

BEST PRACTICES FOR VANCOUVER SUMMER AND ARTICLING RECRUITMENT ACTIVITIES

1. Introduction

These “*Best Practices for Vancouver Summer & Articling Recruitment Activities*” (“Best Practices”) were prepared by the Vancouver Summer and Articling Working Group of the Canadian Section of NALP (the “Working Group”) in consultation with the Vancouver Bar Association (“VBA”). The Working Group consists of recruitment professionals, including legal employers and the three British Columbia law schools.

The VBA has established guidelines with respect to interviews for both regular and summer articles (“Guidelines”). While employers are not required to abide by the Guidelines (other than the ones related to Law Society Rule 2-58), virtually all of the downtown law firms voluntarily comply in order to streamline the interview process and “level the playing field” (for employers and students) to the extent possible. Employers agreeing to abide by the Guidelines must conduct themselves according to both the letter and spirit of the Guidelines.

The Guidelines (and a list of employers who have agreed to abide by the Guidelines) can be found on the VBA website at:

<http://vancouverbar.ca/wp-content/uploads/2020/09/VBA-Articling-Guidelines-Updated-February-12-2020.pdf>

The purpose of these Best Practices is to provide further clarity to students and employers with respect to certain aspects of the recruitment process that are not directly addressed by the Guidelines. Accordingly, it is important that these Best Practices be read in conjunction with the Guidelines.

Employers who have questions or concerns at any stage of the recruitment process are encouraged to seek guidance from the VBA Articling Committee: info@vancouverbar.ca

Students who have questions or concerns at any stage of the recruitment process are encouraged to seek guidance from their Career Development or Career Services Office (“CSO”).

2. Intent to Call Communications (“ITC” emails)

Q. Are employers required to send ITC emails?

A. While not mandatory, ITC emails are a recommended practice as they greatly facilitate the interview scheduling process for both students and employers, minimizing the stress and confusion of Interview Call Day.

Q. What are the guidelines related to ITC emails?

A. Employers are permitted to notify students by email that they intend to call on Interview Call Day for the purpose of scheduling an interview. The ITC emails can be sent at any time between 8:00 am PST two days prior to call day and 8:00 pm PST on the day prior to Interview Call Day.

In the ITC emails, employers may advise students of any events to which ALL interviewees will be invited. However, employers are not permitted to use the ITC emails to schedule (or suggest a time or date for) individual student interviews prior to Interview Call Day. Employers are also not permitted to use ITC emails to make invitations to dinners or other Interview Week events, unless ALL interviewees are invited.

Sample ITC communication prior to Interview Call Day: "We enjoyed meeting you at the OCI [or for non-OCI employers/students, "We have received your application"] and would be delighted to offer you an in-firm interview during the designated interview period. We follow the VBA Guidelines when we recruit law students, which you may view at <https://vancouverbar.ca/student-guidelines/>.

We will schedule your interview during the designated VBA In-Firm Interview Week. We will contact you on Interview Call Day to schedule a mutually convenient time and date for this interview. Please note that we are hosting a cocktail reception for all candidates on [insert date and time range] and hope you will be able to join us. There is no need to RSVP at this time for either the interview or reception. We recognize that some students may receive multiple invitations to receptions and/or meals, and, therefore please note that we consider even a brief appearance at our reception to be acceptable (e.g. ½ an hour).

We look forward to speaking with you on Interview Call Day. However, should you decide prior to Interview Call Day that you do not intend to accept our interview invitation, we would appreciate it if you could let us know in advance of [insert date of Interview Call Day] so that we may offer your interview spot to another applicant."

Q. What should a student do if they do not intend to accept an interview?

A. If a student has been notified that an employer will be calling on Interview Call Day to schedule an interview, and the student does not intend to schedule an interview with that employer, the student is encouraged to advise the employer accordingly before Interview Call Day, as it may enable that employer to offer an interview to another candidate.

3. Declining or cancelling interviews

Q. When should students decline or cancel interviews?

A. If a student becomes unavailable to attend a scheduled interview, the student should advise the employer immediately. Cancelling interviews in a timely manner is a general courtesy, and

may provide an opportunity for another student.

4. Receptions and meals – scheduling & employer communications

Q. When during interview week do receptions and dinners typically take place?

A. The timing of these events is at the discretion of employers. However, scheduling receptions between 5:00 p.m. – 8:00 p.m., and dinners after 7:00 p.m., allows students to maximize their attendance at events. Students are encouraged by CSOs to meet with as many employers as possible during recruitment periods to ensure informed career decisions.

Q. What should employers keep in mind when inviting students to receptions and meals?

A. Employers should not pressure students to accept invitations or attend receptions and/or meals.

In recognition of the fact that many students will have multiple receptions and/or a dinner in one evening, employers are encouraged to expressly advise students in the invitation or confirmation e-mail that it is permissible for students to attend the reception for a brief amount of time (e.g. ½ an hour).

Employers are also encouraged to be as transparent as possible and provide students with as much information as possible at each step of the process, including when inviting students to receptions and/or meals. For meals, this information could include the following:

- whether the meal will be with a group of other students and lawyers or will be the student alone with 2 lawyers;
- what type of meal is typically scheduled (e.g. breakfast, lunch or dinner; just dinners);
- on what days the meal is scheduled (e.g. Mon- Wed of Interview Week);
- whether all candidates are invited to meals (e.g. as a second interview) or just select candidates; and
- by when a candidate would be advised if they are going to be invited for a meal.

