

- **Motion to adopt the agenda. Moved by Roman Dzioba and seconded by Gregory Allan. Motion carried.**

3. [President's Report](#) – John MacLean

Including:

a) Law Program graduates

- Applications as students-at-law are coming through. Some of them have started articling.

b) Nunavut Lawyers Assistance Program (NuLAP)

- The Federation of Law Societies of Canada and the Canadian Bar Association have partnered up with the University of Sherbrooke to conduct a national survey into the mental health and well-being of legal professionals in Canada
- The members of the LSN are encouraged to participate in the survey through the invite sent by the LSN support. The lawyers practicing in the North face different challenges than the lawyers in the South.

c) Contributing to our Community

- Earlier in June 2021, the president of the LSN, along with the public representative Koovian Flanagan, donated to the food bank program at Joamie Iliniarvik School in memory of the late Justice Beverley Browne.
- Photos and details are available in the [Polar Barristers](#) (Spring 2021).

d) Acknowledgments

- The LSN continues to work on updating their rules and policies. A request will be submitted to the Minister of Justice for a new Legal Profession Act (LPA).

4. Treasurer's Report – Roman Dzioba

a) Presentation of [Audited 2020 Financial Statements](#):

- Financial statements audited by EPR Yellowknife Accounting Professional Corporation.
- The COVID-19 pandemic has not negatively impacted the finances of the LSN.

- The membership and RAC revenues combined were up about \$35,000 from 2019 to 2020. At the end of 2020, the LSN had a closing balance of just over \$1.4 million for all three accounts combined.
 - o Including grants from Justice Canada regarding the prevention of family violence & harassment in the workplace and from Law Foundation of Ontario.
- The investments were slightly down and remain minimal.
- There is a deficit of about \$15,000 in the general account. In 2019, the Society had a surplus of \$27,000 in the general account.
- While the LSN is in a stable financial position, steps are currently being taken to increase LSN's return on investments by transferring most of its funds (operational, assurance and liability) to RBC Dominion Securities which offers a one-on-one approach and tailored financial advice.

Question Raised on Treasurer's Report

- Question from Norman Tarnow: What are the Liability Funds and Assurance Funds? What is the difference between them?
- Answer: Liability funds are for payments for negligence. Assurance funds deal with claims for fraud or other criminally related actions taken by a member.

Motion to adopt the 2020 LSN audited financial statements. Moved by Lori Idlout and Seconded by Benjamin Flight. Motion Carried.

b) Appointment of Auditor for 2021

Motion to Appointment EPR Yellowknife Accounting Professional Corporation as Auditor for the LSN in 2021. Moved by Adrienne Silk and seconded by Mandy Sammurtok. Motion carried.

5. Standing Committee' Chair Reports:

- Majority of the reports are included in the consent agenda portion.

a) [Discipline](#) – Nalini Vaddapalli

- Acknowledgment of Mr. Thomas Ahlfors, past chair of the Discipline committee, for his commitment and contributions to the committee for over 3 years.
- The committee is largely composed of resident members with support from long-standing members of the committee. Ms. Sara Siebert is leading the development of a [handbook](#) for investigators that will incorporate the national discipline standards and will be put forward with training sessions.
- The LSN received 8 new discipline matters this year. 3 complaints are still ongoing and 3 of them have resulted in advice and direction delivered by members of the Bar.
- The LSN will be submitting a wish list to the Minister of Justice to amend the LPA that will improve the disciplinary process.
 - o For example, a designated fitness to practice-related process has been identified.

b) [Legal Ethics and Practice](#) – Nalini Vaddapalli

- The LSN is putting forward amended versions of the [mandatory reading list](#) as well as the [supplemental reading list](#), which includes cultural and historical readings.
 - o Both reading lists will be sent to the membership for consultation.
- The committee continues to provide guidance to the membership with respect to the practice of law. It has published a notice on [mediation and the Practice of Law](#) as well as a notice on [Unauthorized Practice](#).
 - o A notice was also published by the LSN CEO regarding [Civility to LSN staff as well as Social Media and Professional Responsibility](#)

