn’t get one. That’s the best thing for immigrants to understand is that there are people who can and do really appreciate you if you do the right thing.

I agreed with him that it was really nice to have someone advocate for him and to have people who appreciated him.

Tapiwa also spoke somewhat to the importance of her network in helping her finally secure an articling position. She was aware of the timelines to apply because she knew of similar timelines in England. It was through a contact she knew from her daughter’s Brownies club that she secured her articles. She expressed this humorously:

No, no it wasn’t easy to find an articling position. It was only because of who I knew that I got articles [laughs]. I sent resumes like there’s no tomorrow. It was only because I knew someone at my daughter’s Brownies. I met this other lawyer who heard I went to Brownies as well. She appreciated the fact that I worked at an
insurance company, so we got to talking. So it was just really because I knew her that I ended up articling at her firm. Actually for getting jobs, in Ottawa it is all about who you know. I don’t know if Toronto is like that.

I agreed and shared with her that one’s network pretty much helps most people. You are in a new place, a lot of the time it’s who you know, who refers you, and the more I speak to people through this process, networking is key.

Tapiwa responded to my comment on networking and then ended by stating that by the grace of God she got a paid articling position, because she knew many who didn’t. She said:

Networking…but if you’ve just come into the country, how the heck are you supposed to have a network? It takes a while to actually develop these things. Yes, [by] the grace of God I got a paid articling position because I know a lot of people who didn’t.

Three participants found it relatively easy to secure paid articling positions—that is Amy, Anita, and Maria. They may not have been aware of the timelines to apply but had unique stories about how easy it was to secure their articling positions. This is what they had to say about their experiences. Amy started by sharing that she did not know about timelines for applying for articling positions; she laughed and revealed that she was offered a position at the first place she applied to. She shared that although she was paid minimally, she would have taken the position even if they did not pay her.

No, I didn’t know about that. I didn’t realize that people actually went for interviews a year before going to article. That was something I didn’t know, even though I’d read extensively. I didn’t know that was the process and that people did that.

[Laughs]. It was interesting. It wasn’t difficult. I applied to the one place and I got one. My abridgement was for six months. The first place I applied to I got a place, at a big law firm for four months. It was the only place I applied to. That’s unusual. I live in the Windsor area. I was fortunate.
Yes, I did get a paid articling position. Pay was minimal. The pay was nothing. I was happy to get one. It was the only thing standing between me and the call to the bar at the time. I’d have taken it even if I wasn’t going to be paid, to be honest with you.

Anita also did not know about any of the timelines and shared that she had considered applying for an abridgement\(^\text{118}\) but found that it would not be of any benefit for her to do so. She then shared that she got a position where she worked, stating:

No, I didn’t know anything about timelines. It was relatively easy, I would say, because it helps to have a foot in the door. It was easy for my employers to say yes because I’m staff and there would be no additional financial obligation on their part. So it’s mutually beneficial. My official start date is yet to come.

In terms of articling, I won’t be paid for articling, but I’m still being paid. If I was from outside being paid for articling, the pay would be less, but not by much, so I have an advantage. In theory, my husband works so that’s what I’d have to do. I’d have to survive as a single income family if I wasn’t paid.

I told her it was fantastic that she had managed to secure an articling position where she worked.

Maria was the third participant who found it easy to secure an articling position. In fact, the articling position came to her at her home. She spoke first about not knowing about the timelines for applying and then shared how she got the position. She is yet to article. She said:

No, no, no, no absolutely not. I didn’t know that that was required; which is really sad, because it’s not clear that you are required to apply a year in advance. Okay for me, I would say was probably a peculiar situation. When we got to the city I live in now, we had a friend over and one lawyer came over with her. After talking with the lawyer for a few minutes, I had an articling position. Articling found me at my house. I think its peculiar here, the city is a small city and most lawyers don’t come up north. The pay is not as competitive as in a big city. I’ve been holding over that articling position since 2010 and they still want me. It’s a firm with four lawyers and they are Jacks of all trade. Yes, it is going to be paid.

\(^\text{118}\) Anita, see below section 8.3.4. Abridgements and Exemptions
I loved doing this research as I learned so much from the participants. It really enriched my journey.

In summary, those who found articles found them in varied ways. Clare applied for 40–50 positions before securing a position; Pierre had a professor advocate for him; Tapiwa met a lawyer at her daughter’s Brownies who hired her; Charlotte and Garikai volunteered; Peter did split articles, part in Jamaica and part in Ontario; Amy applied to one firm and got the job she applied for; Anita was to article in the community legal clinic she was already employed in; and finally, Maria found an articling position in her home in Northern Ontario.

6.2.4 Did not find Articles

Two participants who had completed the NCA and the licensing process did not find articles, namely Fatima and Emilia. Fatima was unaware of the application timelines, and after completing the bar exams tried applying for positions. She went for interviews, but was unsuccessful. She said:

I attended an articling fair because I remembered the Ministry of Justice and LSUC organized one. I sent out resumes, got one interview but still didn’t get a position, went to the public law office, I was interviewed, but wasn’t taken. I did that for a whole year. I sat my bar exams in June 2010 and since then have looked for a place to article up until June 2011. I then gave up and exercised the other option I had and applied for a total exemption from articles. Eventually, I was called to the bar in June 2011.

I did not know about the unique timelines to apply for articling a year ahead. It was when I started applying that I found out. That’s why I gave myself one year before applying for an exemption. I did not know that. I thought it would take me a year to find articles.

Fatima tried but failed to secure an articling position; she said in frustration:

Once they see you are older, and you have a foreign certificate they kind of discriminate against [you]. Maybe I should look at doing a free article. I thought of doing fresh course. I was first called in 1990. I have been a lawyer for over 20 years, so why should I switch now? So I decided to give it a try. A few people discouraged me; I’m beginning to think they may have been right.
Emilia’s experience was quite different. Although she did not know about the application timelines until she was informed by classmates at Osgoode Law School, she is the only participant who shared that she didn’t secure an articling position because she was contacted by the Law Society of Upper Canada and asked to apply for an exemption based on her experience. I will speak to her experience more below, in section 6.2.5.

In summary, two participants didn’t secure articling positions for very different reasons. Fatima was unaware of the timeline and after writing her bar examinations began applying for articling positions with no success. After a year, she decided to apply for a full exemption before being called to the bar. Emilia, on the other hand, was contacted by the Law Society based on her work experience and asked if she wanted to apply for an exemption; therefore, she didn’t need to fulfill the articling requirement. I speak to exemptions more below.

6.2.5 Abridgements or Exemptions

A few participants advised that they had sought abridgements or exemptions from the requirement to complete an articling term. An articling abridgement is defined as “a reduction of the articling term.”119 And an articling exemption is defined as “a waiver of the articling term.”120

Two participants, Amy and Tola, applied for abridgements and two other participants, Fatima and Emila, applied for exemptions. One participant, Farai, indicated that she plans to apply for an exemption when she gets to that stage.


Anita considered applying for an abridgment but decided not to apply because she concluded it would not benefit her. She stated:

I haven’t applied for abridgement. I was going to, but after careful thought, I’m not going to. I found out one thing that put me off, I cannot get credit for legal experience [I] gained during the NCA process. I was going to apply for a complete exemption because of the experience I have had outside and inside of Canada. A lot of the experience I have had in Canada… [Baby was screaming and crying] overlapped with the period I was doing my NCA. I found out recently that any legal work I have done during the process of accreditation would not be credited to me if I applied for abridgement. As I said, it’s taken me four years in this process and I’ve been working in the legal clinic for six years and yet most of that work won’t be credited to me. Having said that, I’ve secured an articling position there where I’m working, so essentially I will still go to work every day and be paid, so I won’t gain anything by asking for an abridgement.

As the interview progressed, Anita’s baby was screaming and crying and I told her to take her time and not worry, tend to what he needed at the time because that showed some of the real experiences people have to go through juggling life.

Tola’s experience in securing an articling position was painful to her because she felt they didn’t trust her enough to consider her. She explained how she felt forced to apply for an abridgement:

I did apply for an abridgement. I did four months of articling instead of 10 months. I applied, like I told you, because I didn’t get an articling position. Even in the office I worked in for three years, they didn’t offer me a position. I prepared well for the interview; I was told they wanted two people and I was ranked third on the list, maybe it was their policies. I was left without an articling position. I asked around if anyone knew where I could do my articles and God just linked me with someone I used to work with at the Ministry, who talked with one of the senior lawyers, who talked with my director. My director said we have already offered two articling students to do 10 months, but we recruit summer students for four months. They said further that if LSUC gives me the go ahead they could offer me articling for four months. I told them it was possible, I could even get an exemption because I practiced for five years before coming to Canada. So they said they can do it if LSUC approves it. Even where I worked for three years, they didn’t trust me enough to give me the articling position. I was forced to ask for an abridgement and it was granted by the LSUC. I articulated where I was working as a legal assistant.
That situation was difficult for Tola. Even after completing her articles and being called to the bar, she was still working as a legal assistant.

Amy applied for an abridgment after finding out about the abridgment process from the NCA Facebook group.\footnote{National Committee on Accreditation Students Group. Retrieved from https://www.facebook.com/groups/42489885315/} She said:

Yes, I did. There’s a Facebook account for NCA applicants, I don’t want to say students, and one of them mentioned there was a new process at the time I joined called an abridgement. They said I should apply, so I applied and got an abridgement.

The other two participants, Fatima and Emilia, applied for exemptions from the articling process. Fatima applied because of her frustration in being unable to secure an articling position. She expressed:

I asked for a total exemption, not an abridgement because I couldn’t get a place to article and I’d waited a long year. Some people encouraged me to go for the exemption.

Emilia, on the other hand, applied for an exemption after the LSUC asked her to consider doing so. She happily said:

I applied for an exemption actually and received it, so I got a full exemption from the articling process. I wanted to get through the process as quickly as possible. I’m one of those people, I guess not the best forward thinker, so once I get to a bridge, I’ll cross it. I saw there were not many articling positions available and I was not willing to entertain the thought and wait an entire year to article. The Law Society actually called me to find out if I was articling and I said, “No.” Then they said, “Why don’t you apply for an exemption because based on your experience you will get the exemption.” I said to myself at that point you know what, I was toying with the idea, and after that phone call I said, let me do it. I was finished with the NCA and they (LSUC) had my application for the licensing process. It was before I sat the bar, maybe a few weeks before I sat the bar, they saw my experience.
Emilia’s working full time for the tribunal was a definite plus for her. It was a legal position, so it worked to her advantage! She advised that before she knew she could apply for an exemption she had applied for one or two articling positions and received rejection letters. She said, “I think I applied for one or two and got ‘thank you for your application, but we aren’t going to entertain you at this time.’” I couldn’t hide my surprise and asked, “Only two?” She responded, laughing, “Yeh, that was enough for me, there is only so much rejection a girl can take. I’m sensitive like that!” I laughed, considering that Clare and I had applied for 40 to 50 positions!

6.2.6 In the Process of Applying for Articles

Four of the participants were still in the NCA process and had not yet reached the stage of being registered in the lawyer licensing process; thus, they had not yet started applying for articling positions. I asked them if they were aware of the timelines and advised that they should consider applying while they completed their NCA exams. Farai confirmed she that did know of the timelines and had just seen an article speaking to that not long before our interview. Farai said:

I did not know about timelines. I saw an article just the other day about articling students having a hard time finding placement. So that was my first exposure. I didn’t know of deadlines.

Naomi shared that she found out about the timelines informally as she went through the credentialing process. She stated:

I learned about those rules informally, from those going through the process. They told me this is what normally happens. I learned early on, maybe 2008/9, I think while I was doing the NCA.

When asked about her securing and articling position, she expressed considering how challenging the process of finding a position is as she is contemplating articling for free. She responded with laughter, saying:
No [Laughs]. You know what, when I think of finding an articling position, I think of finding a unicorn; it’s one of those strange phenomena. On a serious note, it’s a very difficult process. I learned and found out the intricacies when I was doing my masters. One way I found out was through the Black Law Students Conference. Employers came with criteria and I found out a lot of students in law school were set up. There were legal clinics, and many students were already practicing before they [left] law school. For me, I had no practice experience, no advocacy experience, but more solicitor [experience]. It’s come to a point where I am considering articling for free. But it’s still such a heinous process, still being subscribed by a lot of people. So it’s been difficult; even for free articles are hard to find. That’s how ridiculous it is. The Law Society has to do something. So now I’m in the process of searching for articles.

Marcel and Ruth were both aware of the timelines for applying. Marcel knew because he was a student at the University of Ottawa (remember, he knew nothing about the NCA). Ruth said once she applied, she became aware. Marcel said of his experience:

Oh yes, I’m aware of the timelines. I know it has to be done early and it depends on each institution. I often use the jobs database called “the source.” It is a specific University of Ottawa (Law School) database, for the common law department. I checked it even today and saw articling positions available for 2012/2013 and other articling positions for 2013/2014. I can determine it means I have to apply one and a half years before. Apart from the information I got from the database, nothing else. As for me, I’m still in the process of applying; I will apply to Amnesty International Canada [for an articling position].

As can be seen because the participants were in differing stages of the credentialing and licensing process, their experiences were diverse, yet in some ways similar.

6.3 Summary

In this chapter, I looked at the theme that emerged relating to articling in Ontario, the difficulty securing articles. I gave a brief overview of what legal articling is and then presented the findings of the theme, looking at the articling timelines and abridgements. Subsequently, I discussed those who found or did not find articling positions. I presented the findings of the online survey, then presented and discussed the
qualitative findings. I also gave brief summaries of who found and didn't find articles as well as why some applied for abridgments and exemptions. The next chapter focuses on the theme, the impact of racism. I give a background to what race is in Canada and touch on elements of disempowerment and discrimination. I then present and discuss my findings.
Chapter 7
Impact of Racism

This chapter focuses on the theme Impact of Racism. I will first give a background of what race is in Canada and speak to elements of disempowerment and discrimination. I will then present the findings first from the online survey and then from the one-on-one interviews. I then discuss the findings. This chapter helps to answer research sub-question 3. In answering this question, my theoretical framework consisting of the intersectionality of critical race theory and integrative anti-racist theory to distil and analyze the experiences of foreign trained black lawyers in Ontario was used. Sub-question 3 was: Do foreign trained black lawyers face undue challenges credentialing in Ontario?

7 Impact of Racism

I didn’t think race mattered in Canada when it came to professional qualifications, however, I realize how naïve I was. I should have known better because as a human rights lawyer I am aware of how difficult it is to change attitudes. I really should have known that from the diversity statement I had to make for my admission into university when I went to study for my masters in Iowa. The concept of diversity is different in North America than it is in Africa. However, through my own experience in job searching for two and a half years in the USA, and my job search in Ontario since I settled here in 2005, I have come to the conclusion that while diversity is not always embraced in employment, it is politically correct to say it is.
The Law Society of Upper Canada stated as part of its policy for equity and diversity in the legal profession that:

The Law Society of Upper Canada is committed to promoting equity and diversity in the legal profession and to help[ing] stop discrimination and harassment. Through its activities, and through its Equity Initiatives Department, it seeks to ensure that both law and the practice of law are reflective of all the peoples of Ontario, including Aboriginal people, Francophone people and equity-seeking communities. The Law Society’s Equity Initiatives Department is not, however, involved with the evaluation of foreign legal credentials.\textsuperscript{122}

I found this message interesting and revealing because it effectively acknowledged that discrimination and harassment are prevalent, and the LSUC is committed to help stop it. The participants in this study are all foreign trained legal professionals. Since they are not involved in the evaluation of foreign legal credentials, that effectively means the policy of promoting equity and diversity does not apply to NCA candidates while they are undergoing the NCA process. However, it may only begin to apply once they are registered in the lawyer licensing process.

7.1 Disempowerment and Discrimination

A report that was prepared by African Canadians in Manitoba helped illustrate the frustration that members of the African community have in regard to their credentials. The report speaks to how people of African descent come from varied educational backgrounds, inheriting the French, German, or British systems of education, yet find that their degrees, diplomas, and certificates are not recognized in Canada.

Most people in the African community complain that when they apply for employment or positions which they have the qualifications and experience; they are told that they needed Canadian experience. This is the case even when their resumes document that similar and equal positions with matching duties and job descriptions have been occupied in the past before immigrating to Canada. The feelings, therefore, are that job opportunities are being denied members of the African-Manitoba community for reasons that do not bear on their ability to perform the job, but rather with the colour of their skin. This is racial discrimination.\footnote{Dr. K.C. Asagwara. A Profile of the African Community of Manitoba, Section on Employment Practices. Retrieved from \url{http://www.acomi.ca/MBAfrica-Profile.htm}}

These complaints are familiar and common to foreign trained immigrants in Ontario as well. As I mentioned in my literature review chapter, I found documented research about Canada’s racialized society. For instance, institutionalized racism has been documented by Bolaria and Li (1988, p. 109), where they discuss the meaning of institutionalized racism as: “Such discrimination was systemic and legal, and was rationalized by an ideology which advocated the racial superiority of whites over non-whites.” They further state: “Non-white immigrants to Canada have experiences similar to a colonial situation regarding racial hierarchy” (p. 231).

Numerous other texts also speak to the experience of racism in Canada (Dei, 2007; Halli, Trovato, & Driedger, 1990; Henry, 1994; Henry, Tator, Mattis, & Rees, 2006; McKague, 1991; Samuel, 2005), Canada’s colour-coded legal history of racism (Backhouse, 1999; Gates, 1997), the experiences of black Canadians (Dei, 1996; Henry, 1998; Mensah, 2002), ethnicity and ethnic relations (Bienvenue & Goldstein, 1985; Troper & Weinfeld, 1999) as well as racism in the USA, which I submit also relates to racism in Canada (Asante, 2003; Bell, 1987; hooks, 2004; Osborne & Sandford, 2002).
7.2 Findings from Online Survey regarding Race

The findings of my research were very interesting and I uncovered some surprises. The question I asked in the online survey was question 51, and the participants had the opportunity to write out their responses. The question I asked was:

How would you describe your experience credentialing in Ontario? In doing so, do you think your race has influenced your experience in the NCA/LSUC process? If so how? Please elaborate.

The following are some of the responses that revealed the participants’ experiences regarding their race. The first few quotes show what was written by the participants who did not think their race was a factor. Two participants who were Canadian born expressed their opinions as follows. The first one wrote:

I think the credentialing process in Ontario is stupid and designed to keep people out of the legal profession. There is no rhyme or reason to the evaluation process in terms of what exams one has to write and why. I do not think my race has influenced my experiences, but I think if I had an accent or I did not do my undergrad here in Canada my experience would have been far more negative.

This was interesting to read seeing that they acknowledged that their having done their undergraduate degree here and the fact that, as they stated, they did not have an “accent” were distinguishing factors that made their personal experience more positive.

Another participant who was also Canadian born and studied law abroad wrote:

I do not think my race was an issue but I strongly believe that my foreign qualifications were held against me. There were two general attitudes:
1. How dare you leave Canada and go study in England?
2. You do not fit in our box so we have no idea how to assess you.

Two participants answered the question stating both “yes” and “no,” and elaborated as follows. The first one stated:

YES: But I do not have direct proof. The only thing I can point to is the questions surrounding my place of study and whether I intend to remain in Canada.
NO: I do not think my race played any role in the credentialing process. I say this because every foreign-trained lawyer goes through the same process.

And the second one stated:

I look at the impact of race in this way:

YES: race played a role during my applications for an articling position. I found out that lighter skinned individuals or individuals of either European descent or from the US found it easy to secure articling positions.

This is the only participant who spoke to “lighter skinned individuals of either European decent or from the US finding it easier to secure articles.” This is something bell hooks discussed in her video about stereotypes in media and movies,\(^{124}\) when she spoke about the internalized racism of people of colour and keeping whiteness in the center of the discussion. She then explained that when she grew up in racial apartheid in the USA, it was not just about what white people did to black people, but also about how light skinned relatives (grandma) or friends called the darker skinned family member “blackie.” It shows how there is a need for a more complex accounting of identity.

Responses to the question on racism also showed an interesting dynamic that surprised me—how some participants did not say race was a factor but rather their culture or foreignness. One participant spoke further to this, specifically naming their culture. They stated:

I do not think my race influenced my experience, but I do think that my “Cultural Background” (their emphasis) influenced my experience. When I initially applied to the NCA apparently they were not familiar with the Nigerian Legal system (which is

also common law) and gave each applicant a good number of courses to complete before obtaining the Certificate of Qualification. I understand in recent times, probably because they have gotten many more applicants from my Country since then, they give as little as two courses. I know someone who was initially given 13 courses and after the NCA invited applicants to resubmit their applications, she was given only 4 courses! In all though, I think my working experience within the period I was completing the NCA requirements (I worked as a legal assistant) helped me in the end with having the necessary working experience in this society and giving me experience in my preferred practise area.

Another participant also echoed having a foreign degree as an issue and not race by stating:

I think I had a better experience than most. I had obtained a Master of Laws at the University of Toronto and I strongly believe that made a difference. Having said that, it’s definitely not a level playing field.

I feel that the origin of one’s foreign degree has more of an influence than race. I also feel the issues experienced by most are more with the employing public than with the NCA/LSUC process.

One participant spoke more to ethnicity meaning culture as being a factor instead of race and wrote:

It has been slow and discouraging at times. In some regards I believe that my ethnicity may affect my experiences; however nothing blatant has occurred for me to really speak to that. I am positive that in the right time things will work itself out with persistence and dedication. At the end of the day it will all work out regardless of my ethnicity.

A number of participants mentioned family life and juggling as major factors rather than race, along with the expense of the process. Two participants gave responses speaking to work life balance, as follows. The first one stated: “It has been a slow process as I have had to balance work, raising children, unemployment, and all my other responsibilities with studying and paying for the exams.” The second one stated:

It has been a very long, difficult, and EXPENSIVE process. In most other countries, such as my home country the process for foreign trained lawyers to become qualified is not this difficult. I see, however, where both the NCA and the LSUC are now listening to criticism and trying to change the system somewhat. However, I believe there are inherent flaws within the general lawyer licensing process in
Canada which in turn affects the foreign trained lawyer licensing process. I do not think that my race has influenced my experiences thus far in the NCA/LSUC process.

All the above participants stated they didn’t think their race was a factor, but that something else—ethnicity, culture, or the fact that they had a foreign degree—was a major factor instead.

However, one participant responded by stating that she was not sure if it was her race or the fact that she was a woman that affected her experience when it came to securing employment once she was licensed. She wrote:

It was straightforward for me. I registered and wrote the exams and got called. I was lucky that I did not have to do articles again. It was difficult to get the first job, though, despite my experience. I was not sure if it was because I was black or female or both.

Another participant stated that race may have been a factor in the search for an articling position:

The examination part was okay and objective because I believe it was faceless, so to say. The person marking your papers did not know whose paper it was and was impartial, so to say. The bad experience started when I applied for articling. I want to believe that as soon as the resume reviewer notices that your education was not from a Canadian or any other familiar universities, your resume gets thrown to one side. I assume the computer sorting the resumes has also being programmed to pick candidates from certain universities. That is the only possible explanation I can give to why I got only one interview from the huge applications I sent out to secure a place to article.

I therefore believe that race definitely influenced the LSUC process, at least the articling portion of it. The examination experiences with NCA and LSUC were okay. I also want to believe that LSUC grant[s] articling exemption to foreign students more easily than to local students because they are aware that it is very challenging for foreign students to secure a place to article.

When you are lucky enough to get an interview, the hope is dashed as soon as you appear in person and the interviewer realise[s] that you are a foreigner. That is the end of the process. This fact was brought home to me by the experience of a guy who attended a fair organised by LSUC for those of us that were still searching for articling positions. The guy went to law school in Canada, which made him get a lot of interviews. However, his experience was that as soon as he attended the
interviews in person, the interviewer never got back to him.

One African born married male, from Nigeria, who chose not to be interviewed further, in the one-on-one interviews stated:

I think the credentialing in Canada generally is a deliberate scheme to frustrate foreign trained lawyers. This process is unnecessarily cumbersome. Some lawyers have spent years writing these exams to no avail. I don’t see the logic of asking another lawyer from the same common law jurisdiction to validate his or her LL.B. before writing the Bar exam. This is ridiculous.

This survey participant further stated that he decided (after evaluation) not to pursue the NCA right away because the “initial financial costs of the process of retraining (NCA and Bar) gave me concerns because they are huge costs. I applied to do a Ph.D. in the meantime.”

Another male, single, of African American decent, responded in a similar vein regarding his frustration with the NCA process related to foreign credentials, stating that:

The experience is one large cash grab in essence designed to lure professionals from other countries in an attempt to produce a certain perception of Canadian equality to the world in general. However, in reality, Canada is the only country where foreign credentials are actually frowned up (on) instead of (being) embraced as an asset. As such, you find a host of legal professionals being forced to abandon their training frankly because they are unable to find an articling position; but only after they have shelled out monies for the NCA process.

These online findings from the online survey complemented, enhanced, and validated the findings from the one-on-one interviews. It seems that for most of the participants, stating that being a ‘foreigner’ rather than their ‘race’ influenced their entry into law was a more comfortable, non-confrontational or politically correct thing to say. I discuss my thoughts on this some more in section 7.3.1.
7.3 Summary and Discussion of Theme

The intersectionality of critical race theory and integrative anti-racist theory was used to filter, distill, and analyze the experiences of the participants. As I stated in my literature review, CRT points out the need to examine the intersectionality of multiple oppressions that racialized people face. This involves looking at the broader situation or environment and recognizing that race, combined with other factors (e.g., gender, class, nationality of origin and religious background), that an individual or community face, may cause disempowerment.

Participant responses indicated that openly stating their race was a factor in their experience, in our multicultural society, would stir up emotions and feelings of racial superiority and inferiority. It was clear from the voices of the participants that most thought being a foreigner impacted their experiences to some extent.

The following summarizes what emerged regarding the qualitative findings of the interviews on the theme Impact of Racism, disempowerment, and discrimination. The theme will be captured in the following quotes from the participants in the discussion below. The discussion of this theme on the Impact of Racism will focus on the experiences of the participants in part highlighting the terms foreigner and race, accent, culture and fit.

7.3.1 Racism

Critical Race Theory recognizes that multiple oppressions may work together for disempowerment to happen. When I asked the question about whether or not they thought their race influenced their experiences in the NCA/LSUC process, the majority of participants (13), said they did not think their race influenced their experience but rather, what had an influence was the fact that they were foreign born or that they had
foreign degrees or credentials. I was interested in seeing if there were differences in opinion depending on the background of the participants—that is, if they were African born, Caribbean born or Canadian born blacks. There appeared to be more similarities than differences. The participants all had a level of consciousness about who they were and how they self-identified, be it as a black man, black woman, or someone from a particular nationality or ethnic background. Gunaratnam (2003) stated that:

In qualitative research in particular, minoritized research participants are assumed to have some level of a “race” un/consciousness, which structures how we see ourselves, talk about ourselves and how we live our lives. (p. 111-112)

The following participants, namely, Clare, Garikai, Marcel, Ruth, Peter, Tola, Karen, Charlotte, Emilia, Amy, Anita, Pierre, and Tapiwa, did not think their race influenced their experiences.

