

# franklinlaw

fighting injustice at work...

**September 10, 2020**

**RE: ASSOCIATE LAWYER OPPORTUNITY AT FRANKLIN LAW**

## Introduction

Franklin Law continues to work towards its vision of creating of a law firm that is social justice driven, exclusively represents the interests of employees and other workers, replicates legal clinic-like models of consultation in the private sector, and places a premium on accessibility, diversity, collaborative lawyering, training, and experiential learning. In line with that vision, we are excited to announce that opportunities have arisen to add to our complement of employment, human rights, and labour lawyers.

Given the nature of Franklin Law's practice, our resources both financial and otherwise are limited in comparison to those available at other law firms and in government practices. This in turn impacts almost every aspect of our practice including the way that: we work with and represent our clients; clients, lawyers and other staff define success; and lawyers and other staff are compensated. It also has important implications for our hiring decisions, as the wrong hiring decision can have a long-lasting, serious, and adverse impact on our ability to support our clients

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and on the long-term viability of our practice. Given these realities, we hire infrequently and are very selective about the individuals that we ask to interview for a position with Franklin Law.

I am writing to you because I believe that you may share our commitment to social justice-oriented lawyering and share our interest in working with employees and other workers in the areas of employment, human rights, and labour law. I am less clear however about whether or not you are open to performing work of the nature that we perform on a daily basis, and open to the compensation model that Franklin Law believes that it may be able to offer.

With these considerations in mind, I believe that it is very important for you to have a strong sense of the nature and scope of work that we perform on a daily basis, and the compensation model that Franklin Law is likely to be able to offer to you, before you decide whether or not you would like to meet for an interview with the rest of the team. Towards that end, I have set out a brief overview of each of these considerations in the paragraphs that follow.

### Nature of the Work

An Associate Lawyer at Franklin Law will be expected to provide advice to, represent, and/or support employees, other workers, and other individuals in understanding, assessing, and pursuing redress for human rights law, employment law, and labour law issues of concern to them. The work can be emotionally taxing, daunting, humbling, and difficult, and frequently involves speaking truth to power, dealing with unreasonable and resource rich opposing counsel

and employers, and interacting with clients who are angry, difficult to deal with, have been subject to discrimination and/or harassment, present with one or more identities or characteristics that may adversely affect their ability to access to legal services, have been exploited, have suffered intense injury to their dignity and self-esteem, have had negative experiences in the legal system, have previously met with other lawyers, and/or are distrustful of lawyers.

Generally speaking, the activities related to working in an Associate Lawyer position are likely to include:

- a) Spending up to approximately 10-20 hours per week in Franklin Law's Consultation Clinic consulting with employees, other workers, and other individuals who seek advice and/or representation from Franklin Law with respect to employment, human rights, and/or labour law issues;
- b) Spending up to approximately 10-20 hours per week performing other Franklin Law-related work, including but not limited to:
  - a. Preparing demand letters, demand applications, demand claims, and/or demand complaints in collaboration with employees, other workers, and other individuals who retain Franklin Law to help them to pursue redress for their employment,

human rights, and/or labour law issues through written advocacy and negotiation rather than through litigation;

- b. Litigating disputes in collaboration with employees, other workers, and other individuals who retain Franklin Law to help them pursue redress for their employment, human rights, and/or labour law issues in a legal proceeding at a tribunal, in a court, or in another forum;
- c. Delivering low-cost and accessible in-person or remote workshops and courses aimed at engaging employees, other workers, and other individuals about employment, human rights, and/or labour law issues and providing them with legal information and practical strategies that they can use to better protect their interests; and
- d. Performing administrative and other tasks in support of the above-noted work and Franklin Law's practice more generally such as data entry, file organization, responding to workers and other individuals' inquiries about Franklin Law's services, communicating with clients, and developing policies, programs, or procedures.

### The Compensation Model

**General:** Franklin Law does not charge its clients on an hourly basis. It provides the vast majority of its legal services on a flat fee basis, either as a single lump sum payment or as several monthly

lump sum payments over a set number of months. Far less frequently, Franklin Law provides its legal services on a contingency fee basis, or on a mixed flat fee and contingency basis. The compensation model that is described below is meant to provide candidates with some insight in the manner in which they might be compensated in the event that they are hired as an Associate Lawyer at Franklin Law.

**Other paid work:** Franklin Law is open and receptive to successful candidates continuing or opening their own practice, in addition to being employed by Franklin Law, so long as that work is not in conflict with, or in competition with, the employment, human rights, and labour law work that they perform on behalf of Franklin Law, or the work that other lawyers who share office space with Franklin Law perform (e.g., workers' compensation law), and so long as Franklin Law's prospective and existing clients are not solicited in any way.