6. Rules of the LSN – Amendments

a) [Mandatory Continuing Legal Education](#) – Sandhya Chari

- The proposed amendments provide for mandatory continuing legal education and include the following:
 - o Requirement that each member accumulate 12 hours of eligible CLE each year, at least one of which is related to professional responsibility and ethics, and one related to cultural competency
 - o Exceptions for new members, inactive members or those unable to practice
 - o 30-day notice to comply where there is failure to comply
 - o Suspension after 30 days and until compliance
 - o Effective January 1, 2022 to accumulate hours during 2022 for renewal due January 31, 2023

Question & comments raised on the proposed amendments:

- Question from Sara Siebert: In respect to subsection 53.1(3)(h), how is the Society going to communicate the activities recognized by the Executive to the membership?
- Answer: The Society will not do accreditation. However, the CLE policy includes categories that will help the members to comply with the requirements through the online portal. The LSN will be developing an easier way for members to report their CLE hours as part of the annual renewal.
 - o The members can also email the LSN team for enquiries related to CLE activities that may not be fully captured by the categories in place.
- Question from Alyssa Holland: Is the LSN going to provide access to virtual training sessions to allow the members outside the territory to fulfill the new requirement relating to cultural competency?
- Answer: The LSN is committed to provide opportunities to all members to meet the new requirement.
 - o The LSN now has a YouTube channel and is hoping to record upcoming CLE activities and make them available on the web.

- Question from Lori Idlout: Are those CLE requirements consistent with other jurisdictions?
- Answer: When developing these amendments, the LSN wanted to be consistent with other jurisdictions. However, the requirement relating to cultural competency is unique to Nunavut. Considering the particular context of the membership, the LSN's public representative felt strongly about putting this forward.
- Question from Marie Belleau: Supports the idea and appreciates the importance for the lawyers working in Nunavut to have that level of cultural competency. Will Inuit lawyers be exempt from this requirement?
- Answer: The requirement of one hour devoted to cultural competency was put forward by LSN's public representative. The full participation of the membership to this new approach would be important for the plurality of the Bar. This question will be added to the next meeting's agenda of the Executive to be discussed.
 - o The supplemental list is vast and includes cultural competency.
- Comment from Lori Idlout: This item should be discussed at a later Executive meeting. It is not sufficient to say that the public representative brought it up without her being able to answer it.
- Comment from Thomas Ahlfors: Hopes that LSN will offer a wide variety of cultural competency trainings. The requirement would be useful for every member of the Bar to ensure that 100% of the population is well represented by lawyers.

Motion to adopt the proposed amendments to the Law Society of Nunavut Rules to provide for Mandatory Continuing Legal Education. Moved by Sandhya Chari and seconded by Benjamin Flight. Motion carried.

7. [Executive Election Results](#) (2021-22)

- William Lu was elected by acclamation to the LSN Executive.
- Jay (William) Matheson was elected by acclamation to the LSN Executive.
- New 2021-22 Executive Committee will take office soon after the AGM.

8. [2020 Neil Sharkey Volunteer Award Recipient](#)

- Marie Belleau is the 2020 recipient of the Neil Sharkey Volunteer Service Award for her contributions made to the Law Society of Nunavut and the Nunavut Law Foundation.
- Ms. Belleau served as Chair of the Nunavut Law Foundation for 6 years. She demonstrated a tireless commitment to the foundation's mandate to provide legal education, law reform, research, access to justice projects and championing the work of the foundation to support the law students in Iqaluit and across Canada.
- Ms. Belleau will receive an Inuit art piece and a donation will be made on her behalf to a community/not-for-profit organization based in Nunavut.

9. [Chair of the Nunavut Law Foundation's Report](#) – Nalini Vaddapalli

- Given the COVID-19 restrictions, the Foundation didn't have the opportunity to undertake significant outreach activities to share the different awards and grants. It did, however, provide approximately \$16,000 in grants to the Nunavut Law Program students.
- Upinnaqtuq awards for the years 2020 and 2021 were combined and the Foundation awarded approximately \$7,000.
- There was an end of year transfer of levies owing from the LSN to the Foundation as per the [audited financial statements](#) (\$8,175). It has been paid.
- The rest of the year was spent devoting time to improving the investments of the Foundation with funds transferred to RBC Dominion Securities.
- The issue about the interests on lawyer trust accounts (IOLTA) will be included once again in next year's AGM agenda.