Clare didn’t think race played a part because she was Canadian born, had a Canadian bachelor’s degree, and didn’t have an accent. Garikai said he didn’t feel his race played a part, but he added that if he had failed to get a position, he would have felt it was because he was foreign trained and because of that, someone had less confidence in him. Nonetheless, he was emphatic that it was not his race. Marcel acknowledged that some people may say their race has a part to do with it, but there are black people working in the field, so “if I believed that, I’d have been discouraged”; therefore, he chose not to believe it.

Ruth wasn’t so sure but felt that if she did not have a foreign sounding name life would be easier, and she contemplated actually changing her name! She expressed how she felt this way:

So not sure about race, but sometimes I think if my name was not “Ruth Boateng” life would be a bit easier, and sometimes I’m actually tempted to change my name.
No one can pronounce it and I think about that when applying for articling research. Those with easier to pronounce names get the jobs quicker, but regarding race, now with the process (licensing) I don’t think so. I think for the future when I am looking for a job, it might be a factor, but not now, no.

Peter, Tola, Emilia, Amy, Anita, Pierre, and Tapiwa, spoke more to having foreign qualifications. Interestingly, Karen also spoke to being younger as presenting challenges, and yet Charlotte and Tapiwa spoke to the challenges of the process if one was older.

Tapiwa shared another NCA student’s experience at the university she attended while taking her NCA courses:

There is an older NCA. He’s older and it’s even harder because he’s older. He was blocked out (more of an outcast than me) so I would get information and pass it on to him. If we didn’t talk about it, he’d never know (things), yet he’s paying per course. They pay a blanket amount for the year. It was not the best of experiences, but it’s okay!

Charlotte put her experience this way:

No, because I wouldn’t say so, like nobody made me to feel that or put any roadblock in my way coz of my colour. But what I would say like I did in the survey, there is no accommodation for people of our age group, for the challenges we go through and our…the system doesn’t accommodate our way (of learning).…..

So age was more of a factor for Charlotte and Tapiwa’s classmates. Ageism was a factor for the researcher as well, regarding the search for a summer legal clinic job with Flemingdon Community Legal Clinic, which I speak more to this in the chapter on Articling in Ontario, in section 6.2.3.

On the other hand, four participants thought race had a part to play in their experiences: namely, Fatima, Farai, Naomi, and Maria. Fatima spoke to her accent, which I will discuss more below, how that linked to her race, being African. Farai wasn’t 100% sure but tended to think race negatively impacted her, even though she did not have ‘proof.’ She expressed her view this way:
I tend to think so but I’m not absolutely sure, but I don’t know what criteria are used to award one person 2 or 4 or 9 subjects. I think the process is arbitrary, so I don’t know if race [is part of it]. I’m not 100% sure; I don’t know why the process is so different between one person and another. I cannot say “yes,” because I don’t have proof, but I cannot say “no” either because the process is not fair.

Naomi was very clear in her experience, saying why race mattered. She stated:

I think it has because even when I attended the Black Law Students Association Conference, there was talk about black students not getting certain articling positions and not getting into certain private firms more than government. But more prevalent there and coupling with that you are foreign trained, a lot of times when applicants go before these employers they look at where you are from, and (if you are) foreign trained, they assume you are from Africa, the Caribbean or of African descent. And even though one can’t say it outright, I think it (race) does (matter), honestly I do.

Naomi’s sentiments are similar to Farai’s in that she felt race did matter, but the difficulty was ‘proving’ it. Naomi was able to reference and corroborate her assertions to comments made at a Black Law Students Association conference she attended.

Maria felt that as she continued in the process race would be a definite factor and illustrated her experience with an incident that happened when she visited a court in the Northern city she lives in. She shared:

Well, hmm, my race ok…I would say, I see my race as a challenge as I continue. Well for me I think the greatest challenge would have been getting articling, given my race but since I jumped that hurdle pretty easily, I think the challenge I’m yet to face because of my race is in the office setting and actual practice setting out there. For instance, I went to XY law courts, the nearest courthouse to the Northern Ontario City (where she lives). Well, I could tell that people were surprised I am a black lawyer. It was just surprise, “Oh, my gosh, you’re black.” But it wasn’t like “you don’t belong here.” I didn’t get that feeling. However, up north, (it is) more conservative, in the shopping malls, some people will give you that look you can see they look at you like “where did you come from.” But those who understand who you are [and] what you do have given me a chance to do some work. They have given me legal research work, twice or three times, to draft legal opinions, and gave me some allowance for that and allowed me to have some experience without articling. So I’d say the uneducated choose to hold primitive views [laughs]!
So even though she succeeded in getting an articling position fairly easily, she did acknowledge that she felt her race mattered, particularly to those people who were not exposed or open to racial diversity.

It was interesting to see how the majority of participants did not want to name race specifically but were more comfortable speaking to being foreign born, foreign educated or having a foreign accent. The fact that many did not or could not name racism for what it was, but preferred to use the words foreigner, immigrant, or foreign trained instead, helped establish the idea that systemic racism in education is a factor. Lorne Foster’s (2009) article, which I mentioned in my literature review, examines the institutionalized process of social nullification of Lawyers of Colour and Racialized Immigrants with Foreign Legal Degrees. The abstract of his article states:

This analysis will deconstruct the legal profession as a cultural force that justifies the discounting of credentials and accreditation blockage imposed on lawyers of colour as a market contingency, rather than a political action. Through this deconstruction, the study will demonstrate how the practice of Law in Canada valorizes diversity at the same time that it actively suppresses it, by providing racialized lawyers equal access to the profession but not access as equals. The key public policy hypothesis of this work is that in a globalized society that strives to be as inclusive as possible, it is vital that a profession like the Law begin to make sense of its own diversity challenge beyond its narrow status as a labour market issue.

Foster’s (2009) article supports the notion that race indeed matters. The nullification comes from the society and in this case from the racialized themselves. Race is complex, and although it is a part of our everyday lives, the challenge is in educational communities’ willingness to probe and see how race is a part of our daily lives (Howard, 2010). The fact that the participants think race does not matter does not mean it doesn’t. In fact, a recent case dealt with the matter of race in the legal profession in Ontario, and it concluded that:
The legal profession has made no concerted effort to rid itself of the racism inherent in the practice. The effects of racial inequality are real, not imagined, and we do the public no favour by refusing to acknowledge them.\footnote{125 Law Society of Upper Canada v. Selwyn Milan McSween, 2012 ONLSAP 3. Retrieved from http://canlii.ca/t/fpnmz


I deliberately chose to ask the question about race in my online survey and in the one-on-one interview to show one group of students’ experiences. Of course, the experiences of these participants cannot be a representative reality of all individuals of a particular racial group (Howard, 2010). Howard (2010), in speaking to race in research in schools or educational settings, states:

The experiences of people of colour are not monolithic. The one criticism of the critical race theory paradigm is that the realities of a few become generalized to become the experiences of all (Darder & Torres, 2004). One of the ways to dismantle the potential generalization is to conduct large and small scale studies of how students experience race. Moreover, different methodological approaches and theoretical frameworks that contribute to this diversity in how young people experience race can be fundamental to generating new knowledge about race and schooling.

I would like to think this research is a small scale contribution to such knowledge building. It was not completely surprising to me that the majority of participants would not name race specifically, because after all, in Canada, as Aylward (1999, p. 77) states:

Many commentators have recognized that the perception Canada has of itself as an egalitarian society devoid of a history of racism does not reflect reality.
Many immigrants also believe the notion that race does not matter in Canada; after all, Canadians are world renowned for fighting for the human rights of all, right?

Aylward (1999, p. 81) continues:

In Canada today, discrimination and racism exist in much more subtle forms than during the periods in which the cases considered by James Walker were decided. As the report of the Commission on Systemic Racism in the Ontario Criminal Justice System (1995: 52) has documented, today discrimination is usually found in systemic form and concealed systems, practices and policies and laws that may appear neutral on their face but have serious detrimental effect on people of colour.

As I was concluding my interview with Tapiwa, one of the participants who felt race didn’t matter, in her concluding thoughts, she asked me: “Did other people find race to be an issue? I’m curious.” I responded by stating that it depends. Some people thought it was an issue for them, and some like her didn’t believe race played a part because everyone has to go through it (NCA process) and the hoops are similar; but some do feel their race makes the process a bit difficult. Participants thus evidenced a process of depersonalizing the experience and questioning that surely other participants couldn’t have experienced any racism. Gunaratnam (2003) speaks to this in her research when analyzing one participant’s narrative in her study. She states:

A tension running through both extracts is the simultaneous “need” to de-personalize and to personalize rejection and exclusion. To use racist rhetoric: to know that “it’s nothing personal,” whilst also sometimes constructing the possibility that processes of racism are not impossibly systematic, and that exclusion can be attributed to individual failings rather than seemingly unchangeable and structured racialized relations. (p. 118)

Tapiwa expressed that she felt as black people we limit ourselves and hold our race as some disability; she then shared under what circumstances she thought race would in fact matter in the credentialing process.
You know what makes it more difficult - the race thing - is when it comes to articles. Because your race is obvious when you go for an interview, that’s where it can be an issue depending on where you’re going for an interview. I think Ottawa, where I have the experience, is [a] more about who you know place; the people here don’t care really about race; it’s who you know. And sometimes we put limitations on ourselves. We hold our race as some sort of disability, by the way we perceive ourselves, [so] we already put ourselves at a disadvantage. I think here it’s more about who you know. If you know a white person who is well connected and you’re are black, that’s good.

It surprised me to learn that some participants blame others for the unfortunate racial experiences they may face. The view she shared supports what Maria and Garikai said regarding openness to diversity and accent. If you are connected to a white person, they have confidence in you, or they are enlightened and embrace people who are racially different, then you will be okay. In light of the subtle forms that racism manifest itself in Canada today, Aylward (1999, p. 81) whom I cited above stated:

…today discrimination is usually found in systemic form and concealed systems, practices and policies and laws that may appear neutral on their face but have serious detrimental effect on people of colour.

In my literature review, I discussed the danger of speaking about race, as George Dei (2007) writes in his book, boldly titled Racists Beware: Uncovering Racial Politics in Contemporary Society; there, he speaks to the impossibility of discussing race today. He looks at anti-racist theory and the lived experience of race in people’s lives. He also covers the challenge in speaking about race and how that can be dangerous for the individual who is compelled to speak about it, as the findings reported here illustrate. Many participants didn’t want to speak on or name race for what it was. They were more comfortable speaking on race in terms of “foreignness” and foreign credentials. The denial of race came from racialized lawyers who did not want to engage or were unaware of the anti-racist discourse. I mentioned in locating myself how
I became more aware of my blackness when I came to Canada; surely, I’m not alone in that. Only four participants from the one-on-one interviews believe race was a factor in their experience, but the other 13 believe it is the fact that they are foreigners or have foreign credentials. They have all “seen” and “felt” the difference and they are not accepted as part of the norm but refuse or deny to name it for what it is—being “othered.”

The fact that the majority of participants didn’t name race as an issue shows the complexity of speaking about race. Some participants were surprised when I asked the question in the interview, and Farai actually asked me who at the university wanted to know that. I explained that it was a Ph.D. research project and I as a racialized woman wanted to know if other racialized FTBL thought race was a factor in their experience. Our interview was over the phone, but I could audibly hear her sigh and relax as she opened up with her experiences. I think when she realized it was not a project being conducted by an institution, but rather by a black student, she did not feel threatened and opened up more. She and I have never met in person, but another participant had passed on the online survey to her. The question about race was surprising and revealing as I conducted the interviews; moreover, observing how the participants responded in answering the question helped me understand how they positioned themselves in relation to the wider social discourses about racial and political opinions (Gunaratnam, 2003, p. 40). At times during the interviews, when listening to the responses to this particular question regarding race, I felt there was an unstated concern about maybe feeling ungrateful labeling and naming Canada as a racist country; after all, it is our new home, so you don’t bite the hand that feeds you.
As I stated earlier, multiculturalism is touted at every corner. However, this is one country that calls people of colour “visible minorities; yet in reality we are “invisible.” In fact, a recent study challenges the invisibility of white identity, the understanding (or lack thereof) of racial privileges, and adherence to individualistic, color-blind ideals (Hartmann, Gerteis, & Croll, 2009). The fact that Aylward (1999) saw the need to write a book about critical race theory in Canada and took time to analyze legal case law from a CRT lens in detail shows there was a need for her to do so. Black lawyers who have not been exposed to critical race theory or integrative anti-racist discourse may not have the right tools to help prepare for a case where the racial lens may be necessary to help defend a radicalized client. If race is not a factor, why have racialized lawyers, including the black legal community, felt the need to have organizations such as the Black Law Students Association (BLSA) or the Canadian Association of Black Lawyers (CABL)? I would say that it is because they recognize that race continues to be a factor, as Naomi stated in her response about whether race had impacted her:

I think it has because even when I attended the Black Law Students Association Conference, there was talk about black students not getting certain articling positions and not getting into certain private firms more than government, but more prevalent there and coupl[ed] with that, you are foreign trained. A lot of times when applicants go before these employers they look at where you are from and [if you are] foreign trained, they assume you are from Africa, the Caribbean or of African descent and even though one can’t say it outright, I think it [race] does [matter], honestly I do.

Race does matter! Perhaps because Naomi and I have a particular interest in human rights; we have that passion to bring human rights to the fore. She stated as part of her motivation in pursuing the credentialing process that:

Apart from my need to work, I cannot be a stay at home wife. For me, I think it’s important to become licensed in this country, especially as a black woman. I’m interested in human rights and interested in Legal Aid because I recognize that all
persons should live and have legal access to legal services if they require it. So
definitely, I want to be part of a legal [organization] or [be the] person to offer those
services to a client who will need it. Also as a black person in this country I need to
be a licensed lawyer so I can stand up for my rights if needs be, more so in Canada
than I’d have needed to be in the Caribbean, to be honest with you.

I could relate to her sentiments because that is one reason why I have done this
research. I hope in my own small way to advocate and bring to life the stories and
experiences of black foreign trained lawyers credentialing in Ontario. Even if you do not
see race, race sees you. My children have become more aware of their race now that
they are in high school. They have friends of all races and backgrounds, but they
commonly speak of “the Asian kids,” “the black kids,” “the brown kids,” and the “white
kids.” Where does that come from, if not from our racialized society? As Dei (1999)
illustrates in an article focused on integrative anti-racism, articulating an understanding
of the interlocking nature of oppressions:

I want to affirm race and social difference. In doing so, I explore the significance and
implications of maintaining power in a racialised society along the lines of social
difference. I work with Omi & Winant’s (1993) idea that race is a fundamental
principle of social organisation and social relations in Euro-American contexts. Race
is a salient marker of social position and status. My intent is not to render race as a
fixed category of identity and experience. It is problematic to apply a race
reductionist approach to understanding society. The gaze on race is not to deny or
negate other social oppressions, or the complexities of multiplex oppressions. My
objective is to highlight the significance of race in understanding social formations.

In George Sefa Dei’s (1996) description of the concept of integrative anti-racism
in an interview,¹²⁶ as mentioned in my literature review, he stated:

…Integrative anti-racism refers to the intersections of difference through a race-
centric analysis. That means that when we talk of difference within an anti-racist

framework, we are looking at how race intersects with other forms of difference, such as class, gender, and sexuality. In trying to understand education and social relations, it is important that we don’t see ourselves as simply one thing. The self is complex, having multiple dimensions. One’s race intersects with one’s class, gender, and sexuality.

This framework helps us better understand how being a foreign trained black lawyer, mother, wife, father, husband, or member of a particular community or culture may make black lawyers face more challenges in credentialing in Ontario. The findings reveal and show how these intersections come into play in the experiences of the foreign trained black lawyers. My objective in asking about race was to help unveil the experiences of the participants. After all, even when completing the lawyer licensing application we are all asked to self-identify what our race is.

As I mentioned above, it seems that for most of the participants, stating that they were a foreigner rather than self-identifying by their race was a more comfortable, non-confrontational, or politically correct thing to say. Perhaps these participants believed that openly stating their race was a factor in their experience, as the realities of our multicultural society support Dei’s (2007) thoughts on the danger and impossibility of speaking about race today. Maybe it is internalized fear that speaking openly about race would stir up emotions and feelings of racial superiority and inferiority that they did not wish to or were unprepared to deal with. After all, we are in multicultural Canada, which supposedly embraces all diversity.

7.3.2 Accent

Three participants mentioned accent as a factor, two stating that it was a disadvantage or of negative impact to their experience. Both participants were of African descent—Fatima and Garikai. Fatima articulated her experience in this way, linking the
fact that her accent is not Canadian and that goes with her race, being African, when
recalling how she failed to get an articling position even though she had passed all her
exams. She explained part of the interview process she went through for one position:

From the time I wrote the bar examinations to the time I got called to the bar in June
2011, I had sent out a number of resumes looking for a legal job. Seven months ago,
I was called for an interview with the Federal Government for a position with the
Immigration Board. There were five stages to the interview process. I had to read
and did a multiple-choice examination, which I passed. I also had to do a written
exam, which consisted of 6 pages, and I passed it too. I then went for an oral
interview and after I went for that interview, they said I didn't pass. (She sighed
heavily). That's been my experience.

They said I did not pass the oral communication part of the interview process, so I
know it's not my English, but my accent, that's the only thing. It comes back to my
race, being African, and the fact that I don't speak like a Canadian. My accent then
becomes an issue. After they told me I didn't pass the oral communication criteria, I
thought maybe it was because of my accent, so it's still a racial issue. When I think
back to the last time I worked in Canada, [it] was in August 2007. Since then I have
been applying for jobs and going for interviews with no success. I think it has to do
with my race; it has to do with my background.

Clare, the other participant who mentioned accent, stated quite confidently that
she did not have an accent; being Canadian born, she felt had an advantage over
someone without a Canadian accent. She did not mention if she felt she had any
challenges because she was foreign trained, maybe because she had studied in
Australia. This is different from Peter's experience because although he was born in
Jamaica and educated in Canada before going to England for his law degree, he felt he
faced barriers since he'd "dared to go and study outside" and came back.

Even though the other participants were silent on the word "accent" specifically,
in the major theme that emerged on the impact of race. Many spoke of being foreign
trained, being an immigrant, or being outside of the definition of "normal" Canadian.
Garikai also mentioned the lack of confidence Canadian lawyers have in foreign trained lawyers. He suggested that lack of confidence could be because of their accent. He stated:

Regarding unpaid articling positions, those are the challenges we face because you are NCA. Most lawyers don’t have so much confidence in you because you are a foreign trained lawyer and have things like an accent. People don’t say it out loud, but sometimes, somehow, there is some negative impact. It goes down to the confidence someone will have in you. Unlike someone who has lived in Canada for 1 to 5 years, they’ve become more polished, accent wise, so when they go for articling positions they are in a much better position than someone fresh from the start.

During the process I tried to look at the positive stuff: my principal was great, he was a sole practitioner, an Indian lawyer and was great teaching me (even if he didn’t pay me, it was walking distance from where I stayed). I was doing criminal law. It is funny, the person who introduced me to him, an African lawyer, I met while I was volunteering at Flemingdon Legal Community Clinic. While I was articling they gave me a certificate of appreciation.

It was interesting to hear that a Canadian accent per se is considered “more polished” than a “foreign accent,” particularly one of African or Caribbean descent. After all, certain foreign accents seem to have currency, i.e., certain European accents, like French and the English, whereas Chinese, South Asian, Romanian, or Polish accents may not be as acceptable. Not quite Eurocentric enough?

7.3.3 Culture

The fact that the majority of participants spoke of being a foreigner implies that that would include accent. Critical race theory speaks to the intersection of multiple oppressions radicalized people may face that could result in disempowerment.

Intersectionality within CRT points to the multidimensionality of oppressions and recognizes that race alone cannot account for disempowerment. "Intersectionality means the examination of race, sex, class, national origin, and sexual orientation,
and how their combination plays out in various settings" (Delgado et al., 2001, p. 51). This is an important tenet in pointing out that CRT is critical of the many oppressions facing people of color and does not allow for a one-dimensional approach of the complexities of our world.\textsuperscript{127}

The national origin of the participants was a factor in their being considered foreign. Being a foreigner is defined\textsuperscript{128} as \textit{a person born in or coming from a country other than one’s own; or a person not belonging to a particular place or group; a stranger or outsider}. Given that racialized communities are the minority in Ontario, and Canada as a whole, the definition fits well with how the participants described themselves as foreigners. If you are an outsider, you are othered.

As I mentioned in locating myself and sharing my own experience, I was told as a graduate student in the United States that I had a “triple whammy against me.” I am black, a woman, and a foreigner. I come from Zimbabwe, where the colonial heritage from the British is based on racism. Being an African country, the majority of the population is black whereas in Ontario, blacks are the minority and are referred to as part of the “visible minority.” This dynamic has resulted in some African immigrants facing an identity crisis—particularly if younger—because they seek acceptance in this society they consider their home. They seek to assimilate and as a result don’t know anything about their own culture, or find it difficult to accept and find pride in it. The society, through the media, at times portrays negative images of Africans in Africa and only shows the poverty and hopelessness of different countries; this portrayal

\textsuperscript{127} UCLA School of Public Affairs/Critical Race Studies – What is Critical Race Theory, retrieved from http://spacrs.wordpress.com/what-is-critical-race-theory/

\textsuperscript{128} Definition of Foreigner. Retrieved from http://www.oxforddictionaries.com/definition/english/foreigner
exacerbates young people’s desire to be known as African. I have met many black university or college students (under 30 years old) who, when asked the basic question, “Where are you from?” will state “Mississauga” or “North York,” etc., rather than the name of their country of origin. Some of the responses are because that is where they were actually born, but for others, they were born in the country of origin and came to Canada with their parents at a young age. In all fairness, they do not know much about their “home.” The older than 30 group generally answer citing their country of origin. Participants who mentioned the words culture or foreigner used them interchangeably. Thus, I think cultural competence needs to be developed.

The development of cultural competence is an ongoing process and rooted in the idea that individuals continue to learn from, respect, and appreciate the broad range of cultures in a diverse society. Equally critical to the concept is that different forms of culture are not viewed in a hierarchical manner, which assumes that certain types of culture are superior to others, but rather that cultures exist on a continuum, giving equitable credence to the different variations of culture. (Howard, 2010)

Culture has become synonymous with exotic foods and music from different cultures. However, I believe culture, in the sense of the behaviors and beliefs characteristic of a particular social, ethnic, or age group, is what the participants were referring to.

7.3.3.1  Fit

Tapiwa brought up an interesting term in our interview—the word “fit.” Her mention of “fit” was exciting. No one else had mentioned it, yet it is a term found a lot when it comes to securing an articling position or a legal position (after being licensed), particularly in a law firm. She commented:

The other thing that can get in the way is not so much race, it’s “fit.” They call it “fit.” I don’t know, (what) it depends on, you can go to one firm and “fit” and go to another firm and not “fit.” It’s about the firm itself; it’s about the culture of the firm. I don’t know how you can define it. Anything can fall into “fit.” [Laughs.] It’s quite frustrating.
If go to a firm which is like the first firm I worked when I qualified in, it was an all-white, old white male firm; there was no way I would fit in that place. The day I started working there, I could feel it myself, but were they racist? They were not racist. If they were racist, they would not have given me the job. Then, where I am now, it’s a young firm, so they are more open minded. There are some Jewish people, a black person, and there’s a lot of white people. I feel I “fit” better but I don’t know whether it’s because they are all young.

What exactly is “fit?” Is it another way to discriminate in an apparent neutral manner?

Foster (2009) speaks to “fit” in his article. He states, citing Grannia Landon-Down, that:

Indeed, as Grania Landon-Down (2006) writes: Leading law firms are not full of racists. These people are generally too intelligent to hold such prejudices. If someone is going to make them money, they will recruit them. [Today] It’s more about class and culture than outright prejudice, about how they think someone will fit in. If you don’t get a job in a major law firm—to paraphrase Landon-Down—it is not usually because of your race anymore, but rather, because you don’t “fit in.” So, it is not the colour but the fit. Still, the relationship between colour and fitting-in is left unexamined.

That could be the subject of another research project. Tapiwa also asked me, “Have people in Toronto faced racial discrimination?” In my response to her as well as my analysis of the qualitative data from other participants I was able to share Tola’s experience one participant who worked in a ministry, who was shortlisted for an articling position.

Tola didn’t say expressly that her race was the reason she didn’t get hired for an articling position, but because of her hesitancy in how she expressed her response, it could have been because of her race. She spoke of their “lack of confidence in her” but could not specify why. I also shared what Garikai said about the “lack of confidence in foreign trained lawyers because of having an ‘accent.’” One could say that maybe Tola’s foreignness, and therefore her race, did have something to do with it. She had worked with them in the Ministry for 3–4 years. The other articling candidates were white. She was already there and known and they let her know they were hiring, yet they didn’t give
her the position. She was transferred to another department, and they created an abridged articling program for her. Some may say it was not because of her race; maybe the other candidates were just better for the position.

I look to the fact that I got an articling job at Amnesty International Canada. I was told there were 120 applications and I was one of six shortlisted. Amnesty International is known worldwide, and I in fact went on a fact-finding mission to Kenya with someone in the UK branch when I worked as a human rights lawyer in Zimbabwe. The year I articulated (July, 2010 to June 2011), the Amnesty staff were predominantly white, with the exception one First Nations man, one South Asian woman, one Middle Eastern woman, and myself. I would say my being a foreign trained lawyer with a background in human rights was in fact an advantage in that case. I was the right “fit.” It was one of 40 jobs I had applied for and Amnesty was the only one that called me, interviewed me, and hired me. I had a great experience and do believe it was part of God’s plan! At the time I was articling, the Amnesty International Secretariat, located in the United Kingdom, appointed a man of Indian descent to be the Secretary General. While I was articling, of the many students who volunteered in different departments, I had the pleasure to work with six law students who volunteered with the legal department, three of whom were black.

I was so glad I had the opportunity to interview the last two participants from Ottawa, maybe because the interviews were somewhat richer as our dialogue included both the online survey and one-on-one interviews at once.

