



To: Members of the Law Society of Nunavut

From: Law Society of Nunavut President

Re: Report on Articles 2021- Roundtable Discussions and Next Steps

Date: June 12, 2020

Context and Objectives

In light of the Nunavut Law Program (NLP) cohort that is set to begin articling in 2021 and other articling-related questions that the Law Society has increasingly received in the past year and half, the Executive held roundtable discussions in early 2020 seeking guidance about:

- 1- Possible articling opportunities available in 2021;
- 2- NLP students' needs; and
- 3- Steps that the LSN should consider to facilitate various rotation options between resident and non resident members; and
- 4- Any other changes to the articling program.

In addition, the roundtable discussions allowed for an opportunity to share upcoming changes to the CPLED Bar Admission Course (Now called CPLED PREP¹ Course).

Invitations

In December 2019, an email invitation was sent out to the following organizations and Members of the Private Bar:

- Government of Nunavut (Department of Justice);
- Justice Canada (Northern and Nunavut Regional Offices);
- Public Prosecution Service of Canada;
- Legal Services Board of Nunavut;
- Members of the Private Resident and Non-Resident Bar;
- Nunavut Court of Justice (Executive Legal Officers);

¹ Canadian Centre for Professional Legal Education (CPLED) Practice Readiness Education Program (PREP) website: <https://cpled.ca/> .

- Nunavut Law Program (Director and Students);
- Nunavut Tunngavik Inc. (Legal Department); and
- Law Society of Nunavut Past Chair of the Membership and Admissions Committee

Participants were invited to join the conversation in-person, in Iqaluit, or by telephone conferencing.

We learned that Dean Martin Phillipson and Career Development Manager, Shari Thompson, from the University of Saskatchewan's College of Law were scheduled to be in Iqaluit on February 4-5, 2020. Hence, two meetings were ultimately scheduled to meet as many of the organizations and lawyers' availabilities: January 22 (lunch roundtable) and February 5 (breakfast roundtable) .

Combined Meeting Summary

A copy of the agenda is provided in Appendix A.

Number of participants: The meetings welcomed 17 participants (Not including LSN CEO and staff and comments received by LSN members who could not attend; some participants attended both meetings)

Opening Remarks:

- For the 4-year NLP JD program:
 - Will finish in May 2021 followed by Graduation
 - We are looking for articling positions that would begin in Summer-Fall 2021
- Articles must be paid (at least minimum wage)
- LPA currently allows under:

Ss. 17(2):

- [...] a student-at-law to **serve a part of his or her period** under articles with
- (a) a judge of the Nunavut Court of Justice; Legal Profession Act, Consolidation of Current to: 2014-12-07 10 R.S.N.W.T. 1988,c.L-2
 - (b) a judge of the Supreme Court of Canada, the Federal Court of Canada or a judge of a superior court of a province or territory; or
 - (c) a barrister and solicitor **who does not reside in Nunavut**, but
 - (i) who is an active member in good standing; and
 - (ii) who is and **has been engaged in the practice of law for not less than five years**.

Ss. 18 (2):

- (ii) who is and has been engaged in the practice of law for not less than five years **of which not less than two years were spent in Nunavut**; [...].

General Comments:

- When focusing on these subsections in particular, certainly there is willingness from the Executive to amend the LPA. Proposed amendments would be submitted to the Rules Committee and also to the membership.
- The Executive is of the view that the following three requirements related to “serving a portion”, “engaged in the practice of law not less than five years” and “of which not less than two years were spent in Nunavut”, the latter applies to resident members, should be further discussed since there is no a clear consensus as to:
 - what may constitute a reasonable ratio (resident v non-resident) that would still require a portion to be completed with a resident member;
 - Whether five years as the minimum threshold to be a competent principal is too strict; and
 - Whether one year spent in Nunavut would be sufficient to act as a resident principal.
- The range of suggested reasonable ratio (resident and non-resident) ranged from a 2/3 split all the way to allowing full articles to be completed under the supervision of a non-resident member given the limited options to article in Nunavut. One example in the event a NLP student secured an articling position with the Supreme Court of Canada. Would the LSN recognize the duration as counting towards the current 12 months articling requirement as per the LPA?
- The Executive did recognize for the first time in 2019, 2/3 of completed articles in another northern jurisdiction allowing the student-at-law to complete 1/3 in Nunavut. The entire articles were completed under the supervision of experienced LSN Members with more than 5 years of call to the Nunavut Bar. As such, there is room to explore possible options and scenarios.
- In terms of allowing full articles to be completed under the supervision of non-members, a majority (but not all) was supportive of not allowing non-members to be eligible as principals. However, following comments to support the alternate position:
 - LSN should be open to allowing non-members when an area of law is not otherwise available as an articling experience in Nunavut or with a non-resident member; and
 - 23 law students is a significant number for a smaller size jurisdiction. Could the LSN develop a MOU with a southern-based Bar or even perhaps with another northern Bar.