5. Timing of job offers/communication of intention to make an offer

Q. When are employers permitted to make job offers to students?

A. Employers are permitted to make job offers, or communicate an intention to make an offer, only in accordance with timing prescribed by the Guidelines. All participants in the recruitment process should be aware of the applicable date and time. It should be noted that employers are permitted to communicate their intentions to make job offers to their own summer students (for subsequent summer positions or articling positions) prior to the prescribed timing (see #9, below).

Q. If an employer who has agreed to abide by the Guidelines makes a job offer to a student

that is contrary to the prescribed timing, is it appropriate for the student to accept the offer?

A. While students are not prevented from accepting an offer extended prior to Job Offer Call Day, employers are strongly discouraged from putting students in this position, and students who receive such an offer are encouraged to seek guidance from their CSO.

6. Blackout Period

The Guidelines provide that employers should not conduct interviews or hold any interview-like events, including cocktail receptions, dinners, or employer tours during the two or three week period preceding the designated interview week (“Blackout Period”).

Q. What are some examples of inappropriate conduct during the Blackout Period?

A. In addition to cocktail receptions, dinners and employer tours, “interview-like events” should be interpreted to specifically include any meal, coffee or other telephone, virtual or in-person meeting. Employers’ representatives, including their articling students and students whom they have hired and are still attending law school, should not approach candidates to suggest meetings and/or otherwise promote their firm or organization.

Q. What should an employer do if a student contacts them during the Blackout Period?

A. Employers may respond to inquiries initiated by candidates during the Blackout Period, but only as they relate to the scheduling of the candidates’ in-firm interview. Any other substantive communications are strongly discouraged, even if they are initiated by the student, as they may inevitably lead to promotion of the firm and interview-like events at a time that is meant to be a break from recruitment for law students and employers alike.

Sample employer response to a candidate during the Blackout Period:

"Thank you very much for your continued interest in our firm. We very much look forward to meeting you for an in-firm interview. Since we are currently in the VBA Blackout Period, we limit our communications to candidates to responding to any scheduling questions or related matters. We do not answer substantive questions or arrange informational interviews during this time.

There will be ample time for you to continue to get to know our firm, its people, practice areas and culture during in-firm Interview Week, as well as ask any questions you may have.

If you have additional questions regarding the VBA Guidelines including the Blackout Period, we encourage you to get in touch with your Career Services Office or the Vancouver Bar Association at info@vancouverbar.ca.

Thank you for your understanding."

Q. Are any meetings with law students permissible during the Blackout Period, for example if they have been scheduled in advance of the Blackout Period starting?

A. No

7. Employer Conduct inconsistent with the Guidelines

Q. What are some examples of this?

A. Examples include, but are not limited to an employer:

- 1) pressuring a student to reciprocate and/or express a certain level of interest in the employer;
- 2) pressuring a student to spend an excessive amount of time with the employer to the exclusion of other employers;
- 3) asking a student a hypothetical question such as “If we made you an offer, would you accept it?”;
- 4) asking students to rank the employers with whom they are meeting; and
- 5) providing a student with a lavish gift such that it indicates an early intent to offer (e.g. a bottle of champagne, iPad, etc.).

Where questions or concerns arise, students are strongly encouraged to seek guidance from their CSO.

7. Time to consider offers

Q. Can students take time to consider offers prior to accepting or declining an offer?

A. Yes. The Guidelines dictate that all offers must remain open for at least 24 hours after the time and date made. However, students should consider the “rank order” of their preferred employers prior to the time that offers are to be made, so that they can accept or decline offers expeditiously. Declining offers quickly allows employers to make offers to other students.

8. Notifying summer students of offers to return

Q. When should employers extend offers to hireback their own summer students for an articling position?

A. With regard to an employer’s own summer students, an employer is permitted to communicate, prior to the prescribed Job Offer Call Day, an early offer of employment. Employers are encouraged to communicate these early offers to their own summer students

regarding returning employment for articling before the applicable VBA articling application deadline. Summer students who receive early offers may respond by notifying the employer that the student accepts, rejects or would like more time to consider the offer.

Employers ought not put undue pressure on students to communicate an acceptance or rejection of an early offer.

Under Law Society of BC Rule 2-58, any articling offer (including early offers to an employer's own summer students) made by a downtown Vancouver legal employer to a JD student not yet in their third year must be kept open until the prescribed "Offer Date" as set by the Law Society of BC's Credentials Committee. Rule 2-58 is mandatory (i.e., applies regardless of whether an employer is following the Guidelines).

Where questions or concerns arise, students are encouraged to seek guidance from their CSO.

9. COVID-19 interview considerations

Q. What additional interview considerations should employers and students keep in mind due to the COVID-19 pandemic?

A. For such period as the COVID-19 pandemic persists, all employers are strongly encouraged to conduct regular and summer articling interviews in a manner consistent with relevant public health authorities' recommendations and guidance. In particular, offering the option for a virtual interview may assist in providing equitable access to all candidates, and may be of particular assistance to candidates facing a variety of challenges as result of COVID-19, including health considerations, family obligations, financial constraints, and travel limitations. Employers are reminded that the provisions of the *Human Rights Code*, R.S.B.C. 1996, c. 210 apply to the hiring process.

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**All national firm references are to the Vancouver office unless otherwise noted*