7.4 Summary

This chapter looked at the theme the impact of racism. I gave a background to what race is in Canada, and spoke to elements of disempowerment and discrimination. I
then presented the online findings and the qualitative findings from the one-on-one interviews. Finally, I discussed the findings. In chapter 8 the theme Resilience (through faith) and Career Motivation (including finances) and the coping mechanisms and sustenance the participants had in the process are discussed.
Chapter 8
Resilience and Career Motivation

This chapter will look at the resilience the participants exhibited, particularly through their faith, and what motivation the participants drew on to cope and sustain themselves throughout this credentialing journey. The data helps to answer research sub-question 3; do foreign trained black lawyers face undue challenges credentialing in Ontario? Stories and research touch on the resilience of immigrants in Canada as well as how they survive to make a life for themselves and their loved ones in their new country (Goldman, 2012; Rashid, 2011). This chapter will show that resilience through faith is a way the participants and the researcher find strength, career motivation and coping skills. No assertions are being made that faith is the only way to deal with challenging situations or that faith conquers all for all. Faith is by no means the only way people cope with challenging situations, particularly systemic racism. I understand the findings in this chapter may unsettle non-Christians and or non-believers to whom faith does not have a major role in their resilience, career motivation and coping strategies. Christianity is viewed with suspicion by some and has been used as a tool of oppression historically, but on the other hand there are Christians and other believers who are uplifted and strengthened by practicing their religious faith as they face challenging situations, including systemic racism. The data reveals that for the FTBL participants in this study, resilience through faith is a source of strength that sustains and motivates their career goals. In Ontario we have one of the most ethnically, racially and religiously diverse provinces in Canada. Article 18 of the United Nations’ Universal Declaration of Human Rights allows everyone the right to freedom of thought, conscience and religion. It states:
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.\footnote{129 \textit{The Universal Declaration of Human Rights.} Retrieved from http://www.un.org/en/documents/udhr/}

Resilience through faith rings true for the participants in this study illustrated in their quotes below, as they share how their faith sustains them though the challenges they face in the legal credentialing process in Ontario.

The chapter will also look at their financial circumstances and what type of support, if any, they had to cope and sustain them.

Lopez (2005) stated that “a ‘racialized’ discourse is not just about race, but includes discussions of culture, language, faith, ethnicity, and sexuality, identities of difference.” In this chapter, I give a brief definition of resilience and factors that impact resilience, namely faith and career motivation. I then will present the findings from the online survey and the one-on-one interviews. I will discuss the findings and how they impact the experiences of foreign trained black lawyers in Ontario.

8 Resilience and Career Motivation

The participants indicated that their resilience came from their faith, spiritual background and career motivation - that is what helped drive them during the credentialing process. Despite the vast body of research on resilience, however, there is little agreement on a single definition of resilience among scholars (Santos, n.d., p. 3).

The dictionary definition of resilience is:

1. The ability to recover quickly from illness, change, or misfortune; buoyancy.
2. The property of a material that enables it to resume its original shape or position after being bent, stretched, or compressed; elasticity.\textsuperscript{130}

Santos (n.d.) effectively distills various definitions of resilience. He states:

Richardson and his colleagues (1990) contended that resiliency is “the process of coping with disruptive, stressful, or challenging life events in a way that provides the individual with additional protective and coping skills than prior to the disruption that results from the event” (p. 34). Similarly, Higgins (1994) described resiliency as the “process of self-righting or growth” (p. 1), while Wolins (1993) defined resiliency as the “capacity to bounce back, to withstand hardship, and to repair yourself (p. 5).” (as cited in Santos, n.d., p. 3)

Santos (n.d.) concludes his article by stating that “the field of resilience research, specifically within the school settings, can be furthered through the use of a mixed methods design that contextualizes students’ experiences” (p. 30). This excited me since I used a mixed methods design for my data collection. I was also interested in knowing if there was other research documenting a link between faith and resilience; and I discovered, there is a UK interdisciplinary research project finding that faith feeds resilience.\textsuperscript{131}

[The] researchers investigated the relationship between religion and wellbeing by bringing together economists, psychologists, statisticians and theologians from Estonia, India, Sweden, the UK and USA in a series of workshops held between 2008 and 2009.

“No-one would want to say that religion makes you happier, but evidence drawn from across many religions does suggest that people of faith do record better mental and physical health,” Professor Graham explains. “Crucially, a religious faith appears to make people more resilient.”

Resilience, researchers believe, may result from the strong networks of support many religious people experience within their faith community. Such support and


the structure provided by faith may help people navigate their way through difficult times. In addition, religion may offer a world view which prepares people for life’s ups and downs and makes them more resilient in the face of adverse circumstances.

“All researchers involved in this project recognized the contribution of religion to the multidimensional phenomenon of happiness and wellbeing,” Professor Graham concludes. “And in my view there is a strong link between religious faith and resilience.”

As a woman of faith, I have experienced the link between faith and resilience and how faith supports resilience. The resilience and faith of the participants also fueled their career motivation which is not a separate issue but intertwined with their resilience and faith. I discuss career motivation more in section 8.1.2.

The Law Society of Upper Canada (LSUC) recognizes the value and relationship between lawyers’ faith/spiritual beliefs and practices and their practice as a legal professional. They interviewed a cross-section in the profession about their faith relationship and practice of law. The Law Society cited the Supreme Court of Canada when it defined religion and discussed the breadth of freedom of religion as follows:

[Religion means] [freely and deeply held personal convictions or beliefs connected to an individual’s spiritual faith and integrally linked to one’s self-definition and spiritual fulfilment, the practices of which allow individuals to foster a connection with the divine or with the subject or object of that spiritual faith […].

Freedom of religion consists of the freedom to undertake practices and harbour beliefs, having a nexus with religion, in which an individual demonstrates he or she sincerely believes or is sincerely undertaking in order to connect with the divine or as a function of his or her spiritual faith, irrespective of whether a particular practice or belief is required by official religious dogma or is in conformity with the position of religious officials. But, at the same time, this freedom encompasses objective as well

---


as personal notions of religious belief, “obligation,” precept, “commandment,” custom or ritual. Consequently, both obligatory as well as voluntary expressions of faith should be protected under the Quebec (and the Canadian) Charter. It is the religious or spiritual essence of an action, not any mandatory or perceived-as-mandatory nature of its observance that attracts protection.\textsuperscript{134}

When I asked the question about faith, I wanted to understand what motivated the participants to pursue and endure this challenging road, and if their religious faith played a part in it. From volunteering in HIV and AIDS work as a newcomer to Canada, I had learned how faith played a role in black women’s lives and wanted to explore that with black lawyers. I draw on my faith personally, because faith has sustained me as a black woman and I was interested and I wanted to know how others coped.

The Canadian Charter of Rights and Freedoms\textsuperscript{135} protects the fundamental right of freedom of conscience and religion in section 2, and section 15 (1) states that:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

As I was conducting the one-on-one interviews, Garikai and Farai asked me what I meant by “faith,” and I asked them to define it for themselves, looking at what faith was to them, be it something religious or spiritual or something they had in terms of belief in themselves. I elaborate below.

Faith is defined in various ways. Two dictionary definitions of faith are, first, “trust or confidence in a person or thing; a strong conviction, especially a belief in a religion;
any system of religious belief; fidelity to one's promises, sincerity” (Webster's, 2011). The second is “strong belief; trust” (Oxford, 1996).

Three Christian verses define faith. The first is found in Hebrews 11: 1, which states “Now faith is the substance of things hoped for, the evidence of things not seen.”

The second is Matthew 17: 20, which states

And Jesus said unto them, Because of your unbelief: for verily I say unto you, If ye have faith as a grain of mustard seed, ye shall say unto this mountain, Remove hence to yonder place; and it shall remove; and nothing shall be impossible unto you.

The third is Philippians 4: 13, which states “I can do all things through Christ who strengthens me.”

These verses have personally strengthened me as a Christian woman, and I wanted to know if other foreign trained black lawyers held onto their faith during this process. The results showed, not just in direct response to the question of faith, but throughout the interviews, that statements such as “without God this would not have been possible” were peppered throughout the different answers. I will share specific quotes from the participants further below.

Figure 12 shows the responses to the online survey question regarding faith.

---


When asked if they practiced their faith, 95% of the responses indicated that they did. Out of 23 responses, twenty indicated yes and one indicated no, they don’t practice their faith. One participant responded yes, but did not indicate what denomination they were.

The actual survey questions corresponding with faith are 49 and 50. Their survey responses regarding their faith are as follows. Question 49 was *What is your faith? Please specify denomination, for example, Christian – Methodist, Christian – Catholic, Muslim etc.*, and question 50 was *Do you practice your faith?* The options for response were “Yes,” “No,” or “Don’t have a faith.”

In the question I asked them to specify their denomination; some did and some did not.
Table 10: Faith of Survey Participants

<table>
<thead>
<tr>
<th>Survey Participant</th>
<th>Practice their Faith Yes/No</th>
<th>Christian Denomination</th>
<th>Christian Denomination Not Specified</th>
<th>Muslim</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>Protestant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td></td>
<td>Christian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Yes</td>
<td>Baptist</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Yes</td>
<td>Pentecostal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Yes</td>
<td>Pentecostal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Yes</td>
<td></td>
<td>Christian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Yes</td>
<td></td>
<td>Christian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Yes</td>
<td>Anglican</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>Born Baptist now Protestant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Yes</td>
<td>Pentecostal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Yes</td>
<td></td>
<td>Christian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Yes</td>
<td>Non-denominational</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Yes</td>
<td>Non-denominational</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
As can be seen in Table 10, three participants identified as Christian–Pentecostal, three as Christian–Anglican, two as Christian–Non-denominational, and two as Christian–Baptist, (although one said they were born Baptist and are now Protestant). That five identified as Christian, no denomination specified) and the last five, one as Catholic, one as Muslim, one as Spiritual, and one as Christian–Protestant. One was silent, yet they indicated they practiced their faith in the second question. Since it was an anonymous survey, I was not able to follow up with that individual to find out what they meant. Most Protestant churches, including Baptists, came out of the Protestant movement that broke away from the Catholic Church at the time of Martin Luther\(^\text{138}\)

Each participant’s denomination shows the diversity of religious and spiritual beliefs among this group. I did not ask the participants to elaborate on how they understood their faith based on their religious affiliation, but their responses are persuasive in terms of the extent they rely on their faith in their credentialing experience.

Some may ask, why did I include a question about faith and what denomination the participants practiced? Denomination was interesting to me in light of the racial and religious diversity in Ontario. As a woman of faith, I rely on my faith to help me through anything I face in my life. When I was going through the NCA process, I met a few NCA students who had expressed the same thing to me, and I wanted to know if it was true for other participants. When I recall the first bar examination I wrote, I observed a few people I knew praying and saying they believe God will see them through. It did not matter if they were Christian or Muslim. Prayer as well as regular worship and fellowship with other believers have also been very important in seeking spiritual strength. Some participants expressed a belief in their own strength, resilience, and determination within themselves that inspired them to keep going for their goal and not giving up, no matter how difficult the process was. The participants are not alone in following and practicing

139 The Seventh Day Adventist Church is one of the fastest growing Christian Churches in the world today. The worldwide Seventh-day Adventist Church adds a new member every 48 seconds and organizes five new congregations every day. “Seventh-day” refers to our belief in the Seventh-day Sabbath (Saturday). “Adventist” refers to our belief in the Second Advent or the literal second-coming of Jesus. Retrieved from http://www.adventist.ca/about/who-we-are/
their faith. Table 11, cited by LSUC\textsuperscript{140} shows the profile of selected religions from the 2001 census, which reflects the faith of people in Canada and Ontario specifically.

**Table 11: Selected Religions, Ontario and Canada (2001 Census)\textsuperscript{141}**

<table>
<thead>
<tr>
<th>Religion</th>
<th>Canada</th>
<th>Ontario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>29,639,035</td>
<td>11,285,550</td>
</tr>
<tr>
<td>Catholic</td>
<td>12,936,905</td>
<td>3,911,760</td>
</tr>
<tr>
<td>Protestant</td>
<td>8,654,850</td>
<td>3,935,745</td>
</tr>
<tr>
<td>Christian Orthodox</td>
<td>479,620</td>
<td>264,055</td>
</tr>
<tr>
<td>Christian not included elsewhere</td>
<td>780,450</td>
<td>301,935</td>
</tr>
<tr>
<td>Muslim</td>
<td>579,640</td>
<td>352,530</td>
</tr>
<tr>
<td>Jewish</td>
<td>329,995</td>
<td>190,795</td>
</tr>
<tr>
<td>Buddhist</td>
<td>300,345</td>
<td>128,320</td>
</tr>
<tr>
<td>Hindu</td>
<td>297,200</td>
<td>217,555</td>
</tr>
<tr>
<td>Sikh</td>
<td>278,410</td>
<td>104,785</td>
</tr>
<tr>
<td>Eastern religions</td>
<td>37,550</td>
<td>17,780</td>
</tr>
<tr>
<td>Other religions</td>
<td>63,975</td>
<td>18,985</td>
</tr>
<tr>
<td>No religious affiliation</td>
<td>4,900,090</td>
<td>1,841,290</td>
</tr>
</tbody>
</table>


Table 11 shows that the vast majority of people in Canada and Ontario practice their faith in one form or another. In Ontario, out of a population of 11,285,550, only 1,841,290 have no religious affiliation.

8.1 Summary and Discussion of Theme
Resilience through faith was one of the major findings. It was clear from the voices of the participants that their faith kept them going. This theme also showed what motivated them to go through the credentialing process as well as what resources and support they had or didn’t have to sustain them. Faith is an old age theme found in both the Old and New Testaments as seen from the following:

In the book of Job,

Job can be seen as a metaphor of the suffering believer. How Job reacts to God’s test says something about how we should react to trials. The book asks us to consider our faith. Would we continue to trust God, to love God with all our heart, soul and mind (Matthew 22:37–38)—even while suffering for reasons we don’t understand?  

In the Book of Esther,

Esther’s story is one that shows cooperation between divine providence that is God, manifest in unpredictable events, and the resourceful and courageous actions of Mordecai and Esther. In this story we are introduced to Esther, a Jewish orphan who becomes queen, her uncle Mordecai; an evil vizier Haman and a Persian King Ahasuerus. While the evil Haman, plots to annihilate all the Jews in a single day, God is at work plotting a series of reversals that is brought about through the agency of prayer and the courage of His servants Esther and Mordecai.

In the New Testament, the book of Mark speaks to faith this way:

22 “Have faith in God,” Jesus answered. 23 “Truly [a] I tell you, if anyone says to this mountain, ‘Go, throw yourself into the sea,’ and does not doubt in their heart but
believes that what they say will happen, it will be done for them. Therefore I tell you, whatever you ask for in prayer, believe that you have received it, and it will be yours.

8.1.1 Resilience and Career Motivation – Coping mechanism and sustenance

This theme emerged from the analysis of the qualitative findings of the interviews regarding the theme, resilience, and career motivation, including finances that the participants had during their lawyer licensing process. The responses help to answer my research sub-question 3.

One strong way resilience was manifested in the participants’ experiences was through their faith. The following participant quotes eloquently capture the practice of faith:

Ruth first laughed loudly as she responded. She stated:

Faith has been the main ingredient. It’s that hope of a better future. That’s helped me overcome all the struggles and other factors I have. Faith has been a huge factor in this.

Tola said seriously:

Oh yes it has, of course my faith has. I just look back and wonder how I did it. It’s just God. I trust in God. I had a lot going on, taking care of the kids. I got pregnant and didn’t know how I’d retain all the information I needed to know for the bar examinations. When I failed my first attempt at the bar, I was so discouraged. I was consoled knowing that things happen for a reason. God would not forsake me. My faith was number 1.

Naomi also laughed and said with enthusiasm:

If it was not for Jesus!! It has, it really has, because if it wasn’t for constant prayer, really trying to remain grounded in prayer and the word of God, I’d have packed up

---

and gone to my yard\textsuperscript{145} a long time ago. But the word of God! Where you are bound, you must obey!

This theme discusses what faith is to the participants, their resilience, what their career motivation was for pursuing this lawyer licensing process, and what finances they had to support and sustain them through the process.

On the whole, I found the results inspiring. I felt it was important to represent all the participants’ voices in this research, therefore I made the deliberate choice to include the participants’ final thoughts and recommendations in chapter 10. Each participant had a unique way of expressing what motivated them to pursue this process and how important their faith was in their experience. The voices of my participants are echoed by the following quote, which I read when I was volunteering in an AIDS service organization just after coming to Canada:

Religion plays a very important role in African and Caribbean women’s lives. It gives them hope and comfort, while also influencing many other aspects of their daily lives and activities. (Tharao, Massaquoi, & Telcom, 2006, p. 15)

All the participants vividly expressed how their faith sustained them, how it was a major factor in their persistence, and how their belief in God and themselves helped them overcome the challenges they may have faced in the process. As I conducted the interviews, the participants’ relief and laughter were palpable when they opened up to me and revealed where and how their faith was a major factor. Some were surprised that I had even asked them this question and laughed heartily before expressing their response. As I mentioned earlier, I knew some of the participants personally, but I felt

\textsuperscript{145} Yard in Jamaican colloquialism means home.
there was no conflict of interest because the quantitative data from the anonymous online survey validated my qualitative data results. I must state that even those I met through this research project were very open and free in expressing themselves. I felt that only one participant—Peter—was more stoic and didn’t fully express his feelings about his faith, simply expressing his type of worship as “being of the quiet kind.” Peter spoke to his faith more in terms of his denomination, stating that he was of a quieter faith, was more subdued, and did not want to express how his faith helped in his experience. I respected that and did not probe.

Other participants, like Fatima, Naomi, Tola, Charlotte, and Pierre, were more dramatic and expressive regarding how important their faith was. Naomi said, emphatically, “If it was not for Jesus!!” and laughed heartily. Pierre repeated his agreement as to how his faith played a role in his resilience several times, “Oh, absolutely, absolutely, absolutely, yes, yes, yes.” Tola spoke of how after failing the bar exams she was … “consoled [that] things happen for a reason. God will not forsake me. My faith was number 1.”

Farai and Karen spoke more to the role their faith played in their life, with Farai emphasizing it was “…part of her inner faith and spiritual faith to fulfill her destiny (to become a lawyer)...”Karen stated that her faith strengthened her and shared how failing the bar exam opened the door of opportunity for her so that she was able to build great relationships and even start recreational swimming.

All the participants but Fatima and Karen were of one Christian denomination or the other. Fatima was Muslim but referred to God in the same way as the Christians. She stated:
That was the only thing that kept me going, if not for that I would have abandoned the process, and I believe God made me read and understand the books and he made me pass all my exams at one sitting.…. Karen identified as Spiritual and spoke of God giving her the strength to endure even through failure.

As a researcher who also has a strong faith, I could relate comfortably to the participants’ experiences. As an Adventist, I “keep the Sabbath.” As such, sunset Friday to sunset Saturday is time especially set aside for God and communal worship with fellow believers. During this time, my family goes to church. I must note that I grew up Lutheran, and my parents and brothers are still Lutherans. However, it is my faith—including the rituals, practices, and prayers—that has strengthened me in the process of pursuing my legal credentialing as well as pursuing my Ph.D. research. There are times I have felt overwhelmed and wanted to give up. However, God has seen me through and I have plodded on and persevered, living up to my name, “Tiisetso.”

While I was a graduate student at Iowa State University and the University of Iowa in the USA, I met other international students of African descent who were part of a number of campus interdenominational ministries seeking to help international students adjust to life and culture in Iowa. I was also an active member of my denomination. As a graduate student in Ontario, I have not found similar organizations thus have been more involved in my Christian denomination. Involvement in such


147 Tiisetso is a Sotho unisex name that means perseverance in English. Retrieved from http://www.sesothe.web.za/names.htm

organizations is something I noticed seemed to be missing when I became a graduate student in Ontario, perhaps because my focus was on settling as a newcomer, and I was therefore, not considered an international student. Regardless, I’m sure such fellowships would be of great support to foreign trained lawyers, who may feel isolated in their new surroundings. In fact, Emilia shared that when she first arrived, church was of great comfort to her. She didn’t seem too sure about the extent that her faith sustained her but stated:

My faith, I think so. Uhm, I think so, especially when I just arrived, when going through the NCA exams. I was a regular church attendee because when I lived at York I had a church close to the university. I thought it was pretty good. That was definitely great for me at that particular time. Now that I have moved it’s harder to go to the same church, and it’s hard for me to find a church close to me that I feel comfortable with.

I asked her which church it was and she advised that it was Rhema Christian Ministries.148 There are so many diverse ministries and denominations, and I will not go into that.

One may wonder, though, why I even asked about faith. It was important to me to know if others felt it had helped them through the process. In fact, I found that much of the law is like a form of religion in that many formalities and practices are taken from religious practices. I must mention, though, that laws can and do discriminate because they are made by man. However, when we look at religious formality and dress in churches such as the Catholic or Anglican Church, we can see similarities in the gowns used by the priests and bishops. Just look at the gowns lawyers or judges wear in court, the jabot (lace bib) (as it was called in Zimbabwe) and even the white wigs (albeit in

Ontario that formality of wigs in the formality of judicial dress has been done away with).
The origins of the gowns and jabots date back historically to European judicial systems and were influenced by the dress code of the day. In England in 1635, for instance, a guide to dress in court was formalized.\textsuperscript{149} However, being a lawyer is different from other jobs, careers, or professions. As a lawyer, you work based on the instructions of your client, so you have a duty to the client; as an officer of the court, you also have a responsibility to the court and judicial system. Lawyers have to have strong ethical responsibilities to uphold the interest of the public.

Samuel J. Levine (2002) described the role of lawyers as follows:

The lawyer is different, according to Kronman, because “the moral experience of law practice” is characterized by a “division of allegiances” between “a particular client” and “the well-being of the law as a whole.” Like many forms of religion, this duty to the public good is all-encompassing, requiring lawyers to uphold this duty “not just occasionally, not just in the fraction of time [they] devote[ ] to pro bono activities, but constantly and consistently,” “in every bit of advice they give and every litigation they conduct.” In short, the lawyer’s obligation to contribute to the public good attaches “in every moment he is practicing law.” Kronman emphasizes that this obligation is solemnized “by the oaths [lawyers] swear upon admission to the bar” a procedure that echoes a religious ceremony.\textsuperscript{150}

To this end, the faith of the participants was a key ingredient in their experiences. It would have been great to speak to the one survey participant who stated they did not practice their faith, but alas, they chose not to be interviewed further.

\textsuperscript{149} History. Retrieved from http://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/history/


\textsuperscript{150} Samuel J. Levine, (2002). Faith in Legal Professionalism: Believers and Heretics, 61 Md. L. Rev. 217

I met a Zimbabwean woman who advised me that she was an aspiring pastor at a friend’s birthday party for their child. We sat together and started talking and discussing our immigrant experiences, and I shared my research project with her. The gist of our conversation was that God brought us to Canada to learn something new, a new and different way of doing things. This is a country of diversity and multiculturalism, which many of us would not have found in our home countries. God has a purpose and a plan for us in our new home. Therefore, we must be open to new experiences and the cultural environment in which we find ourselves; we must be prepared to adjust. Our adjustment phase may be painful and challenging, but we will grow better, bolder, and more compassionate in the process (Russell, T. Personal Communication, 28 September, 2013).

It became evident as I analyzed the responses that the participants had various ways of seeing their faith. For some, it was more about faith in themselves to pursue their profession, no matter what; for others, it was about faith in terms of religion or spirituality. Participants drew on their faith to persevere and do all they could to ensure their family was taken care of eventually or simply to prove to themselves that they could accomplish whatever they set their mind to. For some of the participants, their faith came as a form of resilience, resistance, and determination. They exhibited resilience in the sense that they had a goal and would do all they could to achieve it, no matter what challenges came their way; and resistance and determination in the sense that even if they felt let down or failed at some stage, they would not back down and say it was over. They would rather pick themselves up, push on, and not give up.
8.1.2 Career Motivation

The participants showed that their faith, resilience, determination, and motivation were important in their credentialing experiences. The definition of motivation is:

Internal and external factors that stimulate desire and energy in people to be continually interested and committed to a job, role or subject, or to make an effort to attain a goal.

Motivation results from the interaction of both conscious and unconscious factors such as the (1) intensity of desire or need, (2) incentive or reward value of the goal, and (3) expectations of the individual and of his or her peers. These factors are the reasons one has for behaving a certain way. An example is a student that spends extra time studying for a test because he or she wants a better grade in the class.\footnote{Motivation. Retrieved from http://www.businessdictionary.com/definition/motivation.html}

The major reason the participants were motivated to do all they could to successfully complete the licensing process was because they were already lawyers and wanted to continue to pursue their profession. London (1983) defines career motivation as:

The set of individual characteristics and associated career decisions and behaviours that reflect the person’s career identity, insight into factors affecting his or her career, and resilience in the face of unfavorable career conditions.

Day and Allen (2004) further describe the components of London’s (1983) theory of career motivation (CM) theory. They state:

CM is theorized as being comprised of three components: career resilience, career insight and career identity (London, 1983). Career resilience is the ability to adapt to changing circumstances, even when circumstances are discouraging or disruptive. It consists of characteristics such as belief in self, willingness to take risks, and the need for achievement. Career insight is the ability to be realistic about one’s career and consists of establishing clear, feasible career goals and realizing one’s strengths and weaknesses. Career identity is the extent that one defines oneself by one’s work. It is associated with job, organizational and professional involvement, need for advancement, and recognition (p. 73).
I chose to include every participant’s final thoughts and recommendations in chapter 10 because they really speak to each individual’s personal career motivation—that is, why they felt so passionately about being a lawyer and their desire to be a lawyer again in Ontario despite all the challenges they may have had to face. The participants were determined to be lawyers, strongly linking to London’s (1983) motivation component of career identity. The following participant quotes clearly express this determination. Ruth explained what motivated her in this way:

A hope of a brighter future, that’s really it. I think I will be an inspiration for my children. I see they like telling people that I am a lawyer. I think it is a good example. I see other jobs, but I am a lawyer. I used to be a lawyer in my other life so I have to continue to do that. Once I qualify, I can be able to work and be financially rewarded. I worked in the not-for-profit world, and to obtain a lawyer license to practice in Canada will give me credibility. I will be more useful to the community as a lawyer even if I decide to work in the not-for-profit sector.

Ruth spoke of credibility, which was something I discussed with a professor in the US before moving to Canada, regarding my desire to pursue doctoral studies. She also spoke of having determination and being a role model and inspiration for her family, which clearly fits with the component of career resilience (London, 1983). Her response included the financial rewards she hopes to obtain once she is qualified as a professional to help better cater to her family’s needs. Her reference to financial rewards speaks to career identity (London, 1983). It also showed that, for her, going through this credentialing process was not about the personal glory of being able to say, “I am a lawyer,” but it was for the family and community. Thus, it was bigger than the individual. Becoming a lawyer would also improve her social status. So she set clear goals to achieve that goal, hence showing career insight (London, 1983). The benefits of career identity and financial rewards were also evident for the participants who were
single. They shared that their motivation was for family (i.e., their mother or father)—to
meet their expectations and or to take care of them in the home country.