10. Other business

a) [Member Resolution \(Common Standards for Law School Curricula\)](#) – Thomas Ahlfors

- The Rules committee has raised some issues regarding those amendments.

- This motion dates from [2014](#), when other law societies decided not to approve the proposed law school at Trinity Western University (TWU). Its objective was to provide guidelines to decide how they should or should not approve law schools.
 - o The Supreme Court decision¹ in the TWU matter focused on the Law Society's role to regulate the legal profession in the public interest.
- The LSN membership has voted on a resolution in 2015 not to approve any other law schools until this resolution has been dealt with.

Comments raised from the resolution

- Comment from John MacLean: When sending the wish list to the minister to amend the LPA, the LSN will ask for a statement of purpose.
 - o The next Executive should hold public discussions on the matter and on the role of the LSN, in addition to what the Supreme Court already said.

Motion to remove the restriction on the Executive approving any law school. Moved by Thomas Ahlfors and seconded by Merrilee Rasmussen. Motion carried.

Motion to withdraw the member's resolution on common standards for law school curricula. Moved by Thomas Ahlfors and seconded by Mandy Sammurток. Motion carried.

- b)** Discussion on the potential conflict of interest raising from there being 3 GN lawyers on the new Executive – Thomas Ahlfors
 - As a practical concern, in the event of questions relating to the Government of Nunavut, the GN lawyers will have to recuse themselves. This will result in only 2 members of the Executive not being in a conflict of interest, which does not result the quorum provided for in the LSN Rules.
 - o The Law Society of British Columbia indicates that there is conflict of interest if the organization that regulates lawyers is directly or indirectly controlled by the government. There is therefore a potential perceived

¹ 2018 SCC 32

conflict of interest if one perceives the LSN as an extension of the government.

- One of the newly acclaimed Executive members should then resign.

Comments and questions raised from the discussion

- Comment from Sandhya Chari: When reviewing applications for new members, an Executive member will not recuse themselves automatically if they have the same employer as the individual putting their application forward. They would do so if they took part in the hiring process of that particular individual.
 - Ms. Chari appreciates the importance for the Executive to represent the diversity of employers present on the territory. However, there is this practical difficulty to find people to join the Executive, as it is a voluntary position.
- Question from Gregory Lyndon: Has this situation ever happened before? And if so, how was it dealt with?
- Answer: It didn't seem to have happened before in Nunavut. However, this situation happens regularly in the NWT.
- Question from Norman Tarnow: Could the quorum in question be reduced from 3 to 2?
- Answer: It is not ideal. It would most possibly require a rule amendment.
- Comment from John MacLean: In the event of discipline procedures, whenever an employee from the Government of Nunavut is involved, that particular Executive member would always declare conflict and recuse themselves from the discussion.
 - As per member applications, Executive members always recuse themselves when the application concerns a member of their team.
 - Mr. MacLean trusts the incoming Executive to have suitable policies and procedures in place.

- Comment from Thomas Ahlfors: The Executive should consider looking at the Rules to provide for this kind of situations and should continually be aware of this perception issue.
 - Mr. Ahlfors shares his concern particularly about the letter the LSN will send to the minister to amend the LPA.

- Comment from Sandhya Chari: Shares that she had this potential conflict of interest on her list of discussion for the first meeting of the incoming Executive. It is an issue that often comes up for the Executive and the standing committees.
 - The letter to be sent to the Minister of Justice was considered by the last Executive (which was not composed of a majority of GN lawyers). The members can have confidence in that initial work.