Survey results shared by the NLP students:

- Conducted a survey of the NLP students' interests
- 17 out of 23 responded to the survey (and may not have answered all questions)
- For 9: Top areas of interest are:
 - Criminal Law
 - Business Law
 - Family Law
 - Indigenous Law
 - Civil Litigation
- Geographic Preference expressed in the survey:
 - Majority: Within Territory
 - Iqaluit (7 students)
 - Rankin Inlet (2 students)
 - Staying in the North (Some students)

Return to work service for NLP students:

- 9 from the GN
- 2 or 3 from the PPSC

Rotations:

- The LSN does not require rotations to be part of the articling plan.
- The articling plan must demonstrate the student-at-law will meet the National Admission Standards and be supervised by well-rounded practitioners.
- Comments were shared in the opening remarks, however additional comments were shared by the participants in relation to the ratio of supervision between resident v non-resident due to the limited article options in Nunavut.
 - Should a majority of articles take place in Nunavut or *about Nunavut*?
 - A rotation must be long enough for the student-at-law to get involved and benefit from the rotation (e.g. 2 months is perhaps the minimum)
- GN and PPSC have collaborated with one another to provide rotations in the past; this scenario is still possible depending on the availability of qualified principals.
- It is also important in our territory, with a small pool of solo practitioners who have broad-base competence, to support them in offering shorter-term rotations but also

identify financial assistance to cover the student-at-law salary (e.g. Nunavut Law Foundation).

- The College of Law is directly supporting each NLP student including a scheduled in-person meeting, during this February visit, to have better understanding of individual needs and hopes in terms of articles. The College of Law's commitment is profound to support each student on their own path to becoming competent and successful lawyers.

Mental Health Support:

- Although CBA Nunavut, with support from LSN, offers a Lawyers Assistance Program at no cost to the students and future students-at-law and their families who have personal problems, they should also have access to culturally relevant mental health support.
- LSN can work with Dean Phillipson to explore how it can provide such culturally relevant mental health support.

Financial Assistance:

- The Nunavut Law Foundation (NLF) provided a \$15,000 grant in 2018 to NLP with a designated portion to go towards an emergency fund. The NLF has continued to provide individual awards that are based on financial needs with a priority given to Nunavut Inuit. The NLF will continue to assist including when students begin articling.
- The College of Law has engaged alumni that has financially supported the NLP and will continue to do so.

Bar Admission Course – Canadian Centre for Professional Legal Education (CPLED)

LSN and CPLED history:

- Since March 2014, LSN established a collaboration with the Law Society of Manitoba to offer the Manitoba CPLED Bar Admission Course (CPLED Course) to all Nunavut Students-at-Law. More than a dozen Students-at-Law (students) have completed the CPLED Course over the years thanks to the invaluable commitment and volunteer contributions made by the membership to deliver the CPLED Course at the LSN, in Iqaluit.

CPLED CEO February visit:

- As part of the roundtable discussion planning, LSN welcomed CPLED CEO, Dr. Kara Mitchelmore, on February 26, 2020. Dr. Mitchelmore met with both the membership and NLP students to present the new CPLED Practice Readiness Education Program Course

(CPLed PREP) followed by a Q & A. Dr. Mitchelmore's visit was instrumental in learning about the new CPLed PREP but also the feasibility and requirements to deliver CPLed PREP to the 2021 NLP articling cohort.

- The current CPLed Course (now referred to the Legacy CPLed Course) is competency-based and delivered through ten modules including three in-person modules, each with its own assignments and competency evaluation. LSN will have delivered the final Legacy CPLed Course in April 2020 and must now turn its mind to CPLed PREP.

What is CPLed PREP²:

- CPLed PREP remains a competency-based course with an improved framework designed as a journey to prepare lawyers to practice law the right way – for the public, for their firm and for themselves:
 - Risk management
 - Trust accounting
 - Technology skills
 - Time/project management
 - Conflict management
 - Relationship management
 - Self-management
- CPLed PREP consists of Foundation modules (self-directed study and interactive assessments) and workshops (five-day face-to-face workshops in firm-type cohorts with peer assessments and opportunities for reflection); learning through virtual law firms³ and evaluations that will take place over a four-day final assessment to evaluate entry-level competence
- Student will be able to register for CPLed PREP twice each year. Students can choose to begin the program in June or December.

² Information provided for this report was taken from Dr. Kara Mitchelmore's power point presentation of February 26,2020, Nunavut Law Program classroom.

³ Three legal matter simulations

- Business Law (4 weeks)
- Criminal Law (4 weeks)
- Family Law & Real Estate (5 weeks)

Students supported by

- Practice Manager
- LexisNexis law library
- Practice Management software (Clio)

Next Steps:

1. LSN Executive will report back to Membership with an official update arising from the roundtable discussions.
2. LSN CEO will assist with coordination of article interviewing/postings timeline.
3. LSN will draft proposed amendments to the LPA and policies, as necessary, to clarify its position on various aspects of articling.
4. LSN will take steps to explore how it can ensure Inuit students-at law can access culturally relevant mental health support.
5. LSN will provide next steps and requirements for CPLED PREP to be delivered in Iqaluit.

Appendix A

Wednesday Jan 22, 2020

12:15 to 1:30 PM ET

Discovery Hotel

Tuesday Feb 4, 2020

8:45 AM

Kitikmeot Room, Frobisher Inn

With Dean Martin Phillipson and Shari Thompson, Career Development Manager

Law Society of Nunavut Roundtable Discussion - 2021 Articles Agenda

1. Welcome by John MacLean, President

2. Roundtable introductions

3. Opening remarks – John MacLean

- Articling as a Nunavut student-at-law - What is currently authorized under the *Legal Profession Act*

4. Items for presentation/discussion

4.1 Potential opportunities in Nunavut and outside Nunavut

4.2 Rotations

- Are they necessary?
- Resident and non-resident members
- Articling rotation with a non-member

4.3 Clerkships

4.4 Remuneration

4.5 Other

5. CPLED Bar Admission Course

6. Other Business

7. Next steps