Some participants spoke to the fact that having a Canadian qualification helps
immigrants to better fit into their new surroundings. Tola spoke of how as an immigrant
she wanted to “fit into systems,” pursue her chosen career, and continue in the
profession she was trained in. She said:

> Just because I was an immigrant, I wanted like to fit into systems. I’d already
practiced for five years. I didn’t want that to just go. It was my passion, what I wanted
to do. If I didn’t retrain, I’d regret it for life. It would be difficult to train for something
else. We have the same common law system, not as bad as starting a new career. I
want to pursue my passion. If I didn’t do it I would be jumping from one career to
another. I’d do a diploma, which wouldn’t be part of me. I just wanted to go to my
passion to fit into my new country and profession.

While his determination pushed him, Pierre spoke to how he wanted to perform “at his
full level.” He said:

> Ah, what motivated me was the fact that I wanted to be able to perform in this
country at my full level. I just didn’t want and I found it unacceptable to be doing
what I was doing just because I immigrated to this country. I deeply thought that
there were opportunities if I just accepted to go through this licensing process here.

All the participants were determined, clear, and adamant in their goal to work in
the profession of choice, and their passion showed through their expressive responses.
As Emilia explained, in a matter of fact way, if you had a certain profession where you
emigrated from, the natural expectation was that you would do the same thing in
Ontario. She stated, as if she were speaking to herself:

> It’s automatic if that is what you used to do when you lived in Jamaica, so this is
what you will do now that you live here. If I couldn’t, then, I’d contemplate going back
to Jamaica; it would not make much sense. Maybe—if I’d known then what I know
now—I may have given it second thoughts. Probably it’s a good thing I didn’t know
then what I know now because I then kept going. At each step, I said to myself, “OK,
pack that stuff up and get ready for the next step.” As everything unfolded, you tell
yourself you can do this.
It seems so obvious that if you worked in a certain profession before, you could still work in it no matter where you had emigrated. However, continuing their previous line of work has been a challenge for many foreign trained professionals in Canada. As mentioned in my literature review, extensive research has been done regarding foreign trained professionals resettling in Canada and the challenges they face securing recognition and placement in their professions (Banergee, 2008; Galabuzi, 2006; Seevaratnam, 1994). Research has also shown that immigrants (many of whom are racialized people) not being able to work in their professions is costing the economy, and there are large wage gaps between new immigrants and Canadian born people. The struggles new immigrants encounter getting re-established don’t only cause hardship for their families. They have a dramatic impact on productivity in Canada. An August 2012 CIBC study estimates that current employment and wage gaps between new immigrants and native-born Canadians costs the economy more than $20 billion in foregone earnings.\footnote{The Ontario Human Rights Commission is trying to make it easier for foreign-trained immigrants to get professional accreditation and find a job in their field. Retrieved from http://www.thestar.com/business/personal_finance/2013/09/15/ontario_human_rights_commission_eases_way_for_foreign_professionals_in_canada.html}

Anita is the only participant who shared that she had contemplated not pursuing the credentialing process because of the hoops she had to jump. However, she was already working in a legal position, doing the work of a lawyer, even if she did not have the title of lawyer. She was largely encouraged to pursue credentialing by her boss. Her
boss was a foreign trained lawyer who had successfully completed the NCA and licensing process. Anita had this to say:

It’s an interesting question. I don’t know if there is any one answer. Let me put it this way, I don’t know if you’ll get the answer you want, but when I came here and saw the hoops I had to jump through, I said forget it. I’m working in the legal field, I have a passion for the work I do, I’m not called a lawyer, but I’m doing the work of a lawyer. I’m happy. A few people said, including my boss, “Just get it done and if you choose that you don’t want to practice, at least you’ve got it done.” The thing that made the penny drop was a conversation I had with someone one day. They said, “It’s like running a 100 meter race and you get to the 80 meter point; when you’ve almost finished it up then you give up, and will not to run many more.” So all of that encouragement motivates me to know that I enjoy the career I have chosen and as frustrating as the hoops that need to be jumped are, if that is what I need to do to stay in the career of my choice, then so be it.

I assured her that I wasn’t expecting any right or wrong answer, just her experience.

What she said about the 100 meter race resonated with me, especially since all I have left to do are the bar exams! Anita was guided by someone who had gone through the process, her boss. Maybe she knew the frustration of not achieving something you set out to do.

Charlotte had a different experience. She wrote and failed the bar exams several times and withdrew from the licensing process because she did not pass within the required three-year licensing process cycle. I could relate to her because as I was also conducting my thesis research while being registered in the lawyer licensing process, I withdrew to complete my thesis. Charlotte’s experience spoke to resilience, resistance, determination, and perseverance, the unwillingness to give up in the face of failure.

Even though I could detect some brokenness through her experience, she had an immensely strong faith in God and believed that one day she would be able to sit and pass the bar exam. Her experience incorporates all the components of career motivation in that she had career resilience, career insight, and career identity (London
Meanwhile she continued to work as a Personal Support Worker to support her family. Listening to all the factors that motivated the participants helped motivate me to complete my lawyer licensing process after finishing my Ph.D. thesis.

8.1.3 Finances and Sustenance

The participants had varying levels of income during the NCA process. Fifty-five percent (13) participants earned $0 – $20 000; 20% (4) participants earned $30 000 – $40 000; 15% (3) participants earned $40 000 – $50 000; and 5% (1) participant each earned $20 000 – $30 000 and $60 000 and above respectively. The chart below shows that the majority of participants had limited finances during the credentialing process and could for all intents and purposes be said to be living in poverty.

The Figure 13 from the online survey shows the income levels of the participants who took part in this study.

**Figure 13: Income Levels**
Tables 12 and 13 from the “Poverty Free Ontario” website\textsuperscript{153} show what those incomes truly indicate for the participants in terms of financial security, or lack of it. The tables look at the income benefits for those on social assistance as well as the incomes of minimum wage earners.

**Table 12: Social Assistance Recipients**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Adult on OW</td>
<td>$18,582</td>
<td>$7,352</td>
<td>$11,230</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(39.6% of LIM-AT)</td>
</tr>
<tr>
<td>Lone parent with one child on OW</td>
<td>$26,279</td>
<td>$16,683</td>
<td>$9,596</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(63.5% of LIM-AT)</td>
</tr>
<tr>
<td>Single Adult on ODSP</td>
<td>$18,582</td>
<td>$12,647</td>
<td>$5,935</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(68.1% of LIM-AT)</td>
</tr>
</tbody>
</table>

* 2008 as latest year for LIM-AT benchmark.

At current social assistance rates, adults on OW and ODSP are condemned to deep poverty (below 80% of the poverty line).

Table 13: Social Assistance Recipients

<table>
<thead>
<tr>
<th>Poverty Line (LIM-AT – 2011)*</th>
<th>Annual Earnings at Current Minimum Wage ($10.25/hr)</th>
<th>Basic Income Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Working Full-Time (35 hrs/wk) for the Full Year</td>
<td>$19,719</td>
<td>$18,655</td>
</tr>
</tbody>
</table>

* Adjusted for inflation 2% per year, 2009 – 2011.

At the current minimum wage, an earner working full-time for the full year still does not escape poverty.

Tables 12 and 13 show that, based on Figure 12 showing the income levels of the participants in the online survey, which also included all the participants in the one-on-one interviews, the majority—55%—were living in poverty.

Table 12, cited in Foster (2009)\(^{154}\) illustrates the average income by age of Aboriginal and Visible minority and white lawyers.

Table 12: Average Income by Age for Aboriginal, Visible Minority and White Lawyers

The income differences are quite stark. The white lawyers’ median and mean are both above the median and mean for Aboriginal and visible minority lawyers. Chapter 9, which focuses on networking and type of work, will discuss in more detail the type of work the participants had when they underwent their credentialing. For the purposes of this chapter, the focus is on the actual finances they had to sustain them throughout the process. For those who were married or had families, most expressed that they had emotional support from family and friends. Two shared that they did not get emotional support from their spouse and in fact had gone through difficult divorces. Charlotte shared that as a result of her divorce, she received emotional as well as financial support from two university student services. She said:

"Emotionally, when I was at Western and I was going through my divorce, I went to the counseling sessions and yes, the people there worked well with me up to the"
time I left. I also got support here (at U of T from a counselor); (they) wrote a letter to
the law society to extend accommodations to me. Financial support, from Western, I
received a bursary. And the law society, Law Foundation during my last session with
them, they gave me money.

Divorce is not an easy thing and when Charlotte and Pierre shared their
experiences of going through their divorces, in large part because they were pursuing
the lawyer licensing process, I could detect some spirit injury. In spite of feelings of
doubt and second-guessing, they picked themselves up and persevered, always hoping
and believing God would come through for them. It was both their sheer determination
and being selfless that helped sustain them through the process. Pierre spoke of
financial support from OSAP and emotional support from the faculty at the University of
Ottawa. He said:

Financially, yes, the Ontario Students Loan Program (OSAP) and also I remember
with the law society, I got RAP Repayment, but that was turned to a scholarship.
And emotionally as I told you, I was going through a very, very, ugly divorce when I
was at the end of my second year here, and the university, the faculty gave me a lot
of support.

Garikai, who was single, spoke of how he was able to get a credit card with
$5000 as well as a loan from LSUC, for $5000. This something Fatima had also
mentioned, using credit cards and loans. She didn’t work throughout the credentialing
process and relied on credit cards and loans as well as social assistance benefits for
daily living expenses. She stated:

The only thing was I wasn’t working so I had to take out loans and credit cards. It
was difficult to raise money. I wasn’t a full time student so I couldn’t get OSAP. As
an NCA student, you don’t get money (student loans). That was challenging for me
because I didn’t work throughout the process. My exams were paid because of a
bank loan. I was receiving Ontario Works allowance, which helped with the rent,
food, and money for basic needs, but it was not to help with examination fees.
Ruth spoke to emotional and spiritual support from family and friends, but when it came to financial support, she had difficulties. She even had to ask the NCA for her exam registration money back to help with living expenses. She lamented:

Yes, I have friends so…financial support, not really. That’s been a major issue. So I register (for exams) and realize I need to feed the children so I asked for the money back (from the NCA). But apart from that, yes I received all other support, emotional and spiritual support.

The quotes above speak to the notion of determination because despite the financial hardship the participants experienced, they persevered. Their resilience was evident.

Money was definitely a challenge for the participants. Family support was invaluable. I would also suggest that money was a concern based on the income levels. Only Fatima spoke of social assistance benefits, and I could relate. Likely more participants than Fatima had Ontario Works benefits to help with the financial support of their family, but no one else mentioned it. I can speak to my own family’s experience. As newcomers, we had to rely on Ontario Works when we first arrived in Ontario and years later received benefits from the Ontario Disability Support Program due to my husband’s health challenges. My husband has had kidney failure and needed dialysis for seven years. He reluctantly applied for disability benefits in 2009 when he could no longer work full time in his field due to his health. Thankfully, he was blessed with a kidney transplant in June 2010, a week before I moved to Ottawa to begin articling with Amnesty International Canada. During my years as a Ph.D. student, I worked part-time as a research assistant and then as a teaching assistant, so I too know what it is to live in poverty. I speak to this more under type of work in chapter 9.
8.2 Summary

This chapter spoke to the themes of faith, resilience, and career motivation as well as what experience the participants had in terms of their own faith, resilience, determination, and motivation to cope and sustain themselves throughout this credentialing journey. It also looked at their financial circumstances and what type of support, if any, they had to help cope and sustain them and their families, if applicable.

The next chapter, chapter 9, deals with the major theme of networking and the importance of social capital as well as an illustration of the types of jobs the participants held during their accreditation process.
Chapter 9
Networking

In this chapter, I discuss the theme that emerged relating to networking – the importance of social capital as well as the type of work the participants had during their credentialing process. I give a brief overview of the importance of networking and social capital and then present the theme’s findings, looking at the participants’ responses regarding whether or not they attended networking events or joined a professional association. Finally, I discuss the type of work the participants had during their NCA and LSUC process - whether it was in the legal field or non-legal field. I present the findings of the online survey, present the qualitative findings, and then discuss the findings accordingly.

9 Networking

Networking is a term and activity I became more and more familiar with as a new immigrant in Ontario. I knew that sometimes getting that “great job” might be a result of “who you know.” In Zimbabwe, when someone did just that, “got that great job because of who they knew,” it was usually through connections to a relative or close family friend; therefore, it was not referred to as networking but as nepotism.\textsuperscript{155} For the purpose of my research, networking is defined as “the exchange of information or services among individuals, groups, or institutions; specifically: the cultivation of

\textsuperscript{155} Nepotism is defined as the unfair practice by a powerful person of giving jobs and other favors to relatives. Retrieved from \url{http://www.merriam-webster.com/dictionary/nepotism}
productive relationships for employment or business.” In Ontario, your work opportunities can depend on your network. Building a network for cultivating relationships for employment or business prospects is and can be challenging for newcomers. Some thrive while others cower and disappear!

I have learned that diversity is more complex than just race, and those issues such as gender and social capital can largely influence a person’s success in the job search. The type of work the participants obtained, if they had a job, was telling of the experiences of foreign trained professionals, many of whom do not work in their field. As I mentioned in my literature review, research has shown that many immigrants (most of whom are racialized people) are not able to work in their professions, which costs the economy and creates large wage gaps between new immigrants and Canadian born people.

The struggles new immigrants encounter getting re-established don’t only cause hardship for their families. They have a dramatic impact on productivity in Canada. An August 2012 CIBC study estimates that current employment and wage gaps between new immigrants and native-born Canadians costs the economy more than $20 billion in foregone earnings.  


Furthermore, as mentioned before, Craig Alexander, the Senior Vice President and Chief Economist for TD Bank Group, made a statement that intrigued me. He said, and I paraphrase, that:

> Within the Canadian labour market, two groups are not being fully utilised, firstly newcomers and secondly first nations. We need to get good outcomes from newcomers and first nation’s people.

Newcomers, including foreign trained lawyers need to be fully utilised, and networking is one key strategy for that to happen. Jean Augustine stated at the Black Women Lawyers networking meeting that networking “involves risk taking, knowing the facts, hearing the facts and knowing to do something about it.”

Networking can be challenging for any newcomer to Ontario, and getting out of one’s comfort zone to meet people can be an especially challenging feat for some. I know several times I have invited fellow foreign trained lawyers to networking events and some have refused to come due to cost or fear.

9.1 Networking – Importance of Social Capital

In my research, I make reference to black foreign trained lawyers. This is not to say I do not acknowledge different racial groups of foreign trained lawyers. As Cortes (2002) stated, each of us belong simultaneously to many groups, namely sex, age,

---


159 Black Female Lawyers Network held on November 11, 2013. The Honorable Jean Augustine, Fairness Commissioner for Ontario was the Guest speaker. Retrieved from http://sistahsinlaw.wordpress.com/category/2013-retreat/

More information about the Hon. Jean Augustine and the Office of the Fairness Commissioner can be found at http://www.fairnesscommissioner.ca/index_en.php?page=index

economic, social, regional, national, religious, cultural, and ethnic. Cortes (2002) points out that education should help us all develop an awareness that we all belong to different groups as well as how this multigroupness affects values, attitudes, beliefs, goals, and behavior and helps us perceive how world trends and events have a differential impact on people who belong to different groups.

About 35% of the people in Africa live in cities. And city life styles vary widely from country to country, region to region and metropolis to metropolis. In most cities the architectural patterns reflect both African and European modern styles. Most people in the cities enjoy a higher standard of living as there are better opportunities for well-paying jobs in government, business, industry and public schools.

People who are wealthy and can afford it live in luxury apartments/flats or privately owned modern houses. A good number of cities in Africa (again, this varies from country to country) have serious problems in providing sufficient housing and efficient public transportation systems. There are also serious water supply problems, sewerage and constant power failures. Because of the sharp increase in the number of rural people migrating to the cities, unemployment has also become a major headache.\textsuperscript{161}

I have found that I cannot address the issue of black immigrants and employment without discussing the issue of Canadian born blacks in employment. The fact is, due to the legacy of slavery in America, black people in North America are often viewed at face value; thus, some of the same prejudices and assumptions come up. Maybe because someone has a different accent and is not fluent in English, the employer may lack confidence in them and assume that they are not competent for a particular position. This is something Garikai spoke about in terms of searching for articling positions and

\textsuperscript{161} Manitoba Labour and Immigration, The African Community of Manitoba, available at http://www.gov.mb.ca/labour/immigrate/multiculturalism/2_1pmt.html#4
why foreign trained black lawyers may end up securing unpaid articling. You may recall that he stated:

Regarding unpaid articles, those are the challenges, because you are NCA, most lawyers, don’t have so much confidence in you because you are a foreign trained lawyer and (have) things like an accent…(See section 7.3.2.).

I moved from Zimbabwe to the USA for graduate studies. As mentioned before, I didn’t think race mattered when it came to qualifications; however, I realize now how naïve I was because as a human rights lawyer from Zimbabwe, I knew how difficult it was to change attitudes. I really should have gleaned knowledge from the diversity statement I was asked to make for my application for admission into university in America, but then the concept of diversity is different in Africa. Through my own experience in job searching in the USA and Canada, I have come to the conclusion that diversity is not always embraced in employment, yet it is politically correct to say it is. I have also learned that diversity is more complex than just race. Issues such as gender and social capital largely influence a person’s success in the job search.

While I was a graduate student doing my masters, a colleague in Iowa, who is African American, shared a story with me, which upon reflection it is an example of how social capital works (or doesn't) in practice. She described a young Zimbabwean man who was from a middle class family and had grown up going to a private school in Zimbabwe (which at the time was predominantly white). He came to the USA for undergraduate studies. Due to his “comfort” in associating with white people, he befriended many white young men in his program throughout the four years of his studies. Upon graduation, all the young white friends had jobs through their fathers’ connections and he was the only one of his friends left hanging, even though he had indicated his interest in working to all his friends and their fathers.
Even associating with those friends brought him no social capital, and after living out of a suitcase, moving from friend to friend for a few months, he was taken under the wing of a middle class African American family who helped him think about his future plans. He ended up leaving for the UK. I must add that, in my experience, if he was in Zimbabwe he may very well have faced the same dilemma because he was not white. Many of the corporations at the time were still run by white captains of industry and “little John was always guaranteed a job in ‘Uncle Pete’s’ company.” Much of that has changed to some extent, but what is evident more now is who you know in government or if you are from a particular ethnic group. Much of this is subtle, of course. As I mention at the beginning of this chapter, in Zimbabwe people would often joke and state someone got a great job because they “knew someone” who got them connected. I had no idea at the time that there was name for that—social capital.

Kao (2004) cited Coleman’s belief of social capital that exists between people:

Coleman believed social capital is a form of capital that exists in the relationships between people. An individual’s ties to other people allow him or her to gain access to a broad range of resources. Coleman focused on three specific forms: (1) obligations and expectations, (2) information channels, and (3) social norms.

Grace Kao’s (2004) article concerning social capital focuses on immigrants of Asian descendants, but her discussion can be applied to any group of immigrants in the diaspora. She stated:


Immigrants and minority groups are, by definition, more alienated from the majority who are native born and white and so may have fewer possible individuals with whom to exchange obligations and expectations. However, among other same-ethnic immigrants, the intensity of the obligation and the expectations for reciprocity should be greater, given the shared experience of migration and the sentimental attachment to one’s country of origin. The same would be true of other types of minority groups-members of a tightly knit religious order.

When it comes to information channels, I have observed two things happen. Many new arrivals to a Western country seek out those of their nationality who can give them information on the basics of life, such as where to get their native food and who to talk to about certain other essential information, like where to buy a car or get insurance. As stated in my literature review, on the other hand, new arrivals simply seek information in a ‘stumble upon’ fashion. In regards to social norms, it has been documented that race, ethnicity, and immigrant status can affect the kinds of schools and peer networks that encourage or discourage schooling. I would submit that the same could be said for employment. That is, social capital could build in a certain occupation because that is the occupation recognized to be welcoming to Africans. An example I have previously mentioned is working in food services or custodial work.

In understanding how social capital manifests itself among African immigrants, being pointed to certain offices or people “who like Africans” and asking questions is important, but the trick is figuring out what questions to ask and who to ask for that matter. Social capital (or lack of) could relate to anything from maneuvering the educational system to seeking a place to reside to dealing with the concept of telemarketers and being polite to strangers who call, not realizing it’s okay to say no and ask them not to call again. It could also relate to grasping the way the health care system operates.
There are also social norms in the African immigrant culture depending on one’s ethnic group. Many newcomers have been able to build some social networks through their relationships with Canadians of all racial backgrounds, either through their work, church families, or social and educational interactions.

Many qualified Africans are part of what had been categorized as the brain drain in Africa.

The highly worrying brain-drain phenomenon is particularly evident in sub-Saharan Africa and constitutes, for Philip Emeagwali (2001), a “slow death for Africa.” Emeagwali notes a contradiction: millions of dollars are spent on hiring specialists, generally from abroad, without even thinking of involving the approximately 250,000 African professionals belonging to the Diaspora; this leads to the impoverishment of the continent’s economic and intellectual resources.

Emeagwali says that the brain drain does not allow the creation of a middle-class group of physicians, engineers and other professionals in Africa. As a result, two blocks are formed in sub-Saharan Africa: a large block of unqualified population, often unemployed, and a very wealthy block that is often impermeable to new entrants.

Among African countries, South Africa is the one most affected by the brain-drain phenomenon. One confirmation of this comes from the daily newspaper “The Sowetan,” which writes that 70–100 doctors leave the country every year to emigrate abroad (M. Pela, 1999). These figures are, however, based on departures recorded by the country’s three major international airports and do not account for the large number of unofficial emigrants; thus, they underestimate the magnitude of the phenomenon.164

African and Caribbean immigrants come to the Canada for many different reasons. Some come as skilled workers or are sponsored by family members, some come as refugees or asylum seekers, some come for vacations and decide to stay, some come

for an education, and some actually come because they have secured employment. Of those who settle, many come as professionals or as asylum seekers running from political, social, or economic decline who are trying to escape unemployment and build a better life for themselves and their children. Due to the social capital they may develop, largely within their African or Caribbean community and usually with individuals from their country of national origin, they get to know the new environment in which they find themselves.

Through the second form of social capital Coleman (1988) focused on, information channels, immigrants learn things like where to find their native foods as well as the best places to work and or go to school, particularly if they are new arrivals from outside the country or from another state. For instance, some students get information about financial aid or how best to maneuver the educational from other students; evidently, much information is available but one needs to know how to access it. One question that arises regards the type of occupations available to Africans, and a response could be that they are as diverse as the Africans who reside in the Diaspora.

9.2 Summary and Discussion of Theme

Below I summarize the qualitative findings of the interviews regarding the theme, networking – the importance of social capital. It shows the participants’ responses regarding their networking experiences and the type of work the participants had during the credentialing process. The responses help to answer my research sub-question 2, which states as follows:

How does the legal community/law schools/law society in Ontario assist NCA students’ education process? This was accomplished through analysis of the online survey data, analyzing participant interviews, observation, and a literature review on Critical Race Theory and integrative anti-racist theory.
The discussion of this theme focuses on the experiences of the participants related to networking and the importance of social capital. The discussion looks first at the participants’ responses regarding whether or not they attended networking events or joined a professional association. Finally, I speak to the type of work the participants had during their NCA and LSUC process, whether it was in the legal field or a non-legal field.

9.2.1 Networked and or Joined a Legal Association

Of the 17 participants, two indicated that they neither networked nor joined a professional legal association during their licensing process. The majority, 15, indicated that they either attended an event or joined an association. Four participants stated they never joined any legal associations. In every profession, there are professional networks and associations that help to enhance the professionals’ career. They may organize networking events, conferences, and seminars for their members. They are places and opportunities for professionals to meet and mingle and share experiences. They are also good places to make connections for future employment or advancement in one’s career. In Ontario, there are several associations for the legal profession. Some are provincial, country-wide or local, depending on where one resides. For instance, the Canadian Bar Association is a national association for all lawyers, and the Ontario Bar Association is a provincial subsidiary. The Black Law Students Association has a national representation, but there are associations at universities across the province. CABL is the only Black lawyers association in Canada that consists of practicing and non-practicing lawyers. All the associations have different categories of membership, namely: practicing lawyers, non-practicing lawyers, academic, in-house lawyers, and students. Some even have categories for graduate students. In the legend of table 14, I
cite references to the different abbreviated networks or associations mentioned. Table 14 shows the participants who attended a networking event and/or joined an association, and specifies the name of the associations or networks joined.

Table 14: Types of Networks and Professional Associations Joined

<table>
<thead>
<tr>
<th>Participant</th>
<th>Attended Networking Event/s</th>
<th>Joined a Professional Legal Association or Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Fatima</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>2) Clare</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3) Farai</td>
<td>Yes</td>
<td>CABL, ICCRC (Immigration Consultants of Canada Regulatory Council); and CAPIC (Canadian Association of Professional Immigration Consultants)</td>
</tr>
<tr>
<td>4) Garikai</td>
<td>Yes</td>
<td>Criminal Lawyers Association</td>
</tr>
<tr>
<td>5) Marcel</td>
<td>Yes</td>
<td>Supper Françoise Chateau Laurier</td>
</tr>
<tr>
<td>6) Ruth</td>
<td>Yes (CABL Gala)</td>
<td>No</td>
</tr>
<tr>
<td>7) Peter</td>
<td>Yes</td>
<td>Western BLSA, OBA</td>
</tr>
<tr>
<td>8) Tola</td>
<td>Yes</td>
<td>CABL, BWLN (Sistahs-in-Law), now known as BFLN</td>
</tr>
<tr>
<td>9) Naomi</td>
<td>Yes</td>
<td>CBA, OBA, Peel Bar Association</td>
</tr>
<tr>
<td>10) Karen</td>
<td>Yes</td>
<td>OBA</td>
</tr>
<tr>
<td>11) Charlotte</td>
<td>Yes</td>
<td>OBA, BLSA</td>
</tr>
<tr>
<td>12) Emilia</td>
<td>Yes (Seminar NCA)</td>
<td>NCA Students Facebook group</td>
</tr>
<tr>
<td>13) Amy</td>
<td>No</td>
<td>NCA Students Facebook group</td>
</tr>
<tr>
<td>14) Anita</td>
<td>Yes (NCA student Networking event organized by LSUC)</td>
<td>NCA Students Facebook group</td>
</tr>
<tr>
<td>15) Maria</td>
<td>No</td>
<td>CABL, CBA</td>
</tr>
<tr>
<td>16) Pierre</td>
<td>Yes</td>
<td>Law Association De Jurists, Francophile Association of Lawyers</td>
</tr>
<tr>
<td>17) Tapiwa</td>
<td>Yes</td>
<td>CCLA (County of Carleton Law Association)</td>
</tr>
</tbody>
</table>

Legend:
Black Female Lawyers Network (BFLN)—also known in the past as Black Women Lawyers Network (BWLN or Sistahs-in-Law); Black Law Students Association (BLSA); Canadian Association of Black Lawyers (CABL); Canadian Bar Association (CBA); Ontario Bar Association (OBA)

Clare was the only participant who did not attend any networking events or join any associations at the time she underwent the NCA and licensing process. She explained:
I'm trying to remember. I don't think I did. I'd heard of CABL but didn't join at that time. I did not attend any networking events. No I didn't join the bar association.