**Law Society of Ontario (LSO) fees and LawPRO premiums:** The successful candidate will be expected to bear the costs of ensuring that they are in good standing with LSO and have adequate liability insurance, and will be required to pay their own LSO fees and LawPRO premiums.

**Benefits:** Franklin Law currently does not provide its employees with sickness, accident, or disability benefits. We hope to do so in the future.

**The Consultation Clinic:** Franklin Law contemplates paying the successful candidate 55% of the net amount remaining (i.e., the amount remaining after taxes (i.e., 13%) and firm overhead (i.e.,

25%) are deducted) from the consultation fee received from the client/prospective client for each consultation clinic that the candidate leads. All such payments will be subject to EI, CPP, and income tax deductions at source. For example, were a client to pay \$200.00 (HST included) for a consultation of around one hour's duration, the successful candidate would earn \$73.01 gross (subject to statutory deductions).

**Demand Claim, Application, or Complaint Packages:** Franklin Law contemplates paying the successful candidate 55% of the net amount remaining (i.e., the amount remaining after taxes (i.e., 13%) and firm overhead (i.e., 25%) are deducted) from each flat fee payment received from the client for each demand claim package, demand application package, or demand complaint package that the candidate prepares, and any settlement negotiations that the candidate takes the lead on, on that client's behalf while in Franklin Law's employ. All such payments will be subject to EI, CPP, and income tax deductions at source. For example, were a client to pay \$3,390.00 (HST included) for demand application package-related work in a single month, the successful candidate would earn \$1,155.00 gross (subject to statutory deductions).

**Litigation:** Franklin Law contemplates paying the successful candidate 55% of the net amount remaining (i.e., the amount remaining after taxes (i.e., 13%) and firm overhead (i.e., 25%) are deducted) from each flat fee payment received from the client with respect to work that the candidate performed as the lead on the client's litigation file while in Franklin Law's employ. For example, were a client to pay a total of \$6,780.00 (HST included) for litigation work over the

course of six (6) months (i.e., broken up in to six (6) payments of \$1,130.00 over six months), the successful candidate would earn \$385.00 gross per month so long as they continued to lead the work on the client's matter (subject to statutory deductions).

Litigation-related work on files in which the candidate is not the lead will be compensated at \$35.00 gross per hour (subject to statutory deductions). All such payments will be subject to EI, CPP, and income tax deductions at source.

**Training Services:** Franklin Law contemplates paying the successful candidate \$35.00 gross per hour for time spent preparing, arranging, delivering, or facilitating a course or workshop offered by Franklin Law. All such payments will be subject to EI, CPP, and income tax deductions at source.

#### Other Considerations

Please keep in mind that none of the terms of employment that Franklin Law contemplates offering to the successful candidate have been finalized, including the information that is set out above which is meant to provide a non-exhaustive overview of the compensation model that Franklin Law is currently contemplating and by definition is subject to further negotiation.

Furthermore, we are unable to guarantee that you will be interviewed for the Associate Lawyer position and this correspondence does not constitute an offer of employment and should not be interpreted as including representations about any particular term of employment with Franklin Law. We will provide information to interviewees, and answer additional questions about this

employment opportunity, at the interview, and will ask the successful candidate to enter into an employment contract that is entirely separate and distinct from this document and sets out the terms of her, his, or their employment, if and when a hiring decision is made.

Franklin Law strives to be an equal opportunity employer and values diversity in all of its forms. We encourage applications from individuals from: historically disadvantaged and/or marginalized communities; from individuals who can identify with the lived experiences of the ethno-racially, gender-sexually, and socioeconomically diverse group of employees and other individuals that Franklin Law supports, advises, and represents; and from individuals whose language, training, or other relevant skills may assist Franklin Law in helping individuals from these communities and/or with these identities to access our services. Individuals who have an interest in representing employers or respondents need not apply.

Finally, we expect to hold all interviews by the end of September of 2020, and hope to bring successful candidates on board and commence training by October of 2020. If you are interested in meeting with us for an interview, please send us a cover letter explaining why this opportunity is of interest to you, and enclose with that cover letter, a copy of your most recent resume/curriculum vitae and the name and contact information for at least one reference. Please do so by 12:00 pm on Tuesday September 22, 2020.

Thank you very much for your time, consideration, and interest in Franklin Law. Kindly direct any future communications and/or questions directly to my attention at [employment@franklinlaw.ca](mailto:employment@franklinlaw.ca).

Sincerely,

A handwritten signature in black ink, appearing to be 'RF', enclosed in a light gray rectangular box.

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franklinlaw

RF

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