- Comment from Sara Siebert: Thanks Mr. Ahlfors for raising this issue and appreciates Ms. Chari's comments to have it as an agenda item for the next upcoming Executive meeting. The perception of conflict of interest is important, but it needs to be balanced with the fact that nobody else has put their name forward.
 - If there is an issue of quorum, could a subcommittee be formed for that particular project that would be chaired by one of the Executive members and would bring some additional members? That subcommittee could then report back to the Executive.
 - It would be important that the Executive reports back to the membership as to what procedures have been put in place regarding this issue.

- Question from Gregory Lyndon: Do government lawyers go through a process internally before taking on a formal volunteer role outside of government?
- Answer: As for the Government of Nunavut, yes, the Deputy minister's approval is required.

c) Discussion on the Notice to the Profession regarding remote calls

- Question from Thomas Ahlfors: As per the notice sent to the individuals with a restricted appearance certificate (RAC), is there another requirement for them to follow other than taking the oath?
- Answer from Sacha Paul (legal counsel to the LSN): under s.21(4) of the LPA, the RAC satisfies the condition for enrolment.

- Question from Thomas Ahlfors: How do individuals get a RAC? Are they required to certify that they have read the reading list?
- Answer from Sacha Paul: When someone gets a RAC, they are not required to do the reading list. It is recommended that the Rule Committee looks further into this question to make individuals wanting a RAC to do the reading list. However, as the LSN Rules stand out now, it is not required.
- Answer from John MacLean: A combined application (regular membership & RAC) goes through the same process as a regular application.

- Question from Thomas Ahlfors: Do all applications for RAC go before the Membership and Admission Committee (MAC) and the Executive Committee? To get advantage of the process indicated in the notice to the profession, are individuals required to have a combined application or do they simply must have a RAC?
- Answer from Sacha Paul: About 95% of the individuals that took advantage of the notice to the profession have combined applications. 5% have solely a RAC. For the individuals that solely have a RAC, it is true that their application didn't require to go before the MAC. The Deputy Secretary can issue the RAC.

- Question from Thomas Ahlfors: Would it be possible for an individual to get a RAC and then choose to become a member of the Nunavut Bar by simply taking the oath remotely?

- Answer from Sacha Paul: If an individual has a RAC, s.21(4) of the LPA allows the remote call.
- Answer from John MacLean: The Executive considered this issue in the context of the travel restrictions imposed because of the COVID-19 pandemic. Those restrictions made it difficult/impossible for lawyers to come in Nunavut for a call ceremony.
 - o The LSN has asked the Nunavut Court if they would consider remote calls and they refused. The Executive then sought legal advice whether there was an alternative process and Mr. Paul gave a legal opinion that pursuant to the LPA, the remote call was possible.
- Comment from Sandhya Chari: In a practical point of view, many individuals were waiting to be called to the Bar since they couldn't travel to the territory because of the travel restrictions. This situation also created a budgeting issue for the LSN. For the Society to continue its mandate in the public interest, those individuals needed to be called.
- Question from Thomas Ahlfors: The NWT have a similar provision to s.21(4) of the LPA. Their interpretation of the provision is very different from the interpretation given by the LSN. When looking at the LSN Rules, s.52(7) indicates that the Secretary, when enrolling a person as a member under subsection 21(3) or (4), shall furnish that person with a certificate of enrolment in Form P or Form Q. Which certificate of enrolment is being issued to the RAC holders in the process indicated in the notice to the profession?
- Answer from Nalini Vaddapalli: There have been amendments to the forms, including amendments to the oaths which have been at the request of the Court.

Motion for the LSN to cease immediately issuing certificates of enrolment that are different in substance from those found in the forms in the LSN Rules. Moved by Thomas Ahlfors. No second. Motion fails.

- 11. Adjournment. Motion to adjourn @ 8:40pm ET. Moved by Norman Tarnow and Seconded by Roman Dzioba. Motion Carried.**

Consent Agenda

- 12.** Law Society Chief Executive Officer's [Report](#)
- 13.** Access to Justice, Law Society Representative [Report](#)
- 14.** Federation of Law Societies of Canada, Council [Report](#)
- 15.** Nunavut Legal Services Board, Law Society Representative [Report](#)
- 16.** Approval of [2019-20 AGM Minutes](#)