Fatima said she attended one networking event but didn't join any legal associations.

She said:

I didn’t join any legal associations. I attended the articling fair, one by LSUC and the Ministry of Justice organized an event regarding ‘looking for a place to article.’ Those are the two I attended.

Amy and Maria did not attend any networking events, but they both joined an association or network. However, Amy said she was too busy to join any associations or networks and stated: “No, just the Facebook group. I was too busy studying to join anything else.” Maria spoke of how she had a mentor assigned to her when she joined CABL. She shared that no networking events happened in Northern Ontario. She said:

I joined CBA, Canadian Bar Association, and CABL. They are very good; they got me a mentor too. It’s a lady whose offices are in Toronto. She’s a legal officer at Bell.

I told her I needed to get a mentor too and laughed. I then asked her if she attended any conferences or seminars or related events. She responded: “No, nothing like that happens in Northern Ontario, unfortunately.”

The reason I laughed about getting a mentor is because while I was articling at Amnesty International Canada, the OBA invited me, as a member—rather all the “young lawyers”—to apply for mentors. However, to be eligible for a mentor you had to be under 35 at the time. When I advised my principal at Amnesty of this, he said I could be
a mentor to the other new lawyers. A recent look at the eligibility requirements shows that to be eligible now the OBA\textsuperscript{165} states:

People wishing to be a mentee in this program must be:
- An OBA member, and
- 10 years of call or less or under 40 years old.

It looks like things have changed in the last few years, with the 10 years of call, in Ontario; I probably could have qualified for a mentor after all.

Ruth attended one CABL event but did not join any associations or networks. All the other participants attended varied networking events and joined a variety of associations or networks. I recall inviting a few fellow NCA students to some of the networking events, like the BFLN or CABL, but due to the registration fee being $50 to $100, many declined to attend; family obligations also played a role. Either they had to take care of their children or they could not afford it, or both. Research has shown that family obligations can indeed be a challenge for women networking (Misner, Walker, & Raffele, 2012). In fact, Ruth asserted that she finally made arrangements for her children and attended a networking event, the CABL Gala, primarily due to my persuasion and encouragement and linking her up with a legal firm that was willing to sponsor her attendance at the CABL Gala. Hence, her response: “Ah, yeh, the one event we attended last year” (October 2011, CABL).

Three participants—Farai, Maria, and Tola—joined CABL and two participants—

\textsuperscript{165} Guidelines for the Ontario Bar Association Young Lawyers' Division (YLD) Mentorship Program. Retrieved from http://www.oba.org/Professional-Development-Resources/Mentorship/MentorshipFAQ
Charlotte and Peter—joined BLSA. The Black Law Students Association is a student association organized at different law schools.

Farai explained why she had not attended networking events but joined CABL among some of the professional associations she joined. She stated:

I have not attended networking events, though I did do one thing, I joined CABL as a student, but now as an immigration consultant, although not all encompassing, I’m a member of two associations that deal with that practice regulated by the ICCRC (Immigration Consultants of Canada Regulatory Council) and the CAPIC (Canadian Association of Professional Immigration Consultants). I meet other practitioners so we have seminars and continuing legal education and all that.

Farai was still to complete her NCA process, but to survive she became a licensed immigration consultant. I will discuss more about the type of work participants had in the next section. Garikai was the only participant to join the Criminal Law Association, but he also spoke to the great support he received while an NCA student at Osgoode. He shared how he also continues to network and meet with NCA students with whom he underwent his process. He stated:

The people at Osgoode were really good helping me get through the program and through networking with Osgoode students and other NCA who were doing the program…One lady, Chantal Morton, was very helpful. She helped us connect with the legal community at York and Toronto and encouraged us to attend events with big law firms in Bay Street.

I was a member of the Criminal Lawyers Association through my Articling Principal, but attended events with big law firms I used where I was articling. I developed positive relationships with other lawyers in the space we practiced. I attended [the] Immigration Lawyers program downtown and met some people who helped me to network. I was also part of a group of 5–6 NCA students who hang out together and [go] out for dinner to talk about things; we still keep in touch. One of the guys is very close to me.

Tola was the only participant who joined the BFLN, which is a network, as I mentioned earlier in locating myself, which I also joined. Naomi and Tapiwa were the only participants who joined local and/or regional legal associations, namely the County
of Carleton Law Association\textsuperscript{166} (for Ottawa and Eastern Ontario) and the Peel Law Association\textsuperscript{167} (for Mississauga, Brampton, and Caledon). Tapiwa said:

I joined the CCLA (County of Carleton Law Association). They would have seminars all over the city at hotels or other firms or the library that I’d attend. I joined the OBA. I never really attended their functions, but got information.

Naomi shared her experience as follows:

I joined the OBA and the Canadian Bar Association. I am also in the process of joining the Peel Bar Association. I’ve attended networking sessions hosted by the University of Toronto Faculty of Law, and the one you saw me at, organized by LSUC and the Ontario Bar Association, which was a waste of time. [Laughs]! I laughed with her because I could relate. Many of the networking events seemed not to be a place for candidates of colour. It was many a time difficult to approach and speak to people who already seem to know each other well. Historically black women have faced (and continue to face) multiple oppressions. For instance, they have been racialized together with black men, but they have also faced patriarchal oppression from black men; likewise with white women, they have been discriminated against for being women and have also been racialized by white women. Black women more often than not have been at the bottom of all social strata of society.

Annette Henry’s (2000) hypothesis in an article speaking about women in the workplace is that the professional workspace, regardless of profession, is not a space for black women. She effectively uses journal entries over a period from 1992 to 1999. Each journal entry illustrates some racist, stereotypical, insensitive act or omission that


she witnessed or experienced that spoke to her hypothesis that indeed the workplace is an unwelcoming environment.

Networking in a professional capacity is much like the situation Henry (2000) illustrated in her commentary when she cited Wolman, Frank, and Sanchez-Hucles (1997, p. 568) who stated that: “Black women in the workforce have often been regarded as tokens, deviants, invisible, isolates and of low status, regardless of their jobs titles, credentials or competence.” Networking events are largely an extension of the workplace, and that’s how I felt at some of the networking events until I connected or bonded with someone who looked like me and was invariably a foreign trained black lawyer.

Five participants, namely Charlotte, Karen, Maria, Naomi, and Peter, joined the OBA168 (which is a branch of the CBA) and/or the CBA.169 I was also a student member of the OBA and CBA. I did not ask the participants specifically about how they became members of the associations to which they belonged. With the OBA and CBA, student the membership was free, but once you articled you were expected to start paying dues. Charlotte shared that while she was an NCA student at Western law school, she joined the CBA. Before she responded she asked me if I meant networking for articling or what? I responded that I meant networking generally, and then she said:

At school, I joined the Canadian Bar Association and then we had the Black Law Students Association. I joined it and went on a trip to a Convention in Windsor...Oh, the usual things. Then you have the one you and I went to at the University of Toronto on career networking, those kinds of things. It was an event where former

NCA students came to share their experiences in the credentialing process. Jane Price at University of Toronto, Law School Career Services organized it. At UWO\textsuperscript{170} they had similar things, especially when the year was almost ending many law firms came and bring their business card cards and souvenirs for “mix and mingle”; some are nice and give you good advice. It’s different when you apply to them for positions, then the stories start to change.

Karen spoke of taking the “French without Tears” course through the OBA, a course I took while articling. She stated:

Yes, the OBA predominantly is the one I joined. I attended seminars, completed a French course, “French without Tears.” I also monitor and volunteer at seminars, so I’ll be there doing an institute in two weeks. You learn something and feel like you are having some involvement. You go to seminars and are meeting lawyers. You are involved in an environment you wish to be in one day!

The great thing was when most associations had events they had student rates. At times, students could apply for a lottery to be considered for sponsorship from various law firms to attend different professional development events, such as the BFLN all day event, including workshops and lunch, or the CABL conference or Gala. The OBA and CBA also had professional development events; some were free for members, some required a registration fee. Peter spoke to the fact that it was free to join the OBA. He stated:

Yes, I joined the Ontario Bar Association (OBA) when I went to Western University.\textsuperscript{171} It was free and I’d say I did not take full advantage of the benefits they gave. I didn’t attend, for instance the conferences and different things because I was so focused on the NCA courses. Although there were not many events in London, there were more in Toronto. Even when I came back I could have gone to stuff, but it wasn’t my focus. Then I also focused on articling the six months in Jamaica and four months in Toronto. I attended events at Western that the staff at school put on. They invited outside speakers or had fun nights. Some of the events were through career

\textsuperscript{170} University of Western Ontario. Retrieved from http://www.uwo.ca/

\textsuperscript{171} Western University is what the University of Western Ontario is also referred as. Retrieved from http://www.uwo.ca/
services and some through various Associations and clubs at school. I was also a member of the Black Law Students Association.

What Peter stated about there not being many networking events in London, supported Maria’s experience discussed earlier, where she stated that there were no networking events at all in Northern Ontario.

Amy, Anita, and Emilia said that the only network they joined included participating in the NCA Facebook group—a network of NCA students\textsuperscript{172} on the Facebook\textsuperscript{173} social network.

Anita spoke of her experience as follows:

I went to a[n] information and networking session organized by the Law Society I think a couple of years ago. I found out about it the night before by chance and went. I couldn’t tell you any more details than that, but that’s the one I went to.

I asked her if it was the event held at the Law Society in 2008, where about 100 people attended. She said, “Yes, that’s the one, there was a panel…they were saying they were not part of the NCA.” I told her I was there too. I then asked Anita if she networked through work and she responded:

I did not attend any others. A lot of the networking I did was not through NCA. I’ve thought of networking with people through Facebook, I connected with a couple of people that I had conversations with at the Law Society information and networking session and we became Facebook friends through the NCA group online. Through work, I’ve done networking things but not NCA related.

Emilia shared her experience with networking as follows:

In terms of networking, I was on the NCA Facebook group. I went to an event, while at Osgoode; at U of T, [there was] a seminar on the NCA process. It was at U of T

\textsuperscript{172} The National Committee on Accreditation students Facebook group is an open group, with membership of 2557 (as of 21 March 2014. You have to have a Facebook account to access the group at \url{https://www.facebook.com/groups/42489885315/}

\textsuperscript{173} Facebook. Retrieved from \url{https://www.facebook.com/}
that I met some people going through the NCA. We exchanged emails and kept in touch. That’s how I got onto the Facebook group. One of the women was the organizer of the Facebook group. That Facebook group is very helpful though.

Marcel and Pierre joined Francophone legal associations; both lived in Ottawa and were born in African countries that had French as the major language, namely the Democratic Republic of Congo and Rwanda. Marcel spoke of his networking experiences as follows:

Yes, I joined legal associations. We have the French supper, Supper Françoise Chateau Laurier. It happens once a year and I attend it. It is for lawyers who speak French. It is attended by judges of the Supreme Court, professors and some lawyers who practice in Ontario. It is really interesting. This year (2011) it was held in October. There is another social event I attend, where judges of the Supreme Court share how they developed the law in the French system. It takes place once a year. I try my best to go out and meet some important people.

Pierre was very passionate and expressed strong views about the value of networking. I mentioned it briefly in chapter 6, section 6.2.3., when I discussed articling in Ontario. I share his quote here for emphasis, because he made good points for successful networking. He stated:

Yes, I joined the Law Association De Jurists and the Francophone Association of Lawyers for people in the legal profession. It is a national based association but the one I joined is for Ontario. I also registered with the OBA and was on the Canadian Lawyers for Human Rights board.

What I have to say even more, is the secret for being successful, in applying for articling positions, when you start the licensing process, be it through law school or the NCA, is to start building your network. Most people don’t want to say it openly; but everything here is based on the strength of your network. That’s the problem with most immigrants; many think that their degree will be enough. It’s a misconception and we need to start explaining to immigrants that their degree is not enough to get to where you want to go. You will observe one thing at most meetings and events on leadership, immigrants are not there. Yet at the same time they want to get the same opportunities as those who go, who are born here. I see it even with lawyers here in Ottawa. You will be invited to most events, because the invites go to everybody, but most people don’t go for those things. Unfortunately that’s where you will meet people who tomorrow you may be applying to for a job, or for an advanced position, things like that.
He could not stress the importance of networking enough and shared in his concluding thoughts that he had even started a program at the University of Ottawa to help foreign trained lawyers. I’ll speak more to his comments in chapter 10. Networking is new for many newcomers and in a practical, step-by-step guide for creating, cultivating, and capitalizing on networking relationships and opportunities, Baber and Waymons (2007) state:

As people begin to network they typically focus on trying to get something for themselves. There is nothing wrong with wanting something for themselves. There is nothing wrong with wanting your efforts to bear fruit. But, that’s only part of the story. Networking is not just about taking. (Baber & Waymon, 2007)

It is important to recognize that single sale networking is also about trading (Baber & Waymon, 2007). However, long term networking, which is a key part of the legal profession, is about teaching (Baber & Waymon, 2007). They continue to explain how these long term networking relationships can be built. They state:

Long-term networking relationships are built by TEACHING people what you need and what to count on you for, and by learning the same about them. …Remember the old line: “It’s not WHAT you know, it’s WHO you know?” That’s only partly true. Sure, WHAT you know is important. It’s your expertise, your knowledge, what you are paid for. WHO you know is important too. Those are the people you call when you are looking for an idea, a resource, a referral. (Baber & Waymon, 2007)

All of the participants networked in one way or another—that is, they made connections with other lawyers, including foreign trained lawyers. In fact one of the participants who stated they didn’t attend any networking events during their licensing process, Clare, I first met at a BFLN meeting, where I first expressed my intention to conduct this research project. She had recently been called to the bar and offered to help me with any questions I had; she was a great support to me as I underwent my NCA process and would meet me before an examination to review the material. In fact, meeting some
of the participants at various networking events over the years was one way I was able to identify and contact participants in this research project.

9.2.2 Type of Work

A slight majority of the participants, 55%, were earning between $0 and $20,000 when they were going through the NCA and LSUC licensing process. That means, as I mentioned in the section discussing finances, in 8.1.3, that they were living in poverty. The type of work the participants did largely influenced the type of income they got and their standard of living.

9.2.2.1 Legal Field

Eight participants had jobs in the legal field. Some were paid jobs and some were volunteer positions. In fact, some participants held jobs in both the legal and non-legal field, in some cases simultaneously. Farai was one of the participants who held jobs in both areas. She states:

When I worked, I started to volunteer at a law firm for free to get my foot in the door. I did that for a long time. I had to so I could be exposed to the Canadian experience everyone was stressing because I wanted to be in my field. When I worked I, found as a legal assistant you have a lot of responsibility and you are paid very little, so I got a second job to effectively help pay the bills. Since 2008, up to today, I have two jobs, now I'm trying to figure out how to sit and pay for the NCA examinations. In the other job, I care for deaf and blind people. I'm a PSW (Personal Support Worker). I do that at night so during the day I do my law thing. I volunteered for a year in the legal field; it was unpaid. I'm currently an immigration consultant and have set up an office, but I still work overnight in support services. I sleep very little.

Garikai and Peter both volunteered in legal fields to help build their resumes and outside of this did odd jobs. Garikai also worked as a security guard and found it to be a great job because it enabled him to study. He said of both jobs:

I worked as a volunteer at Flemingdon Community Legal Clinic, part-time…

…..I had a security job with Intercon Security. I worked downtown at Brookfield Place during my NCA before I went to Osgoode. I would sit doing 12 hour shifts so I had time to read while getting paid. I’d read for seven straight hours. It was a great job.
Peter said he didn’t really work:

Not really, I did volunteering in a legal capacity to build my resume, and odd jobs, not anything official. One was a non-profit and one was with a paralegal, before paralegals were regulated the way they are now.

Five participants had legal jobs during the NCA and LSUC process. They are Marcel, Tola, Emilia, Anita, and Pierre. Marcel worked in a law firm, Tola worked as a legal assistant in a government legal ministry, Emilia worked with the Financial Services Tribunal, Anita worked in a Community Legal Aid Clinic, and Pierre worked at a law school. This means they got valuable legal experience. In fact, Emilia’s experience was unique, the Law Society called and asked her to consider applying for a full articling exemption. She did so and obtained it; then she was called to the bar after completing her licensing exams. Please see section 6.2.5.

9.2.2.2 Non-Legal Field

Twelve participants worked in non-legal fields. However, while eight worked solely in non-legal fields, four were also able to work and or volunteer in legal fields. Clare, Ruth, Naomi, Karen, Charlotte, Amy, Maria, and Tapiwa worked exclusively in non-legal fields. Farai, Garikai, Marcel, and Pierre worked in both legal and non-legal fields.

Clare tried to get a legal job but was not successful. She said:

Yes, sure did, full time. I worked for a company doing data entry, computer stuff, and unrelated to legal work. I applied for in house counsel with that company, but I didn’t get interviewed; they needed someone with experience, which I didn’t have.

Naomi spoke of taking a survival job as a new immigrant. She put it this way, saying why she worked in:

A non-legal field. It was a call center job. I decided as an immigrant to take the first job to survive. I tried to apply for legal positions and never got a response.
Both Clare and Naomi tried to apply for legal jobs but were unsuccessful. Karen, Maria, and Tapiwa all said they worked in a non-legal field without specifying in what capacity.

Research has been done regarding foreign trained professionals resettling in Canada and the challenges they face securing recognition and placement in their professions (Banerjee, 2008; Galabuzi, 2006; Seevaratnam, 1994). The fact that so many of the participants were working in non-legal fields is no surprise. As mentioned in my literature review, research speaks to the barriers and challenges immigrants to Canada face trying to secure work in their professions because they don't have what is referred to as “Canadian experience.” A current research project (Sakamoto, Chin, & Young, 2010) speaks to this concept of Canadian experience and the employment challenges of skilled immigrants to Canada. The Ontario Human Rights Commission recently created a policy stating that “employers who demand Canadian work experience are discriminating against potential employees.” Therefore, the insistence on Canadian experience before hiring someone would be a violation of the Ontario Human Rights Code.\(^{174}\)


On July 15, 2013, the Ontario Human Rights Commission (OHRC) launched a new policy on removing “Canadian experience” barrier. This policy states that a strict requirement for “Canadian experience” is discriminatory and can only be used in rare circumstances. In a statement, the OHRC said, “Employers and regulatory bodies need to ask about all of a job applicant’s previous work – where they got their experience does not matter. The policy also tells employers and regulatory bodies how to develop practices, policies, and programs that do not result in discrimination.”
Ruth said she could not focus on finding a job. She lamented:

I fell asleep for two years...I had no job. I have been juggling responsibilities, so I could not focus while juggling all the other responsibilities. So I put a stop to the job. I had to focus on examinations and even that has not been easy.

Family responsibilities in Ontario and “back home” influenced the type of work the participants took to survive. The fact that one had settled in Ontario did not mean that one cut off financial and emotional ties with extended family members in one’s country of origin. Charlotte, like Farai above, also worked as a Personal Support Worker (PSW) to support her children here as well as her family back in Liberia. She explained:

I got my courses assessed and decided to go to school, so I was like a regular student, but it was not towards a degree. I had my family to take care of, some of whom were back home. I had to work as a Health Care Aide, like PSW (Personal Support Worker) they call it, to support my family.

The four participants—Farai, Garikai, Marcel, and Pierre—who worked in both legal and non-legal fields—shared the work they did. I’ve already discussed Farai’s and Garikai’s non-legal jobs above. Marcel simply stated that he did other jobs which are not related with law a lot and laughed as he spoke. Pierre spoke of how he started working in factories and then worked in a Trust Company but was frustrated and wanted more. He stated that he:

Started working in the factories. I was already working in Ontario. It was in my fourth year here. The end of the first year I was here, I got a job with a trust company in Toronto. Most of my fellow Congolese Africans felt I was in good standing. It was nothing to me. I felt so frustrated and said I want to go to school. Many of them said “Why go to school? Who will hire you after university as a Black? You will end up doing the same thing you are doing now. It’s a waste of money.”

It is interesting that his fellow Congolese discouraged him because, in their experience, immigrants had gone to school only to end up back at the factories because they could not get into their profession. Regardless, Pierre’s story is a success story; he now works
at a university and has his own legal practice. The type of work the participants did shows their resilience and determination throughout their licensing process.

9.2.2.3 Did not Work
Only one participant, Fatima, did not work at all during her NCA and LSUC process. She explained:

I did not work throughout the process. I took out loans and credit cards to pay for examinations. I was receiving Ontario Works allowance, which helped with the rent, food, basic money but not with examinations…

Fatima is the only participant who mentioned receiving Ontario Works\textsuperscript{175} (OW) benefits to help support herself and her family during the credentialing and licensing process. Ontario Works benefits are designed to help if you are out of work and have a temporary need for assistance while you search for a job. Many newcomers, particularly if they settle in Ontario as refugees, apply and receive Ontario Works while they begin their search for a job. The Ontario Works website states what the benefits encompass if you are eligible:

If you qualify, Ontario Works can provide you with:

- Financial assistance to help you cover the costs of your basic needs (e.g. food) and housing costs, and
- Employment assistance to help you prepare for and find a job.
- You may also receive health benefits for yourself and your family, including drug and dental coverage. Additional benefits may also be available to you.

9.3 Summary
In this chapter, I looked at the theme that emerged relating to networking – importance of social capital as well as the type of work the participants had during their

credentialing process. I gave a brief overview of the importance of networking and social capital, then presented the findings of the theme, looking at the participants’ responses regarding whether or not they had attended networking events or joined a professional association. Finally, I discussed the type of work the participants had during their NCA and LSUC process, along with whether they obtained work in the legal field or non-legal field during their licensing process. In chapter 10, I share the participants’ final thoughts and recommendations as I concluded the interviews.
Chapter 10
Participants' Final Thoughts and Recommendations

In this chapter, I share the participants’ final thoughts and recommendations as we concluded the one-on-one interviews. The responses were quite illuminating and in many respects supported the findings that emerged in the last five chapters. I first indicate why I included them in this chapter and how they relate to the findings of the last five chapters. I then give a summary of the final thoughts and recommendations and discuss them in the headings presented in the summary. Finally, I link them with the major findings where relevant.

10 Participants’ Final Thoughts

The participants’ final responses and thoughts stemmed from question 22, the final question I asked: *Is there anything else you would like to share about your experience in the credentialing/licensing process?* It was an open question and many of the participants’ responses fit in with the major themes that emerged and help validate my findings. However, I decided to separate and present them in this chapter because the participants shared some experiences that were unique and did not neatly fit in with the earlier findings; yet it was important for me to give the participants a final voice. It was a great finish and at one point the interviewer became the interviewee and was asked why this research topic was picked. In fact, many a time, once I had switched off the recorder, I would have very interesting discussions with a participant.
10.1 Summary of Final Thoughts and Recommendations

Below are the summarized qualitative findings of the participants’ final thoughts and recommendations during the one-on-one interviews. It shows the participants’ responses regarding what they wanted to share in closing relating to issues with access to information and the NCA process; articling; mentoring; the need for an association for NCA students; networking experiences; previous experience being discounted; the type of exams; and other factors. The final responses were pertinent in light of my main research question, which states:

Are foreign trained black lawyers in Ontario disproportionately challenged by the NCA/Law Society of Upper Canada (LSUC) credentialing and licensing process?

10.2 Discussion of Participants’ Final Thoughts and Recommendations

As I analysed my results the final thoughts focused on the areas highlighted in table 15.

Table 15: Intersection of Participants’ Final Thoughts and Major Themes

<table>
<thead>
<tr>
<th>Major Themes in order of Chapters</th>
<th>Participants’ Final Thoughts and Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>5) NCA (National Committee on Accreditation) – Lack of transparency and consistency</td>
<td>1) Information Process</td>
</tr>
<tr>
<td>5.3.2) LSUC Exams</td>
<td></td>
</tr>
<tr>
<td>6) Articling in Ontario – Difficulties securing articling</td>
<td>Articling</td>
</tr>
<tr>
<td>7) Impact of Racism – Disempowerment and discrimination</td>
<td>Previous experience discounted/Type of exams and other factors</td>
</tr>
<tr>
<td>7.4.2) Accent</td>
<td></td>
</tr>
<tr>
<td>8) Resilience and Career Motivation – Coping mechanism and sustenance</td>
<td>Faith as a source of strength</td>
</tr>
</tbody>
</table>
The participants all had something to add in closing, even after first saying they had nothing to say. It was a wonderful experience for me to allow them to express themselves freely. For many, this was the first time they had to actually open up and think about the whole NCA/LSUC process, which for all intents and purposes was rather challenging and frustrating.

10.2.1 Information

Clare, Marcel, Tola, Amy, Anita, and Pierre spoke about “information, information, information.” Participants spoke of the lack of information (Clare), lack of the right information (Marcel), lack of access to information (Tola), having to call the NCA for information (Amy), why so many hoops (Anita), and not having enough information (Pierre). The information breakdown predominantly focused on the NCA process specifically and the LSUC in part. Regarding the LSUC process, the information breakdown focused on the various deadlines for applying to the licensing process or articling as addressed in chapter 6. In fact, Tola lamented how this lack of information is costing money for already financially strapped foreign trained lawyers. She stated in part:

…There is no career website for foreign trained lawyers. All big firms go to law schools, so we are segregated and don’t get access to information. We should have a website where all the information should be regarding law firms recruiting for articling, should be a community where (we) can get all the information. Some do not know the deadline for registering in the licensing process, (that) if you don’t register by December, then you (will have to) pay late fees. You have to put all documents
Information is not there. We should know. If you do a snap survey, you will find most NCA students pay the late fee because most NCA students don’t know that they can apply (to be registered) while finishing (exams). Many receive their Certificate (of Qualification) in January and have to pay the late fee. Lack of information is costing money. I know ignorance of the law is no excuse, but we should be excused.

Easily accessible information would have saved so much time and worry. A few participants mentioned the usefulness of the NCA Facebook group because there, NCA students asked questions and got answers to some of their concerns. Perhaps Tola’s suggestion for a specific career website for NCA students should be considered. Amy was the only participant who spoke of having enough information once she picked up the phone and called the NCA office to clarify questions she may have had. She said:

I think one thing that struck me [was] I found I could easily call the NCA office and ask questions and the people were receptive and would explain stuff, and respond to emails on time. I found that informative for me. I tend to ask a lot of questions [and] I got nice responses. I cannot complain. I think… haven’t really followed up, but I think the process is changing. I don’t think it’s as tedious and as discouraging when you are told to take 15 challenge exams. That’s just saying whatever credentials you have they are not recognized here, you understand.

Indeed, the NCA process has changed in that new NCA students now get on average four courses to do. In chapter 5, section 5.1.1, I mentioned that Ruth, Anita and Maria were assessed only four courses to do. This is due to some of the changes the NCA put in place at about the same time that the review process was introduced—March 2009. Per the notice on the NCA website regarding the new rules for assessment, applicants with a common law LL.B. degree who were assessed prior to March 1, 2009 could request a review of their file based on the new rules. I discussed this more in section 5.2.1.
Anita’s final comment illustrates how challenging the NCA process was. She said in frustration:

A couple of things, the first thing is that, I still don’t understand why we have to jump so many hoops. I still have to meet someone who can explain that to me. Why particularly because coming from a common law jurisdiction, I don’t understand the rationale behind having to jump through those hoops at the NCA level; I’m not talking about the bar. I don’t understand it.

Pierre summarized the final thoughts regarding information perfectly saying:

The problem is we don’t have enough information when we come here. When we decide to go through the credentialing process, we don’t have all the information. The system is different, so you start, you spend your first three months trying to understand how things work here and while you are spending this time trying to figure out how it works and how I should fit into the system; the train is already gone. And so the time [you try] to catch up, it’s delayed.

Information was not easily available and accessible. Lack of the correct information demoralizes and delays the progress of integrating into one’s profession. Had there been sufficient, adequate, and relevant information, there would have been no need for people to call the NCA or meet and connect with other NCA students to get basic information regarding the licensing process.

I must mention here that at the end of my interview with Amy (who had been working in non-legal fields for 14 years while her children grew up and went to college, prior to undergoing the NCA/LSUC licensing process), she ended up interviewing me. Therefore, the interviewer became the interviewee. I told her I learned something new all the time after interviewing the participants. She then asked me, “Why did you pick this topic?” I shared my background with her. Even though our interview had concluded, I felt it was important to build trust with Amy because we had never met before. I knew she had read the consent letter, but it was more about bonding. I told her that I, like her, was a foreign trained lawyer and that when I came to Canada in 2005, I was told I could
never practice here. I told her that I then thought to myself, *Even if I can’t practice, I need to do something in a graduate field.* At that point, I had two masters, so I decided I would pursue a Ph.D. A friend in England, who got bored working in a field outside law, told me to find out if there was something, a process for becoming licensed as a lawyer.

I shared with her that I came as a refugee, and my refugee lawyer was Nigerian. When I asked him how he came to practice here, he told me he went to the University of Toronto Law School but he never mentioned the NCA. He had a degree from Nigeria but chose to go to university. (I must also mention here that he had indicated he wanted to participate in my research study, but he never completed the online survey; after numerous follow-ups to find out how we could connect, I let it go). I told Amy that after I did a Google search for “foreign lawyer credentialing” and found out about the NCA on my own. I then applied to the University of Toronto for a Ph.D. and to the NCA at the same time. In 2006, I started my Ph.D. at OISE and started taking NCA courses at the same time.

I told her I did this study because of my own experience and after meeting one OISE professor (at the BFLN – Sistah’s-in-Law retreat, a professor I had met informally once before), we had a discussion after the retreat and she suggested it would be good to do something related to black women lawyers. I told Amy that I had excitedly responded to the professor and told her I’d been thinking about doing that, especially regarding the lack of social capital newcomers have and the challenge they face in trying to establish themselves. I spoke of how indeed the correct information is not there. If you don’t ask right questions, you don’t get the right answer. It was then that I thought to myself, *If I’m going through this, there must be others going through the*
same thing. I talked about the LSUC event in May 2008 for NCA students. The NCA were not involved in organizing it, and NCA students of all races were present—about 100 people. That event was like therapy. The NCA students had many issues and questions. The frustration though was that LSUC could not answer many of the questions because only the NCA, who were not there, could answer them. I ended by telling her that I met many people and linked up with some, and we are still friends today. So basically that’s why I ended up doing this, I felt it was important to document our experience.

You would think that was the end, but Amy had more questions. She asked: “So did you pass the NCA? Did you get licensed? Are you licensed now?” I responded, “Yes, I’ve passed NCA, and I am currently in the lawyer licensing process.” I also told her I had articulated with Amnesty International. We continued our discussion after I turned off the audio recorder.

10.2.2 Process

The next area a few participants covered in their final thoughts concerned comments related to the NCA/LSUC process. Ruth, Naomi, Emilia, Anita, and Tapiwa spoke specifically to the licensing and credentialing process. Ruth wished she had started the process when she was still in Ghana, and that she had paid more attention to the process. She had been more focused on settling in Canada and shared that she had not intended to practice law; however, she went back to her roots when her family situation changed and she realized she was not earning enough money to look after her children.
Naomi gave the following words of advice to future NCA students:

What I would say for this process, two words of advice, from what I’ve found for my own journey;
1. If you can do NCA exams at a university, go and do it, and I would also say
2. Even though a master’s (degree) is not part of this road map, it helps get grades so they can have an idea (when you do those challenge exams).

Her comments confirmed the findings that those participants who took their NCA exams at a university were better exposed to information about the licensing process, including timelines for applying for articling or registering for the LSUC licensing process. Anita also mentioned doing a master’s degree in her final thoughts and that if she wasn’t balancing family life and work, she could have done the NCA process when she was in school full time and had no children. Indeed, the single participants went through the process more quickly than those with families.

Tapiwa’s thoughts focused on systemic unfairness in the process. She did not think race was part of it, but more just a system-wide unfairness and age were factors that made the process even more difficult. She stated:

There is a lot of in-built, I guess systemic unfairness in the process, you know. If you are a Canadian born person, you can go through the system because you are used to it, whereas if you are coming from a different place, it’s harder for you and if you are older, it’s harder. There just needs to be a better way of testing people. It just has to be more equitable. I don’t know how they can do it. It wasn’t race; they didn’t know my race, no one really knew my race. It was just the system really.

Emilia recognized that she may have had one of the best experiences but compared the cost of the licensing process in Ontario with the licensing process in other countries.

She commented on the importance of one’s motivation:

It’s not the worst experience out there that I’ve had, or one has had [going] through this process, but if you compare it to other countries it’s fairly lengthy and costly. You definitely have to know what you are about when you start this process and be sure you will practice law at the end and that will see it through to the end, because to give up half way doesn’t make sense.
I learned so much from each participant as they spoke of their experiences. I found commonalities as well as differences that made the experience great for me.

10.2.3 Articling

I was not surprised that articling would be on the minds of some of the participants in their final thoughts. Four spoke to it and made some great recommendations. Clare, Naomi, Karen, and Maria discussed this. Karen’s comments were well thought-out and are discussed more in part in chapter 8, dealing with articling.

She spoke about the discrepancy in the articling experiences of lawyer licensing candidates. On this subject, she had quite a lot to say:

It’s been a roller coaster. Now a lot of things are in place and a lot of effort has been put together. Only thing I’d like is greater emphasis on the regulatory measures regarding what’s implemented, regarding articling, or doing away with the process. I had work experience with a criminal lawyer for four years prior to articling. I have come across quite a few lawyers. You have some doing their job and some who don’t know what they are doing and there you are struggling to become one. I realized at the end of the day that there is not one level of competence. Some know and some you wonder how they can be a lawyer. But talking of professional responsibility and the level of competency for a lawyer, there is no level of competency as an articling student once called to the bar. At least one should have interviewed a client, drafted some legal document, and served and filed it at court. One student at a small firm can get tremendous [amounts] of hands-on experience and conduct a trial. [And] someone articling at Bay Street can just do research and coffee runs, and is no way - on the same level, when they should be able to work alone, give advice, and feel confident in the process or know where to find the answers. I don’t think articling allows that to happen. At the end, I know previously [there] were courses to prepare you for the bar, e.g., Prairies, other jurisdictions do provide bar courses that help with interviewing, negotiation skills. England is notorious for that; they have the bar school, including information that makes things more practical or at least a baseline that we will all be measured up against.

I’ve met lawyers who’ve recently [been] called. [They have] never met a client, they never did it during their articling, and they are scared. Either help the system and regulate it or get rid of it. You think, Wow! You are a lawyer? Doing corporate law? People have to take eight months to get a position, maybe it’s less than ideal to them, they may be qualified, but after [they] qualify, they may not be able to practice. Why is it such an important part of the process if at the end of the day half the
people who qualify are of a certain caliber and others are different? How to manage things better; that’s the only thing I’d like to see greater focus on—the articling process, how to regulate it, and manage it better. Some are opposed to hiring students because of the economy crunch or greed as you may put it. So [you] will find more lawyers out of jobs and adequate training, which is going to put the profession into disrepute. It's an interesting situation.

Her comments are crucial and pertinent, especially looking forward. There is a lot for stakeholder in the licensing process to consider, especially after the recent recommendations of the Articling Task Force\(^\text{176}\) in implementing the new alternative articling process, the Law Practice Program.\(^\text{177}\)

Clare’s final thoughts echoed the difficulty in finding articles and the importance of networking.

The really difficult part was getting [an] articling position, which goes without saying. Your process, looking for articles online, talk to people, tried the networking, went to Western Law School and spoke to people in the careers office and cold called firms. I had someone look at my resume and all kinds of stuff, yeh. Was a lot of networking and putting yourself out there, yeh!

Networking in the articling search is important. However, networking is a skill many people do not know how to do successfully (see chapter 9 for more on networking).

Naomi felt strongly that the articling issue was not getting the full attention it required. She stated that in light of the changing demographics in Ontario and with growing racial diversity, the articling problem concerned homegrown Canadians too. She stressed:

It is one of the areas not getting [attention]. The Law Society needs to pull off its blinkers and realize and recognize [that] the face of Ontario is changing and they have to acknowledge that. Of course, it will be biased to Canadian [born people]. The finding articling thing it’s a problem also for homegrown students. How can you go to the University of Toronto law school and not get an articling position?


After her statement, I commented that I think in five years I will need to do a follow up because everyone is at different stages. It's fascinating. I'm glad I chose to do this thesis research because I met many people passionate about law and fighting for their rights.

Maria had a recommendation related to the articling process, also speaking to the difficulty in obtaining an articling position. She said:

I have possibly a recommendation about the articling process. Fact that it's hard to get articling [it's] like the profession [is] using it as a gate keeping process. It needs to be more open and have more access so all can compete on a level ground. You should be able to get into the market. You go through all the exams and pass. I know there is a panel, task force set up, so that’s good, I did give my views.

And to look into Northwestern Ontario, there should be alternative options for those who want to practice in the north and systems put in place for those who want to write exams in the north.

She also spoke to having more access to the profession for those wanting to join and that such access should include options for writing exams in Northern Ontario as well as options for practice in Northern Ontario.

10.2.4 Mentoring/Association

Two participants made recommendations regarding mentoring and the formation of an association for current and former NCA students. They were Farai and Anita.

Farai spoke to the benefit she’d had of having mentors to help her understand and navigate the process. She was only able to get mentorship when she volunteered at a law firm. She recommended:

I think we should make an association for people in [a] similar situation to share information. I'll be available to anyone who comes after me, to be a mentor and share information I have. We need to form a support group to make it easier for other people.
I’d also suggest we need lawyers to mentor. When I came in 2006, I’d go to agencies that are to help with settling in Canada, [but] most of the time there were no lawyers to mentor anybody. I never got mentored until I volunteered at the law firm; then my employers (former NCAs), mentored me, so to speak.

Anita agreed with Farai’s recommendation and also felt it was important for NCA students starting the licensing process to have a mentor. She suggested:

The other thing is, perhaps is, what I’d say to anyone else who’s coming in now rather than my stage: (have) either some kind of mentorship arrangement, where somebody can pick up the phone or email and get information, not the information that is on the NCA website—that doesn’t tell you the real story. So if I could change something or add something to the process right now, could have a resource pool of people like you and myself who have gone through this. That [way], new legally trained people who are coming into Canada, in addition to going through the NCA, would also have access to us. That’s the one thing, yeh.

I shared with her that one of the reasons I was doing this research was to have a resource for NCA students, new, current and former, to tap into to learn what it was actually like for former NCA students; a resource that allows me to share your story and my story. That’s why I’m doing this. She happily agreed with me and responded: “Yes, the real stories, like your story and my story. I was lucky and even then it’s taken me four years.”

10.2.5 Networking

Four participants stressed the value of networking, illustrating why they recommended it was important for foreign trained lawyers in the lawyer licensing process. The four were Garikai, Naomi, Maria, and Pierre.

Garikai laughed and explained that he really enjoyed the experience. He declared:

It was a great experience...[laughing]. Because you know when you speak to someone at home (Zimbabwe) and say, “Oh, I’m a lawyer in Toronto,” there is a sense of accomplishment. One thing I found in this country, everyone is willing to help, and that’s what I know. Even when I go to court and I don’t know anything I go
to the senior lounge and speak to a senior lawyer, they are willing to help me no matter what. It gives me confidence and helps me get challenging cases. Even with criminal cases, the Crown are not there to bring you down. If you feel you are not experienced in something, you can ask them to help you and guide you to better handle the case. I have found especially in Toronto most people are willing to help and are a source of inspiration. One thing I’ve learned as well, if I look at myself compared with friends who’ve faced challenges in the NCA, those who distance themselves from the legal community or from other lawyers still have serious problems up till now. Also, clients don’t just walk into my office, they come from other lawyers, and the process goes on and on. If I have questions, I call other lawyers, I volunteer as a way to get clients and support. If someone is an NCA, the main thing they should think of is to network and build a network. You never know what you want from whom and who will help you. Because of this whole process, which started in my NCA days, even when I went to London, ON, my previous boss at Flemingdon introduced me to the London lawyer [laughing]! I’m still in touch with them. They go bowling every month and if I have a question, I can call my previous boss.

Indeed, if you are open minded and open to new opportunities and are motivated, you will look at something negative and find something positive in that. It was refreshing to hear that someone had a good experience. Then again, his great experience may be in part because he was male and single, whereas Farai and I where women, also Zimbabweans, had family and children to take care of. Before I shut down the recorder with Garikai, I asked about a picture I saw of him in the *Ontario Gazette* after his call to the bar. He was happy and allowed me to record his response:

Everywhere I went, everyone knew me. Yes, it’s important. At the end of the day when I did my call to the bar, when I left I found out about my picture in the *Ontario Gazette*, “Oh that’s me.” Actually, when I tried to find the address after I saw the story, I saw the picture in the *Law Times*. I was bugging them. When I finished they were like, “Thank God, this person is done.” It’s well and good, it was publicity right there, and every lawyer needs that.

Garikai is now in practice as a sole practitioner, and hopefully the free publicity assisted him in finding clients. I have sent a few clients his way. I realize we have developed a long term networking relationship! That is, I learned the equally big challenge of
understanding what my contacts—in this case Garikai—were looking for so I could send good things their way (Baber & Waymons, 2007, p. 33).

Naomi spoke of putting away pride and volunteering to get “Canadian experience.” She said she knew foreign trained lawyers who were licensed and still could not get jobs. She even referred to her faith in God because this process would put you over the edge. “Network, network, network,” she stressed, and emphasized:

Put pride aside and volunteer, get that Canadian legal experience because I know foreign trained lawyers [who were] called to the bar and practiced but they cannot get a job. Volunteer, build experience, network, network, network, and apart from that, (have) faith, believe in people; don’t let your faith be shaken in this process. If you believe in God, continue to believe in God, because this thing (process) will send you over the edge.

Pierre shared that he was doing something about the dilemma of foreign trained lawyers. He also stressed how important networking was and spoke to how important it is for foreign trained lawyers to participate in this licensing process. He also shared that he has developed a program to help mainly Francophone immigrant lawyers participate in the lawyer licensing process. He had this to say:

I’d like if I had the opportunity and actually I do it already…anytime I get the opportunity, to stress to people like me, who are new in this country, how important it is to go through this licensing credentialing process and to stress the importance of networking in Canada as I’ve already said. I started a very useful program at the Faculty of Law, we call it the pre-law program, and if you know people in Toronto where you live, who just came to Canada and have all the credentials to be admitted at the Faculty of Law (let them know about it). We got a program set up last year; we got good funding from the justice ministry. One month before the start of the academic year, we gather these people here and we try to teach them and provide

178 The University of Ottawa Prelaw Program aims to help new Francophone or Francophile immigrants who have little or no previous academic training in Canada. It is the first of its kind in any Canadian law school. It is the first of its kind in any Canadian law school. Although most candidates begin law school with outstanding academic results, the lack of familiarity with the Canadian legal and political systems combined with many other factors can be difficult barriers to overcome. Retrieved from http://www.commonlaw.uottawa.ca/en/news/common-law-section-news/the-university-of-ottawas-prelaw-program-receives-$120000-grant.html
them with all the information to be successful through their degree program here and also to be successful in finding articling positions, finding the job. So we have our first class. They are doing really wonderfully, and all professors are in fact saying it’s the first time that [they] have [seen] immigrants doing very well like this.

This was exciting to learn about and inspired my determination to complete this research project. There is light at the end of the tunnel!

The last participant whose comments I determined spoke to a lack of networking opportunities, were Maria’s. She was the only East African participant and felt as a result that it was a very lonely process. Not to mention she lives in Northern Ontario.

She wishfully stated:

I would wish that there were more lawyers from East Africa. For me the greatest challenge [was that] there was nobody, no one from East Africa that I could say…not even specifically from Kenya. I think there was only one lady from Kenya who became a lawyer in the last 10 years; so there was no one I could ask, “What is the process like being a Kenyan and getting credited?” It’s more like pioneering the whole process. Every corner was an unknown road. I wish there were more. Possibly could mean there are not many East Africans coming to Canada.

In response I told her that I’d met a number of Kenyans in Ontario (mainly at church), but as far as I knew, they were not foreign trained lawyers. I shared with her that the NCA website had a document that showed statistics from 1999 to 2009,¹⁷⁹ which it seems is no longer available online. (I emailed the NCA twice to ask for the original documents but never received a response).¹⁸⁰ I told her, I saw only one Kenyan listed in the document. I told her when I started the NCA process in 2006, there were


¹⁸⁰ Email from Researcher to Lynn Allenby, Assessment Coordinator, National Committee on Accreditation, dated November 4, 2013.
only three Zimbabweans and now there are nine and in process. Only four have gotten
the COQ; thankfully I’m one of them. I continued to share with her that through this
thesis research process I have learned of, found, and interviewed three other
Zimbabweans—two women (Farai and Tapiwa) and a man (Garikai). I told her Garikai
went through the process pretty fast, he was single and now had own practice; Farai
was going through the process currently; and Tapiwa went to the University of Ottawa
as an NCA student and was currently practicing. I also shared with her that the majority
of foreign trained black lawyers I have met are from Nigeria.

10.2.6 Previous Experience/Type of Exams and Other Factors

The last final thoughts and recommendations came from Peter, Charlotte, and
Tapiwa and covered a variety of issues; hence, the general category covering
discounted previous experiences, the type of exams, and gender in law firms. Charlotte
plainly said the licensing process should consider other factors. It should not just be
about money. She also spoke of how the different backgrounds, be it race, age and
family circumstance, should be looked into. She stated:

I’ll just say they should consider other factors, not just the money. It shouldn’t be
about having more students and making more money. It should be to give people a
fairer opportunity so they are able to make [a] life. Many come from different
backgrounds where they may have gone through so many traumatic things, so you
must be more relaxed to go into your area of study. When you come here, you have
all the odds against you, you have financial worries for family here, family back
home, you have to work here and support them. So you are not the same like young
Canadian kids who come from high school or from college and they went on to do
law. [You] really have nothing, you know. That demand for money is not on them,
you know.

You know, as Africans, you come, you have your Mum, your Dad, so you cannot
come here for two, three, seven years - you cannot sit here and [then] you are not
doing anything or [just say] you are studying law. How are you going to eat? You
have your kids, you have your family. They need to do things to expedite us going
into our professions and make you self-sufficient, [rather] than dragging you all over
this place here and there and you feeling so frustrated and all those kinds of things.

I emphasized what she said about coming from one trauma to more traumas.

Liberia had gone through a traumatic civil war. I thanked her and told her I appreciated
the fact that she and everyone (the participants) brought different insights, and there
was lots of good information for LSUC and NCA to make changes. I acknowledged that
they have made some changes, then she responded stating that those changes don’t
favor those of us who have already gone through the licensing process. She then made
recommendations regarding an alternative way of being evaluated for the LSUC bar
exams. Charlotte had to withdraw from the licensing process because she was not
successful in the bar exams. She commented on the suggested process as follows:

Those changes don’t favor us who’ve already gone through the process. Say for
instance regarding the examinations, if we can be given a choice of how we want to
take the examination, [it] could be:
1) If you want to study on your own, like it is now, and by going to sit an
examination at the testing hall to and write your examinations in 2–3 days, let
that be your choice.
2) Or alternatively, you can go to a professor and be tutored for 2–3 weeks in a
particular subject area and then go and write your examination. You get your
grades, then move on to the next level and subject area.
This way somebody can take 2–3 months to do their Barrister exam. I would
choose to do both Barrister’s and Solicitor’s in 4–5 months. It would allow one to
do like doctors do “residence,” so I can go to court. I would still get the same
result like the person who did it in 2–3 months. I would get the same result; this
would help accommodate us who are older with family obligations.
But they want you to study everything criminal law, everything civil litigation, and
sit an examination and complete it in three and a half hours’ time.

The current bar exams consist of two 7 hour multiple choice examinations. The
examinations are the Barrister’s and the Solicitor’s, and one sits each one in a day.
There is a morning session for three and a half hours, candidates have a break for
lunch and come back for an afternoon session for another three and a half hours, hence
the total of seven hours each. Charlotte’s suggestions are feasible. Further discussion
and debate would facilitate the implementation of an alternative exam process.

Currently, the LSUC has introduced an alternative articling process, namely the Law Practice Program, so why not an alternative exam process? In fact, colleges and universities have altered admission processes to accommodate and ensure processes that are more equitable. The EvoLLLution, Illuminating the Life Long Learning Movement, has stated:

The College Board, admission office websites and others, colleges and universities have been altering their admission policies in order to allow Non-Traditional students a more attainable approach to their college education leading to a degree. This is due to many factors:

- Having a learning disability
- A pronounced learning style that leads to lower than expected scores on multiple-choice bubble tests
- Problems arising from a student speaking English as their Second Language
- Being educated abroad or in a school that de-emphasizes standardized testing.  

In fact, prior to 2005, the bar exams in Ontario did not consist of multiple-choice questions at all. Older students, who are commonly referred to as non-traditional students, have experienced difficulty with multiple choice bubble tests; I have discussed this in chapter 5, section 5.2.2. As Ajani (2011, p. 113) stated, educational institutions


Frank Palatnick is the UN Advisor of Global Education, International Agency for Economic Development. Every year new colleges are becoming more holistic by making standardized entrance tests optional. As well as undergraduate schools, there are graduate schools that are getting on the bandwagon. For the same reasons that the undergraduate schools are making entrance tests optional, the graduate schools are making GRE (Graduate Record Exam) and other graduate entrance exams optional.
such as the NCA and the Law Society are not always well equipped to meet the needs of a diverse student population.

Participants in a postsecondary institution conform to specific norms that have accrued over time, and individuals who enter the organization simply must learn those norms. In effect, a standard is set, and successful socialization is defined by the ability of the individual to internalize, accept, and meet that standard. (Tierney & Bensimon, 1996, p. 13)

As I mentioned in chapter 5, I would argue that the Law Society of Upper Canada, like many postsecondary institutions of higher learning, expects that foreign trained black lawyers as participants in the licensing process must conform to “specific norms that have accrued overtime.” I would suggest, however, that there must be recognition of different learning styles and abilities, and as there are accommodations for physical disabilities, an effort should be made to accommodate different learning abilities, age, and family circumstances.

Peter’s final comments centered on the NCA and the courses students were required to take as well as the fact that previous experience did not seem to be considered. He spoke of the inconsistency related to the type of exams NCA students are asked to write, often being courses Canadian law school students are not required to take. He gave the example of “Family Law” and acknowledged that Family Law may actually be beneficial in light of the bar exams. He said:

One thing that people complain about is that you are asked to take courses that Canadian law schools don’t force you to take, i.e., Family Law. I do think it’s a blessing in disguise, I think backing away a bit, in the long term, [it would be better to have the extra courses], especially with the expense, for persons’ betterment. They’ve added courses I think on Ethics and Foundations of Canadian Law; that’s ridiculous. It’s a silly course if one is from a common law jurisdiction. You already have foundations, unless you are from a non-common law jurisdiction; [then] I could maybe understand. Regarding the Ethics course, I have not heard much about it. If it’s taught from a theoretical standpoint, then it’s useless and a waste of peoples time; but if it takes (into account) the Ontario Rules of Professional Conduct and
bases the course on that, then it is a blessing in disguise for the bar exams because you need to do professional responsibility for the exam.

The English system takes [into] account what you have done, you don’t need to go back [and start from scratch]. The same thing in the Caribbean, you do six months [to qualify].

The lack of transparency and inconsistency with the NCA was discussed in chapter 5 section 5.2.1. The new administration at the NCA have brought some changes, including access to information on the NCA website; however, as some of the participants are currently in the process, the findings still support the finding that the NCA is not transparent and consistent.

The last participant who shared her final thoughts was Tapiwa. I asked her if her gender caused any issues because she said the firm she worked for was all male. She brought an interesting dynamic about the reaction she received from female lawyers when she revealed she was expecting a child at a firm where she summered. She described her problem as follows:

You know where I have problem, not so much with gender, but because of having children, you are perceived you won’t commit as much to the firm workload. The male-female thing didn’t matter; they just want someone who can produce, so [they are concerned] if something comes in the way, like children. You know what, the problem didn’t come from men, but from women lawyers. Can you imagine, you’d think women lawyers would be more understanding but no, my experience was quite the opposite. The firm I article at, the reason I didn’t get hired back I believe was because I’d recently had twins. I summered there and after that, I got pregnant. Summering they liked me, when I came back to article, you could see things had changed. The department I wanted to work in, they were as cold as fish. It was a bunch of women. I don’t know why. I could only put it down to the fact that they knew now that I had young children and would not be able to commit as much. Then they hired another little female who had no children. The normal thing is two kids; the moment you say four, people want to jump out of their skin [laughs]. How many kids do you have?

I told her I had two children and she responded, “So you haven’t felt that.” I assured her I came from a family of four siblings. She then said:
I come from a family of six. But we grew up at a time in Zimbabwe where big families were normal. I had two kids for the longest time. I had no idea, the doctor who treated me after the twins were born, asked me if I had started getting the stares yet because she had four kids herself. I haven’t experienced gender discrimination, but discrimination based on the number of children I have. Law firms can be sweatshops.

Her family circumstance was held to be a liability not by male lawyers, which is what I would have expected; but to have that reaction from female lawyers because she had four children, that surprised me.

10.3 Summary

In this chapter, I presented the final thoughts and recommendations that the participants had as we concluded the one-on-one interviews. The responses were quite illuminating and in many respects supported the findings that emerged in the last five chapters. I indicated why I included them in this chapter and how they related to the findings of the last five chapters. I gave a summary of the final thought and recommendations and then discussed them in the headings presented in the summary. I linked the final thoughts and recommendations with the major findings where relevant. In the next and final chapter, I give an overview of my research project. I give a summary of the theoretical framework, literature review, and research design. I then give a summary of the major findings, including the final thought and recommendations of the participants. I will then discuss some surprises and limitations. Finally, I will state a few recommendations and conclusions, share implications for action, and make a few suggestions for recommendations for further research.
Chapter 11
Recommendations and Conclusion

In this final chapter, I give an overview of this research project. I briefly restate the research question and then give a summary of the theoretical framework, literature review, and research design. I then summarize the major findings, including the participants’ final thoughts and recommendations. I then discuss some surprises and limitations. I then state a few recommendations and conclusions, share implications for action, and make a few suggestions for recommendations for further research. I then give a final summary and conclusion.

11 Summary of Research Thesis

This study examined the experiences of foreign trained black lawyers navigating the National Committee on Accreditation (NCA) and the Law Society of Upper Canada (LSUC) lawyer licensing process in Ontario. Foreign trained lawyers are part of the group of new immigrants who choose to make Ontario their home. This research looked at how welcoming the province is for those black “lawyers” who are motivated to pursue legal credentialing in their new home so that they can practice in their desired professional field.

Prior to this study, no research conducted exclusively on foreign trained black lawyers had been empirically documented in Ontario. However, a recent report prepared by the Law Society of Upper Canada (LSUC) showed that there has been a vast increase in racialized women in Ontario becoming lawyers. Black women are graduating in larger numbers from Canadian law schools, and I seek to contribute to the body of knowledge by documenting the experiences of foreign trained black women and
men lawyers. I also hope that this research will work as a source of inspiration and a means of sourcing much needed funding to help foreign trained black lawyers better and more effectively maneuver the credentialing process as well as secure articling positions and higher earning positions in the future.

The Racialization and Gender of Lawyers in Ontario\textsuperscript{182} executive summary ends by stating:

The future will bring an increasingly diverse legal profession. Profound demographic changes will challenge the profession to achieve corresponding cultural change and equity within the profession.

This research could assist in bringing academic credibility and in enhancing in my mind the transformative-emancipatory paradigm (Mertens, 2003) related to the issue of foreign trained black lawyers and their credentialing experiences into the Canadian legal community.

11.1 Research Question

The major research question addressed in this project was:

Are foreign trained black lawyers in Ontario disproportionately challenged by the NCA/Law Society of Upper Canada (LSUC) credentialing and licensing process?

Answering this question was accomplished through an online survey that I developed and conducting one-on-one participant interviews. In order to get to the depth of issues and to clarify the gaps identified in the literature review, I came up with four sub-questions:

\textsuperscript{182} Racialization & Gender of Lawyers in Ontario – NEW Report from the Law Society for Upper Canada (April 2010).
1. What factors contributed to the challenges of foreign trained black lawyers in Ontario as they navigated the NCA process? [This was accomplished through a literature review, examining Critical Race Theory and integrative anti-racist theory and conducting participant interviews].

2. How does the legal community/law schools/Law Society in Ontario assist NCA students’ education process? [This was accomplished through analysis of the online survey data, analyzing participant interviews, observation, and a literature review on Critical Race Theory and integrative anti-racist theory].

3. Do foreign trained black lawyers face undue challenges credentialing in Ontario? [This was accomplished through interviewing participants].

4. What is the impact of the NCA/Law Society in contributing toward and /or dispelling the challenges foreign trained black lawyers face when credentialing in Ontario? [This was accomplished through the online survey/questionnaire, i.e. online Facebook NCA group].

I chose this particular topic to help understand why there are so many foreign trained lawyers doing work that is not related to their qualifications. Our sense of self is inclusive of who we are professionally. In many societies, lawyers are looked to as teachers, advisors, someone people look to for help to advocate and protect human rights. Canada as a world moral leader strongly advocates for human rights, yet ironically the basic right to work is effectively denied because newcomers or foreign trained lawyers lack “Canadian Experience.”

11.1.1 Summary of Literature Review and Theoretical Framework

I am a foreign trained lawyer going through the lawyer credentialing process as well. Considering my own experience and that of those I have met, foreign trained lawyers of all races and descent share many challenges. I chose to focus on foreign trained black lawyers and take a comparative look at black lawyers born and trained in Africa and the Caribbean as well as Canadian born blacks who studied outside Canada.
I believe a discursive theoretical framework was best to help me illustrate the experiences of this group of NCA students as well as help stakeholders in the legal profession understand the experiences of those outside the hegemonic groups. This framework also enabled me to provide the legal profession as a whole with an understanding of the diversity of lived experiences of foreign trained black lawyers and in the process seek ways to address those challenges.

The research employed the following discursive frameworks, critical race theory and integrative anti-racist theory, as theories of contextualizing the issue, to examine and analyze the paradigm shift from being a lawyer in a different foreign legal system to the experiences and perspectives of the process of becoming and being a lawyer in the Canadian context. This study also examined whether or not the issue of social capital is a factor. Some may ask, “Why black lawyers?” I respond, “Because it is my lived experience.” Some may think it is not necessary to focus on black lawyers specifically; however, in George Dei’s (2007) book, boldly titled *Racists Beware: Uncovering Racial Politics in Contemporary Society*, he discusses the impossibility of speaking race today. He looks at anti-racist theory and the lived experience of race in people’s lives. He also discusses the challenge in speaking about race and how that can be dangerous for the individual who is compelled to speak about it. In an article Dei (1999) stated those dangers as follows:

There are academic dangers in speaking and writing race. As Fine et al. (1997, p.x) have observed, the development and pursuit of a critical and oppositional discourse to challenge power and dominance opens oneself to assault, misinterpretations, abuse and denial (Dei, 1999 at pg 20).
It is my hope that my research won’t put me in any danger (Dei, 2007) as expressed above, but will place foreign trained black lawyers’ experiences and ideas at the center of the analysis through the use of a discursive theoretical framework that will clarify and analyze the historical, social, cultural, and economic relationships of people of African descent. I also believe my research will be an invaluable tool to help understand some of the history and culture of black lawyers and how that has contributed to the machinery of labour in the Canadian market. Further using discursive framework will be a paradigm that is grounded in the historical as well as contemporary experiences of foreign trained black lawyers as mothers, fathers, activists, academics, and community leaders—it’s all about empowerment.

A process of de-skilling and re-skilling in professions occurs in Ontario. This is one of the reasons I came to school to pursue a Ph.D. I had been told by the settler agencies helping me that I could never work as a lawyer in Canada. In fact, when I arrived in April 2005, there was no “Career Map for Internationally Trained Lawyers” joining the legal profession as it now appears on the Ontario Immigration website.183 This was only posted in January 2008.

This research led me to read and study my history and my blackness as well as seek out and read about the history of oppression and subjugation to help me look at myself as a black woman and learn about black men in the Western and Caribbean contexts (Amos & Parmar; Autumn, 1984; Aylward, 1999; Bell, 1987; Dei, 1996, 2004, 2005, 2006, 2007; Galabuzi, 2006; Gillborn, 2008; Henry, 1994; Henry, Tator, Mattis, &

As I read, many thoughts raced in my mind. What does it mean to be black in Canada? Can your foreign education save you from poverty? There are too many stories of highly educated people living in poverty in Canada. Is there social equality in Canada?

Much of the literature I read spoke not just to racialization but also to how poverty and economics are linked to race (Anderson, Attwood, & Howard, 2004, p. 125; Asante, 2003; Bell, 1987; Dei, 1996; Galabuzi, 2006; Henry, Tator, Mattis & Rees, 1998; hooks, 2004; Mensah, 2002; Osborne & Sandford, 2002).

There is much research on racism in education (Gillborn, 2008; Taylor, Gillborn, & Ladson-Billings, 2009) that has raised questions regarding racism in the classroom and systematic racism in institutions and society. One article focused on the institutionalized process of social nullification of lawyers of colour and racialized immigrants with foreign legal degrees (Foster, 2009). Lorne Foster (2009) referred to an event the Canadian Association of Black Lawyers (CABL) held where they stated the historical context of black lawyers in the profession in Canada as follows:

In January 2005, members of the CABL examined the historical evolution of race relations in the profession, approaching the 120th anniversary of Delos Rogest Davis breaking the colour-barrier. The event was attended by approximately three dozen young lawyers who gathered in Toronto to specifically address what they viewed as a collective problem of “articling placements and post-call hiring”—the catch-22 barriers preventing them from practicing the type of law they want and, in some cases, driving them out of the profession. Many licensed lawyers in the Black community, for instance, feel shut out almost entirely from corporate and commercial law, which accounts for about 65 per cent of new jobs (Tyler, 2005). In the supportive and reflective environment of the seminar, some wondered aloud if senior partners of law firms are worried big business clients will feel uncomfortable having

too many members of visible minorities sitting in on meetings and orchestrating their
deals, or just can’t picture them in that setting. Meanwhile, although there are more
than 38,000 lawyers in the province of Ontario, less than 2% are Black and there are
just four Black partners at major Ontario law firms—a number counted on one hand.
Across Canada, there are less than 25 Black judges at all court levels. And there are
only about 10 tenured law professors at 21 law schools in Canada. (Foster, 2009, p.
200; Tyler, 2005)

This is very telling and illustrated the concern black lawyers already in practice have
regarding the influence of race in their professional growth and experience. My findings
show that it was important for me to conduct this research so we can document the
lived experiences of foreign trained black lawyers.

The theoretical framework I chose included two theories, namely critical race
theory and integrative anti-racist theory, which speak to the experiences of the group I
studied. Both theories spoke to me and I believe that the intersectionality of the theories
helps to contextualize my experiences and the experiences of foreign trained black
lawyers. The issue of intersectionality can be defined as “to understand the interlocking
relationships among race, class, and gender means incorporating an analysis of power
(including state power), labor, material domination, and the formation and expression of

My story and the stories of other foreign trained black lawyers’ experiences are
unique. The two main theories speak to the different experiences that make up my life
story and experiences, and I believe they can work together to help analyze and explain
the challenges and perceptions foreign trained black lawyers face seeking accreditation
in Canada.
11.1.2 Summary of Research Design

I chose a mixed method design to triangulate and validate my research. I also chose a transformative-emancipatory paradigm in my mixed methods. I speak to this paradigm more below. Mixed methods consist of mixing qualitative and quantitative data. I mixed collecting qualitative and quantitative data. Qualitative data deals with descriptions and data that cannot be measured, whereas quantitative data deals with data that deals with numbers and can be measured.\footnote{Qualitative vs. Quantitative Data, retrieved from \url{http://regentsprep.org/REgents/math/ALGEBRA/AD1/qualquant.htm}}

I believe the benefits of a mixed method research design allowed me to combine the inclusion of quantitative methodology insofar as it can empirically support my qualitative research in relation to fully understanding the credentialing experiences of foreign trained black lawyers. Since the experiences are not just one individual’s story but those of numerous individuals and cover a plethora of issues, mixed methods would help in the analysis of the issue. The credentialing experiences are not just from an individual foreign trained black lawyer’s perspective alone but among other things include social, political, and economic issues as well.

In particular, I chose to use a survey to collect both qualitative and quantitative data, and followed up with one-on-one interviews to collect further qualitative data. To collect the data, I designed an online survey using Survey Wizard 2, an OISE survey design tool.\footnote{Education Commons, Ontario Institute for Studies in Education of the University of Toronto} I designed an interview document and conducted one-on-one interviews to collect qualitative data. As I conducted the interviews, I wrote comprehensive field
notes and recorded the interviews. In analyzing my findings and identifying themes, I listened to the interviews and carried out selective transcription to fill in the gaps in my comprehensive field notes. Mixed methods enabled me to appropriately answer the major research question and sub-questions addressed in this project.

The research study I conducted was based on phenomenology to help make sense of the experiences of foreign trained black lawyers in Ontario. I used phenomenology to describe the experiences of the individual participants in the study and by analyzing the meaning of statements the participants made to understand their view of their experiences.

I was aware even as I determined what methods to use to design and conduct my research that there has been debate regarding research epistemologies and whether or not they are racially biased (Scheurich & Young, 1997). They state at (pp. 8–9) of their article that:

Epistemological racism means that our current range of research epistemologies—positivism to postmodernisms/poststructuralisms—arise out of the social history and culture of the dominant race, that these epistemologies logically reflect and reinforce that social history and that racial group (while excluding the epistemologies of other races/cultures), and that this has negative results for people of color in general and scholars of color in particular. In other words, our “logics of inquiry” (Stanfield, 1993a) are the social products and practices of the social, historical experiences of Whites, and, therefore, these products and practices carry forward the social history of that group and exclude the epistemologies of other social groups. But, again, the critical problem for all of us, both Whites and people of color is that the resulting epistemological racism, besides unnecessarily restricting or excluding the range of possible epistemologies, creates profoundly negative consequences for those of other racial cultures with different epistemologies, ontologies, and axiologies.

This statement spoke to me because it showed the different ways of knowing and experiencing research. For example, in the case of the online survey, two participants “resisted” using it and preferred to be interviewed personally one-on-one (although it
was via telephone and both participants resided in Ottawa). I had anticipated that some participants might opt for that, and if I were not willing to adjust and accommodate them, I would have missed out on and excluded their rich, valuable contributions. Their “resistance” supports the African oral tradition of passing information by way of mouth and not using written instruction and tools, whereas Western research epistemologies are grounded in written documentation of research. I also chose to employ the transformative-emancipatory paradigm in my research methods (Mertens, 2003). Mertens (2003) stated “knowledge is not neutral but is influenced by human interests, that all knowledge reflects the power and social relationships within society, and that an important purpose of knowledge construction is to help people improve society.” It was important for me to hear the voices and stories of black foreign trained lawyers, to reflect on their knowledge and experiences and learn what interested and motivated them to pursue this process in spite of the barriers they may have faced; I hoped in the process to improve their family situation and improve society. The quote Martens refers to further states that:

Transformative theory is used as an umbrella term that encompasses paradigmatic perspectives such as emancipatory, anti-discriminatory, participatory approaches, and is exemplified in the writings of feminists, racial and ethnic minorities, people with disabilities, and people who work on behalf of marginalized groups. (Mertens, 2003 p. 139)

This quote resonated with my research because as a racialized female, I felt it necessary to document my story and the story of other black lawyers whose experiences could be generalized to the experiences of other marginalized groups. Many times, I felt isolated in the licensing process because it is a very individualistic process and if one doesn’t seek others out, it can be very isolating and disempowering.
In my view, this research helps build a link and peek into a community that many outside of it know nothing about. As a black person living in the West, you are already marginalized, and this research attempts to bring foreign trained black lawyer experiences to the fore.

This research allowed me to show that all the participants’ views are important; it also showed how their background and experiences inform their view of the credentialing process. This was why it was important for me to include their final thoughts and recommendations in a separate chapter. It further illustrated how they perceive their “foreignness” to help them interpret and construct their reality in terms of what they have or are experiencing, as they do all they can to enter their chosen profession.

The mixed methods design was appropriate and greatly assisted in establishing the validity of my research; nonetheless, I understood that mixing qualitative and quantitative methods of data collection would make it more challenging to analyze and write up the results. The design is complementary and in analyzing the data, triangulation was used to help “increase the validity of constructs and inquiry results by counteracting or maximizing the heterogeneity of irrelevant sources of variance attributable especially to inherent methods bias but also to inquiry bias, bias of substantive theory, and biases of inquiry context.” (Greene, Caracelli, & Graham, 1989, p. 259)

My design also has a developmental aspect to it because the findings in one research question assisted in building and understanding another research question in the context of the theoretical frameworks and gender perspectives of the research. The
use of mixed methods inquiry informed the qualitative or quantitative method in the
different research questions. Since my overall purpose was to understand why foreign
trained black lawyers face the challenges they do in credentialing in Canada, the mixed
methods was the most comprehensive way to understand and explore the question. I
designed an online survey to help me gather data to ensure I had both quantitative and
qualitative data.

11.2 Major Findings

The participants were all foreign legally educated and trained lawyers, some who
had practiced law in the country they trained in and others who were just fresh out of
law school, wherever they studied. They were at different stages of the lawyer
credentialing and licensing process. There were a total of 28 participants. Of the 28,
twenty-three were female and five were male. Twenty-four of the participants completed
the online survey. Of the 24, seventeen participated in one-on-one interviews. Thirteen
participants were female and four were male. Table 5, (please see chapter 4, section
4.3.1) shows the online survey participant profiles, and table 3, (please see chapter 3,
section 3.4) shows the profiles of the participants in the one-on-one interviews.

The five major themes that emerged are as follows: 1) the NCA’s (National
Committee on Accreditation) lack of transparency and consistency in the process of
accreditation, and the Law Society of Upper Canada, specifically the LSUC exams; 2)
Articling in Ontario, focusing on the challenges of securing articling positions; 3) the
Impact of Racism, focusing on disempowerment and discrimination;4) Resilience and
Career motivation, highlighting the participants’ coping mechanisms, sustenance and
support; and 5) Networking, in particular relating to the importance and relevance of social capital in finding suitable work experiences.

The results were presented using various pie charts and tables. A number of themes emerged similar to the categories I identified in the online survey results. This shows that there was validation of the results using mixed methods, which is combining quantitative and qualitative data collection in my design. Out of the 17 interviews I had, 15 completed the online survey, but even the two participants for whom I conducted the survey portion together with the one-on-one session show that the findings were corroborated.

11.2.1 Surprises

I realized I have to be proactive when putting together all the results of this study, as some results have been surprising in some respects and in some respects expected. I needed to make sure I did not have my own biases. I wasn’t sure how responsive people would be in participating and sharing their stories. However, I found after almost all interviews that I would have a hearty conversation with the participant.

One of the surprising findings that emerged regarded issues around health, be it the health of the participant, their spouse or family member or elderly parents. This is also a recommendation for further research. I did not ask any questions about health and wished I had. There has been research documenting the fact that the health of
newcomers suffers after they settle in Canada (Canadian Newcomer Magazine).\textsuperscript{187} It would have been interesting to learn the impact of health on the participant's learning and experience in the process. Only one participant, Karen, mentioned taking up recreational swimming after she failed her first attempt at the bar exam to get her centered and refocused. One participant shared being diagnosed with lupus, and another participant had to undergo surgery for the removal of fibroids. I as the researcher was diagnosed with type 2 diabetes and that helped me understand my challenge reading the bar materials and why my eyesight would suffer. My husband was also on dialysis throughout much of my process and was blessed with a kidney transplant just when I was about to article.

Comments the participants made on race and accent surprised me too. I did not expect that the majority of participants' emphasis would be so much on being a “foreigner” and that race was not a factor in their interpretation of their lived experiences as racialized lawyers. Was I the only one who thought race was a factor in my life? An analysis of the responses, however, comforted me to know that I was not alone. Naomi, for instance, was quite vocal in her belief that race mattered.

11.2.2 Limitations

Some may say one of the limitations to my research was that it focused on black foreign trained lawyers only. But that was deliberate. Much research focuses on the

experiences of foreign trained professionals generally but not on the experiences of black lawyers specifically.

The fact that I as the researcher knew some of the participants personally may suggest bias. However, there was a snowball effect in identifying participants. The participants passed the survey on to people they knew in their network. It was wonderful to see that about half the participants were unknown to the researcher and participated as a result of a notification they received from CABL, Facebook NCA Group, or other participants.

11.3 Recommendations and Conclusion

Below are the recommendations and conclusions I garnered through my research. I present them in the order of the themes.

11.3.1.1 NCA and LSUC

Those participants who took their NCA exams at a university were better exposed to information about the licensing process including timelines for applying for articling or registering in the LSUC lawyer licensing process.

The lack of transparency and inconsistency with the NCA was discussed in chapter 7. The new administration at the NCA have brought some changes, including access to information on the NCA website, but as some of the participants are currently in the process, the findings still support the conclusion that the NCA is not transparent and consistent.

The NCA/LSUC process is a post-secondary experience. Thus, after the NCA specifically, there should be a graduation ceremony where family and friends can celebrate your achievement. There are lots of emotions, investment, and time spent in
the process, and closure is needed. I recall for myself how nerve wracking it was waiting to open that envelope of results!

An NCA Association could be established with funding support from legal stakeholders in Ontario, i.e., the Government of Ontario, law firms, law schools, and individuals. The Association could also offer mentoring services from the pool of NCA alumni. Some activities could include continuing legal education courses such as “Networking 101.”

NCA students enrolled in courses at law schools should be included in career services and on campus interviews for summer and articling positions. Inclusion should be more than lip service, and foreign trained lawyers seeking to join the profession should be included as much as possible from the early stages of the credentialing and licensing process.

For NCA students taking challenge exams on their own, there should be special “on campus” interviews at possible venues such as the LSUC, for summer and articling opportunities.

The NCA is seen as a separate untouchable body yet; it is a committee of the Federation of Law Societies and should make their members more aware of the existence of the body and potential pool of candidates for legal practice.

With the shortage of articling positions in Ontario, the Law Practice Program has been introduced, so why not consider introducing alternative bar exams to have an equitable evaluation of the skills and competencies in non-traditional learners who do not have experience participating in multiple-choice bubble tests? The LSUC, like the College Board, could alter admission policies to allow non-traditional students a more
attainable approach to their legal education leading them to become licensed lawyers.

This may be due to many factors:

1. Having a learning disability
2. A pronounced learning style that leads to lower than expected scores on multiple-choice bubble tests
3. Problems arising from a student speaking English as their Second Language
4. Being educated abroad or in a school that de-emphasizes standardized testing.168

11.3.1.2 Articling in Ontario

Students need more accessible information about timelines for applying for articling positions and registering in the lawyer licensing process at the time that they are accepted into the NCA process. I would recommend that there be NCA student specific “on campus” interviews. That would be one way to combat lack of awareness regarding timelines as well as give NCA students an equitable playing field in seeking legal positions. In light of the new Law Practice Program, raising awareness of the requirements would help those who have to participate in the alternative articling program. The NCA and LSUC could also actively raise awareness and open up


Every year new colleges are becoming more holistic by making standardized entrance tests optional. As well as undergraduate schools, graduate schools are getting on the bandwagon. For the same reasons that the undergraduate schools are making entrance tests optional, the graduate schools are making the GRE (Graduate Record Exam) and other graduate entrance exams optional.
opportunities for articling in other parts of Ontario, i.e., Northern Ontario, and make candidates aware of those opportunities.

11.3.1.3 Impact of Racism

The fact that many did not or could not name racism for what it was but preferred to use words like “foreigner,” “immigrant,” or “foreign trained” instead, helped establish the idea that systemic racism in education is a factor. Lorne Foster’s (2009) article examines the institutionalized process of social nullification of lawyers of colour and racialized immigrants with foreign legal degrees. The abstract of his article states:

This analysis will deconstruct the legal profession as a cultural force that justifies the discounting of credentials and accreditation blockage imposed on lawyers of colour as a market contingency, rather than a political action. Through this deconstruction, the study will demonstrate how the practice of Law in Canada valorizes diversity at the same time that it actively suppresses it, by providing racialized lawyers equal access to the profession but not access as equals. The key public policy hypothesis of this work is that in a globalized society that strives to be as inclusive as possible, it is vital that a profession like the Law begin to make sense of its own diversity challenge beyond its narrow status as a labour market issue.

Cultural competency training should be recommended for all in the legal profession, working with culturally different employees, and not just for white lawyers but for racialized lawyers as well, who may be from different cultures (Laroche & Rutherford, 2012). This could be a “highly recommended” course designed for continuing professional development.

11.3.1.4 Resilience and Career Motivation

All the participants in the one-on-one interviews expressed vividly how their resilience through their faith sustained them, how it was a major factor in their lives, and
Religion plays a very important role in African and Caribbean women’s lives. It gives them hope and comfort while also influencing many other aspects of their daily lives and activities. (Tharao, Massaquoi, & Telcom, 2006, p. 15)

Their faith, resilience, determination, family support, and career motivation as well as passion for their profession strengthened and motivated them in this credentialing and licensing process.

11.3.1.5 Networking

Firstly and most importantly, networking, networking, networking, is a key to success in the lawyer credentialing and licensing process. Networking in the articling search was important. Networking is a skill many people do not have, so I recommend that there needs to be an assurance of cultural safety first so that more NCA students take opportunities to join existing legal associations and network.

I would also recommend as suggested by Farai and Anita that an NCA Association be formed that would include mentoring as a key component. I would suggest it be a section of the already existing Ontario Bar Association or the Canadian Bar Association.

Develop affordable programs to help foreign trained lawyers participate more effectively in the lawyer licensing process. Programs such as the University of Toronto International Program are expensive for the large number of foreign trained lawyers who are for all intents and purposes living in poverty. Speaking for myself, I would not have been able to participate in their bar preparation course if I had not been able to seek a
bursary to help me attend. The above are some of the recommendations and conclusions I garnered from this research.

11.3.2 Implications for Action

One of the implications of my research is that there may be resistance from key stakeholders based on race or what Foster (2009) terms “biological differences” that result in the institutionalized process of social nullification of lawyers of colour and racialized immigrants with foreign legal degrees.

A discursive framework focusing on the intersection of critical race theory and integrative anti-racist theory, which is composed of eight main elements, can be seen to have permeated the experiences of foreign trained black lawyers credentialing in Ontario (Samuel, 2005). The eight elements of integrative anti-racism are the process of articulation of social differences through race, gender, and class; personal experiential knowledge; differential power and privilege; the questioning of white privilege; critiquing Eurocentric knowledge; multiple/shifting identities of the minority group; inclusivity; and a holistic approach. The findings show that those elements were present throughout the experiences of the foreign trained lawyers in this study. Generally the single participants, be they male or female enjoyed the experience, namely Garikai and Emilia. They went through the process fairly smoothly in spite of the challenges they may have expressed. Participants with spouses and children or single parents had more challenging experiences juggling family life and study, be it taking care of their children or managing their emotional well-being after going through a marital breakdown, as was the case with Charlotte and Pierre.
The majority of the participants in this study were women. Gender inequality must be considered part of the social context of adult education, whose policies, practices, and customs will necessarily have a gendered character (Youngman, 2000, p. 148). Youngman further espouses that the political economy approach seeks to explain why people are mobilized or oppressed in terms of ethnic identity, and it assists in focusing on the contexts in which these processes occur (Youngman, 2000, p. 153). I agree with Youngman’s statement as follows:

Ethnicity and race are important explanatory variables of the social inequality in peripheral capitalist societies. Ethnic and racial hierarchies have an impact in terms of differential access to economic resources, political power and social status. They are accompanied by ethnocentric and racist ideologies which legitimate patterns of superiority and inferiority; they are influential in the composition of the state, and affect the nature of development policies. Ethnicity and race therefore have implications for adult education policies, practices and outcomes, and must be examined as part of the overall analysis of the social inequalities that impact on adult education. (p. 153)

One of the major implications of this suggests that education will create a more equal society and will impact educational policy much as it has in capitalist nations. Youngman contends that there hasn’t been much mainstream research regarding the question of social inequality on adult education. “The role of adult education in reproducing and/or undermining social inequality has not been extensively researched in the context of peripheral capitalist societies.” (p. 156)

It may be a great challenge to make use of adult education curriculum that is designed using a political economy framework to address legal credentialing education.
As Youngman (2000) aptly puts it, making use of Gramsci’s\(^{189}\) theory that states that the dominant ideology is never totally hegemonic and uncontested, adult education has the potential to undermine the legitimacy of dominant ideas and promote an alternative system of ideas and values—a counter hegemony (p. 158).

I believe that change is possible and the dominant ideas that oppress racialized people need to be challenged and resisted. Adult education is not perfect; it can also reproduce inequality, particularly in relation to class, where, as Youngman (2000) states, conflict seems to favour the dominant classes to contain the opposition from subordinate classes. In this thesis, I deliberately left out class because it is a broad issue.

Canada as a world moral leader that strongly advocates for human rights, effectively denies new immigrant professionals the right to work in their chosen professions because they lack what is termed “Canadian experience.” A current research project (Sakamoto, Chin, & Young, 2010) speaks to this concept of Canadian experience and the employment challenges of skilled immigrants to Canada. The Ontario Human Rights Commission recently made a policy stating that “employers who demand Canadian work experience are discriminating against potential employees.” The insistence, therefore, on Canadian experience before hiring someone would be a violation of the Ontario Human Rights Code.\(^{190}\) I must say the term


“Canadian experience” is interesting because, having lived in many different countries, I had never heard such a term. In the USA, for instance, I never heard of the term, “American experience,” and when foreigners came to work in Zimbabwe or Botswana, I never heard the term “Zimbabwean experience” or “Tswana experience.” In fact, in Zimbabwe and Botswana, foreign experience was valued and called “expatriate experience.” Then again, there were often racial connotations to that term “expatriate.”.

I always thought experience was experience. I knew entering professions in a new country, as I stated in my introduction, could be a challenge because professional integrity would need to be maintained. It continues to be a struggle, though, more often than not, and is not a smooth ride!

Canada welcomes us as newcomers, immigrants, and foreign skilled workers to help build the Canadian economy. We are not here to live off the social assistance system but to participate as full intellectuals, as many of us did in our home countries. Many of the FTBL from Africa are considered part of the intellectual brain drain from the continent. We contributed to the development of Africa and for a variety of reasons


On July 15, 2013, the Ontario Human Rights Commission (OHRC) launched a new policy on removing the “Canadian experience” barrier. This policy states that a strict requirement for “Canadian experience” is discriminatory and can only be used in rare circumstances. In a statement, the OHRC said, “Employers and regulatory bodies need to ask about all of a job applicant's previous work—where they got their experience does not matter. The policy also tells employers and regulatory bodies how to develop practices, policies, and programs that do not result in discrimination.”.
found ourselves in Canada. Canada openly embraces cultural diversity and multiculturalism, at least on the provincial and federal government levels. However, there seems to be a disconnect when it comes to companies, firms, and in some cases government offices and human resource personnel on the ground, in terms of newcomer employment hiring practices. Too often, the resume is what kicks you out of the running for a position. However, even hegemonic Ontarians—law students educated in Canada— are having challenges securing articling positions.

Another implication of this study is that information needs to be adequately distributed to lawyer licensing candidates about sources of funding from organizations such as Maytree Foundation for professional licensing. The NCA could develop links with local banks, much in the same way law schools do to give students access to lines of credit and or scholarships. NCA students (with the seeming exception of Charlotte who did her NCA at Western University), are not eligible for the Ontario Student Assistance Program (OSAP), but why not? NCA students are paying fees either to the NCA and/or law schools. Moreover, the NCA is a part of the Federation of Law Societies, which arguably is a post-secondary institution, a fact recognized by other government agencies such as the Ontario Disability Support Program (ODSP).

11.4 Recommendations for Further Research

I have several suggestions for further study after conducting my research.

One of the first things that may be of interest to study is to look into the concept of “fit and colour” in hiring in the legal profession, in particular examining the relationship between colour and fitting in.
Another possible area of study could be looking at the learning styles of foreign trained lawyers. One thing that also would be of interest to study is the professional success and progression of the participants in this current study, after an additional five years in the profession. “Where are they and how are they doing now?” It would be a follow up because everyone is at different stages; it would be fascinating. It would be interesting in light of Foster (2009) and Pierre’s comments that many racialized lawyers cannot secure positions in the big law firms and inevitably end up practicing as a sole practitioner. Of course, some choose to do that, but some are forced into it.

One recommendation for further research that was mentioned above under surprises is a recommendation for further research around issues of health. I did not ask any questions about health and wished I had. There has been research documenting the fact that the health of newcomers suffers after they settle in Canada (Canadian Newcomer Magazine). It would be interesting to learn the impact of health on the participant’s learning and experience in the lawyer credentialing and licensing process. Research has been conducted on race and well-being and speaks to the activism of African Canadians, critically examining how race impacts health and well-being (James, Este, Thomas Bernard, Benjamin, Lloyd, & Turner, 2010).

Another suggestion for further study would be the faith and spirituality of other races and peoples undergoing the lawyer licensing process in Ontario—for instance, Asian, First Nations, South Asian and White, NCA, and LSUC candidates.

---

I would also be bold enough to suggest that the Law Society of Upper Canada look into the licensing process and see how they can improve the learning experience of foreign trained lawyers who are non-traditional learners. Given that they have already obtained a law degree in another country, we can safely assume they are indeed non-traditional learners. The Law Society of Upper Canada, like many postsecondary institutions of higher learning, expects that:

Participants in a postsecondary institution conform to specific norms that have accrued over time, and individuals who enter the organization simply must learn those norms. In effect, a standard is set, and successful socialization is defined by the ability of the individual to internalize, accept, and meet that standard. (Tierney & Bensimon, 1996, p. 13)

I would argue that there must be recognition of different learning styles and abilities, and as there are accommodations for physical disabilities, there should be an effort made to recognize different learning abilities. Like the advertisement goes, “Disability does not mean inability.”

11.5 Final Summary and Conclusion

In this final chapter, I gave an overview of this research project. I briefly restated the research question, then gave a summary of the theoretical framework, literature review, and research design. I summarized the major findings, including the participants’ final thoughts and recommendations. I then shared some surprises and limitations. Finally, I stated a few recommendations and conclusions, shared implications for action, and made a few suggestions for recommendations for further research. I’m glad I did this thesis research project. I met many people passionate about law and fighting for their rights. It was an amazing experience interviewing the participants, and I am so grateful for their openness and willingness to participate.
It was interesting that some of the participants, particularly those I’d never met personally, wondered why I was doing this research. For instance, Farai thought my research was initiated by the University of Toronto as an institution and not by me as a Ph.D. candidate. I explained to her that it was my own Ph.D. thesis. I had many rich discussions with a number of participants after the official interview was over, in part because some were comfortable with me and had the need to share other things that were going on. On a few occasions after switching off the recorder, I’d have to switch it on again, with their consent of course, as they had something pertinent to say regarding the last question: “Is there anything else you’d like to share about your experience?” I would say I made some friends along the way.

When I embarked on this research journey, I envisioned it would be grounded in the historical as well as contemporary experiences of Black lawyers as mothers, fathers, activists, advocates, academics, and community leaders. It has also been about empowerment for me and the participants—not just because of the challenges but also because of the successes of black lawyers in Ontario. We inspired each other and hopefully others who read this thesis will be inspired by our experiences too. I wanted to document and raise awareness generally in the community but specifically in the legal community—the Judiciary, private practice, and government—to promote equitable access into the legal profession for foreign black trained lawyers in Ontario. I wanted to encourage ongoing commitments to provide support and articling positions for all NCA students. After all, we too are Canadians, eh?

When I left Zimbabwe in August 2000, I never dreamed I would experience and grow as much I have academically, personally, and emotionally. I often remember a
book my father gave me as a parting gift titled *Women of Influence, Women of Vision: A Cross-Generational Study of Leaders and Social Change* (Astin & Leland, 1991). My father paid me, his only daughter, one of the best compliments when he told me he thought I was a woman of vision. The book speaks to the experiences of women scholars and their achievements in leadership in higher education. At the time, I really didn’t see how the journey I was beginning would be challenging, exciting, and satisfying. I did this research to be an inspiration to the world in general and in particular to myself, my husband, daughters, extended family, the diasporic community in Canada, the USA, as well as the land of my birth, Zimbabwe!

This research journey was fueled by our collective compassion and determination that set us apart to push forward through challenging processes so that even when faced with adversity, financial struggles, and/or examination failure, we held on to our faith, resilience, determination, career motivation, and passion as strong black foreign trained lawyers. We continued with the task, picked ourselves up, and did or continued to persevere to accomplish what we believe God has purposed for us to do. In the language of freedom fighters against colonialism in Southern Africa, a luta continua (the struggle continues);¹⁹² And in the language of the civil rights movement in North America, we shall see the glory! I end with two inspirational songs, one from

Miriam Makeba\textsuperscript{193} titled \textit{A Luta Continua} (Makeba, 2010). The second song is by John Legend\textsuperscript{194} and Common\textsuperscript{195} titled \textit{Glory} (CommonVEVO, 2015), from the film \textit{Selma}.\textsuperscript{196}

Lord bless all who read this thesis!


\textsuperscript{195} Common. Retrieved from http://www.imdb.com/name/nm0996669/?ref_=nmio_bio_nm

References


http://go.galegroup.com.myaccess.library.utoronto.ca/ps/i.do?id=GALE%7CA16635616&v=2.1&u=utoronto_main&it=r&p=AONE&sw=w&asid=f032467467cd6120a49cfbff100f7d03


National Film Board of Canada. (1978). *Fields of endless day* [videorecording]. [Montreal, PQ]: National Film Board of Canada.


Santos, R. S. (undated). “Why resilience?” A review of literature of resilience and implications for further educational research. Claremont Graduate University &
San Diego State University. Qualifying Paper for Professor Philip Dreyer
Claremont Graduate University. Retrieved from
https://go.sdsu.edu/education/doc/files/01370-Resiliency_Literature_Review
(SDSU).pdf


Seevaratnam, P. (c1994) Barriers faced by foreign trained South Asian teachers in accessing teaching employment in Metro Toronto. Doctoral dissertation, University of Toronto, OISE.


Zimbabwe Legal Practitioner's Act, Chapter 27: 07. Retrieved from

Appendices

Appendix A: Consent Letter

UNIVERSITY OF TORONTO

Appendix A

Consent to Participate in the Study of Foreign Trained Black Lawyers Experiences in Ontario

Dear Participant:

Re: Foreign Trained Black Lawyers Experiences in Ontario:

Title of research study:
Foreign Trained Black Lawyers Experiences in Ontario: I am a Lawyer! Am I a Lawyer? An Odyssey!

Investigator:
Mrs. Tiisetso Russell, Telephone: (647) 739 3563;
email: tiisetso.russell@utoronto.ca

Level of Project:
The study is being conducted for a Ph.D. thesis by Tiisetso Russell at the Ontario Institute for Studies in Education, University of Toronto under the supervision of Dr. Njoki Nathani Wane, telephone (416) 978 0426; email: njoki.wane@utoronto.ca.

I understand that my participation in this study is entirely voluntary. I can leave the questionnaire /interview at any time and I have the right to refuse to answer any questions without penalty.

First, as a participant it is important to know that:

1) The purpose of this research is to gain a better understanding of the experiences of foreign trained black lawyers in Ontario
2) The procedure will be in two parts,
   a) a survey questionnaire either online or hard copy, that will take about 30 minutes.
   b) if the participant consents, a single question-and-answer session lasting approximately 60 minutes. The researcher will read questions and record all the answers about your experiences as a foreign trained black lawyer in Ontario.
3) The participant will receive no direct benefits from taking part in the study.
4) There is no known risk, harm, or inconvenience incurred by participating in this study.

Exclusion criteria: You can participate if you:

1) Are 18 years of age or older and of black, African or Caribbean origin
2) Are female or male
3) Have attended a law school or were registered as a lawyer prior to residing in Ontario
   You may participate whether you practiced as a lawyer or not.

Information about the Study and purpose of the research:
This research will examine the experiences, practices, perceptions and celebrations of foreign trained black lawyers navigating the Canadian legal credentialing process in Ontario, through the National Committee on Accreditation (NCA), and the Law Society of Upper Canada (LSUC). This particular topic was chosen to help understand why there are so many foreign trained lawyers doing work that is not related to their qualifications. In many societies, lawyers are looked to as teachers, advisors, someone people look to for help to advocate, defend and protect human rights. Canada as a world moral leader strongly advocates for human rights, yet ironically the basic right to work is effectively denied because newcomers lack ‘Canadian Experience.’ The study will examine issues of social justice and how foreign trained black lawyers’ lives are regulated by immigration policy, licensing processes and the justice system and how that impacts foreign trained lawyers’ lives. The research will use a discursive framework, critical race theory, anti-colonial theory, and integrative anti-racist theory as theories of contextualizing, examining and analyzing the paradigm shift from being a lawyer in different foreign legal system to the experiences and perspectives of and on the process of becoming and being a lawyer in the Canadian context.

Procedures:
The procedure is the completion of a survey questionnaire either online or hard copy, that will take approximately 30 minutes and a personal interview questionnaire which will take approximately 60 minutes. The personal interview may be in person, by telephone or via Skype. This questionnaire will collect information regarding personal experiences of a foreign trained lawyer regarding their credentialing experiences. For the personal interview questions, the researcher will read the questions and record all the answers from the participants. Personal networks will help to other potential participants also navigating the lawyer credentialing process.

Anonymity and confidentiality:
Confidentiality will be respected, and no information that could disclose your identity and that of your personal network members. The data collected will remain strictly confidential. Your consent form and questionnaire will be stored separately. Your responses will not be associated with any name instead your name will be converted to a code number. Letters of alphabet will be used for members of your personal network.
to ensure anonymity of information. It will be impossible to associate any of your personal details with results from the study. However, the researcher will maintain a record of your name to offer you the possibility to participate in further studies if you agree. Data will be stored in a locked and secure location and made available only to the thesis supervisor Dr. Njoki Nathani Wane and members of the thesis committee, Dr. Karen Mundy and Ann Elizabeth Lopez. Five years after the research study is complete, the questionnaire materials will be destroyed. The data will be used for scientific purposes only and any publication will not contain reference to your identity.

Participation and withdrawal:
Asking questions about your lawyer credentialing experiences can be upsetting to some individuals. Your participation in this research is entirely voluntary. You may choose not to answer any questions or withdraw from the study at any time.

Dissemination of research results:
The results of this research may be published in a scholarly publication or reported in a scientific journal for knowledge transfer and exchange, conference presentation or teaching, in which case, the identity of all participants will remain fully confidential.

Risks and benefits:
There are no direct benefits to be gained from participating in this study. By participating, you may expect to get a greater understanding of the experiences of foreign trained black lawyers and also have the opportunity to contribute to academic and scientific research. The Fairness Commissioner has done research and made recommendations recognizing that “Registration is complex, costly and time-consuming, and steps should be taken to make the process less cumbersome.”\textsuperscript{197} The researcher does not foresee any risk, harm, or inconvenience to be incurred by participating in this study.

Problems or questions:
The researcher will answer any other questions about the research either at the beginning or during the course of the question-and-answer session. If further questions or concerns arise, Dr. Njoki Nathani Wane at ((416) 978 0426 or njoki.wane@utoronto.ca and the Office of Research Ethics at ethics.review@utoronto.ca, or (416) 946-3273 will be happy to address them.

CONSENT TO TAKE PART IN THE STUDY:

Consent Agreement:

I have read the above information and understand the purpose of the study. I have not waived any legal rights by signing this consent form. I will be given a copy of this informed consent form. By signing this consent form, I agree to take part in this study.

__________________________   ____________________
Signature of participant              Date

PRINT NAME:__________________________   ____________________
Signature of researcher (investigator)              Date
### Appendix B: NCA Evaluations 1999 to 2009

<table>
<thead>
<tr>
<th>Country</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALBANIA</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>ALGERIA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>ARGENTINA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>ARMENIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>AUSTRALIA</td>
<td>15</td>
<td>5</td>
<td>16</td>
<td>12</td>
<td>9</td>
<td>19</td>
<td>22</td>
<td>21</td>
<td>53</td>
<td>79</td>
<td>275</td>
<td>1577</td>
<td>6.10</td>
</tr>
<tr>
<td>AUSTRIA</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>AZERBAIJAN</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>BANGLADESH</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>2</td>
<td>30</td>
<td>87</td>
<td>0.70</td>
</tr>
<tr>
<td>BELARUS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>BRAZIL</td>
<td></td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.00</td>
</tr>
<tr>
<td>BOSNIA</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.00</td>
</tr>
<tr>
<td>BULGARIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>CAMBODIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>CANADA (PQ)</td>
<td>14</td>
<td>12</td>
<td>15</td>
<td>13</td>
<td>16</td>
<td>7</td>
<td>10</td>
<td>16</td>
<td>31</td>
<td>29</td>
<td>17</td>
<td>186</td>
<td>4.40</td>
</tr>
<tr>
<td>CHINA</td>
<td>2</td>
<td>4</td>
<td></td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>39</td>
<td>106</td>
<td>0.80</td>
</tr>
<tr>
<td>COLOMBIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>CONGO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>CZECH REP.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>ECUADOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>EGYPT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>ENGLAND</td>
<td>71</td>
<td>55</td>
<td>59</td>
<td>69</td>
<td>81</td>
<td>85</td>
<td>85</td>
<td>311</td>
<td>132</td>
<td>205</td>
<td>1957</td>
<td>2272</td>
<td>22.7</td>
</tr>
<tr>
<td>ETHIOPIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>FIJI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>FINLAND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>FRANCE</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td>11.0</td>
</tr>
<tr>
<td>GERMANY</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>GHANA</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>GUYANA</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>HONG KONG</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>7</td>
<td>1</td>
<td>5</td>
<td>41</td>
<td></td>
<td></td>
<td></td>
<td>41.0</td>
</tr>
<tr>
<td>HUNGARY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>INDIA</td>
<td>25</td>
<td>34</td>
<td>46</td>
<td>66</td>
<td>89</td>
<td>118</td>
<td>99</td>
<td>52</td>
<td>199</td>
<td>107</td>
<td>798</td>
<td>1792</td>
<td>17.0</td>
</tr>
<tr>
<td>INDONESIA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.60</td>
</tr>
<tr>
<td>IRAQ</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>IRAQ</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>IRELAND</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>8</td>
<td>6</td>
<td>23</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23.0</td>
</tr>
<tr>
<td>ISRAEL</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>27.0</td>
</tr>
<tr>
<td>ITALY</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>JAPAN</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>JORDAN</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>KAZAKHSTAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>KENYA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>KOREA SOUTH</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>4.00</td>
</tr>
<tr>
<td>LIBERIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>LEBANON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>LEBANON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>LIECHTENSTEIN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>LITHUANIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>MALAYSIA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>MAURITIUS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>MEXICO</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>MOROCCO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>NEPAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>NETHERLANDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>NEW ZEALAND</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>31</td>
<td>107</td>
<td>0.70</td>
</tr>
<tr>
<td>NICARUGUA</td>
<td>9</td>
<td>13</td>
<td>11</td>
<td>16</td>
<td>20</td>
<td>21</td>
<td>20</td>
<td>23</td>
<td>36</td>
<td>32</td>
<td>243</td>
<td>1369</td>
<td>0.70</td>
</tr>
<tr>
<td>PAKISTAN</td>
<td>15</td>
<td>15</td>
<td>9</td>
<td>8</td>
<td>18</td>
<td>24</td>
<td>20</td>
<td>19</td>
<td>24</td>
<td>22</td>
<td>176</td>
<td>827</td>
<td>3.80</td>
</tr>
<tr>
<td>PALESTINE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
</tbody>
</table>
### Comparative NCA Evaluations 1999-2009

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>TOTAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PANAMA</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>PERU</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>0.5</td>
</tr>
<tr>
<td>PHILIPPINES</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>8</td>
<td>7</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>23</td>
<td>95</td>
<td>0.1</td>
</tr>
<tr>
<td>POLAND</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>PUERTO RICO</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>ROMANIA</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>RUSSIA</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>RWANDA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>SANTA DOMINGO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>SCOTLAND</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>SIERA LEONE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>SINGAPORE</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td>5</td>
<td>0.0</td>
</tr>
<tr>
<td>SOUTH AFRICA</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
<td>140</td>
<td>3.2</td>
</tr>
<tr>
<td>SOUTH KOREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>SRI LANKA</td>
<td>5</td>
<td>4</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>9</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>10</td>
<td>9</td>
<td>90</td>
<td>2.1</td>
</tr>
<tr>
<td>SUDAN</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>0.0</td>
</tr>
<tr>
<td>SWEDEN</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>0.0</td>
</tr>
<tr>
<td>SWITZERLAND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>SYRIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>TAIWAN</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>0.0</td>
</tr>
<tr>
<td>TANZANIA</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>0.1</td>
</tr>
<tr>
<td>TURKEY</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>UGANDA</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.2</td>
</tr>
<tr>
<td>UKRAINE</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>5.1</td>
</tr>
<tr>
<td>UNITED STATES</td>
<td>47</td>
<td>38</td>
<td>38</td>
<td>82</td>
<td>78</td>
<td>85</td>
<td>97</td>
<td>97</td>
<td>103</td>
<td>105</td>
<td>147</td>
<td>885</td>
<td>19.6</td>
</tr>
<tr>
<td>UZBEKISTAN</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>VENEZUELA</td>
<td>3</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>WEST INDIES</td>
<td>2</td>
<td>6</td>
<td>9</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>12</td>
<td>12</td>
<td>74</td>
<td>144</td>
<td>1.4</td>
</tr>
<tr>
<td>YUGOSLAVIA</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7</td>
<td>0.2</td>
</tr>
<tr>
<td>ZAFRÉ</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>ZAMBIA</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>ZIMBABWE</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.0</td>
</tr>
</tbody>
</table>

| TOTALS        | 225  | 235  | 261  | 328  | 367  | 348  | 464  | 448  | 532  | 566  | 749  | 4515  | 100.0 |
| INCREASE YR/YR| 4%   | 11%  | 26%  | 12%  | -5%  | 33%  | -4%  | 16%  | 16%  | 16%  | 16%  | 8%    | 4%    |

YEAR

<table>
<thead>
<tr>
<th>YEAR</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>225</td>
<td>225</td>
</tr>
<tr>
<td>2000</td>
<td>235</td>
<td>235</td>
</tr>
<tr>
<td>2001</td>
<td>261</td>
<td>261</td>
</tr>
<tr>
<td>2002</td>
<td>328</td>
<td>328</td>
</tr>
<tr>
<td>2003</td>
<td>367</td>
<td>367</td>
</tr>
<tr>
<td>2004</td>
<td>348</td>
<td>348</td>
</tr>
<tr>
<td>2005</td>
<td>464</td>
<td>464</td>
</tr>
<tr>
<td>2006</td>
<td>448</td>
<td>448</td>
</tr>
<tr>
<td>2007</td>
<td>532</td>
<td>532</td>
</tr>
<tr>
<td>2008</td>
<td>566</td>
<td>566</td>
</tr>
<tr>
<td>2009</td>
<td>749</td>
<td>749</td>
</tr>
</tbody>
</table>

2 of 2 Year end is June 30. 2009 = July 1, 2008 - June 30, 2009
### Appendix C: NCA COQ issued 1999 to 2009

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>Total</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALBANIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>ARGENTINA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>ARMENIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>AUSTRALIA</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>11</td>
<td>18</td>
<td>18</td>
<td>47</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td>7.0</td>
</tr>
<tr>
<td>AUSTRIA</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td>AZERBAIJAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>BANGLADESH</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>BOSNIA</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>BRAZIL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>BULGARIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>CAMEROON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>CANADA (PQ)</td>
<td>5</td>
<td>5</td>
<td>9</td>
<td>9</td>
<td>10</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7.5</td>
</tr>
<tr>
<td>CHINA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>COLUMBIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>ECUADOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>EGYPT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>ENGLAND</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4.0</td>
</tr>
<tr>
<td>ETHIOPIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>FRANCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>GERMANY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>GHANA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>GUYANA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>HONG KONG</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>HUNGARY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>INDIA</td>
<td>9</td>
<td>9</td>
<td>8</td>
<td>8</td>
<td>11</td>
<td>17</td>
<td>18</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7.5</td>
</tr>
<tr>
<td>INDONESIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>IRAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>IRELAND</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.9</td>
</tr>
<tr>
<td>ISRAEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>ITALY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>JAPAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>JORDAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>KENYA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>KOREA SOUTH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>LEBANON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>LIBERIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>LIBYA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>LITHUANIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>MALAYSIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>MAURITIUS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>MEXICO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>BFPAK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>NETHERLANDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>NEW ZEALAND</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.1</td>
</tr>
<tr>
<td>NICERIA</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5.6</td>
</tr>
<tr>
<td>PAKISTAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>PALESTINE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>PANAMA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td>PERU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
</tr>
</tbody>
</table>

Note: Year end is June 30. 2009 = July 1, 2009 to June 30, 2009
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>TOTAL</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHILIPPINES</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>24</td>
<td></td>
<td>1.4</td>
<td></td>
</tr>
<tr>
<td>POLAND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>PUERTO RICO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>ROMANIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>RUSSIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>SCOTLAND</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>SIERRA LEONE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>SINGAPORE</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>SOUTH AFRICA</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>8</td>
<td>13</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>69</td>
<td>4.0</td>
</tr>
<tr>
<td>SRI LANKA</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>30</td>
<td>1.8</td>
</tr>
<tr>
<td>SUDAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>SWEDEN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>SYRIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>SWITZERLAND</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>TAIWAN</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>TANZANIA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>0.2</td>
</tr>
<tr>
<td>UGANDA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>UKRAINE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>UNITED STATES</td>
<td>30</td>
<td>29</td>
<td>19</td>
<td>40</td>
<td>37</td>
<td>39</td>
<td>49</td>
<td>60</td>
<td>45</td>
<td>52</td>
<td>65</td>
<td>465</td>
<td>27.2</td>
</tr>
<tr>
<td>UZBEKISTAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>VENEZUELA</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>WEST INDIES</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>34</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>YUGOSLAVIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>ZAIRE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>ZAMBIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>ZIMBABWE</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>0.2</td>
</tr>
<tr>
<td>TOTALS</td>
<td>89</td>
<td>105</td>
<td>79</td>
<td>120</td>
<td>137</td>
<td>153</td>
<td>163</td>
<td>206</td>
<td>199</td>
<td>203</td>
<td>280</td>
<td>1708</td>
<td>100.0</td>
</tr>
</tbody>
</table>

INCREASE YR/YR  16% -25% 52% 14% 12% 7% 23% -1% 2% 28%

Note: Year end is June 30. 2009 = July 1, 2008 to June 30, 2009