



To: Law Society of Nunavut Members

From: Stephanie Boydell, Chair, Legal Ethics and Unauthorized Practice Committee; and
Committee Members: Erinma Abara, Gloria Song (only for non-legal matters)

Re: Report for the 2020-2021 Annual General Meeting

Date: June 4, 2021

In keeping with the LSN's mandate to ensure that the people of Nunavut are served by lawyers who meet high standards of competence, learning and professional conduct, our Committee is actively engaged in the review and development of policies and guidelines specific to the unauthorized practice in Nunavut, and the enhancement of the current practice and supports to its Members.

This year brought some unique challenges to our committee and the work that we do, as we all adapted and adjusted to the worldwide pandemic and the specific implications in Nunavut. Although this resulted in less frequent meetings between the committee, it did not prevent us for achieving some goals, responding to any complaints referred, and pushing forward several agenda items.

A. CURRENT PROJECTS

(I) Comparative Analysis of Canadian Jurisdictions & Development of Guidelines and Policies for Unauthorized Practice

The Committee and LSN continues to work on conducting a comparative analysis of unauthorized practice guidelines and policies in other Canadian jurisdictions. Based on this analysis, the LSN will begin developing our own model, which will incorporate standards and procedures for the receipt of complaints, timelines for the review and investigation and response to each complaint. The Committee will be considering the national standards developed and implemented by all jurisdictions with respect to discipline matters.

In the interim, the Committee with assistance from external counsel have created three Notices to the Profession to provide guidance and direction to the members with regards to the definition of the practice of law and what to do if a lawyer is allegedly engaging in the unauthorized practice of law in Nunavut. Please see the attached notice for the following areas:

1. [Mediation.](#)
2. [Practice of Law and Unauthorized Practice.](#)
3. [Civility and Social Media and Professional Responsibility.](#)

(II) Revising the Mandatory Reading List

The list is part of the admission requirements to be called to the Nunavut Bar through the Territorial Mobility Agreement. The Committee is finalizing a more comprehensive and meaningful framework that would allow the applicant to complete a combination of readings that are directly tied to areas of the law of one's practice, fundamentals of Nunavut laws, regulations and others such as the Nunavut Land Claims Agreement, and materials that speak to Inuit traditional laws.

Our remaining task is to determine what material(s) related to cultural competency should be included in the mandatory reading list.

We are committed to undertaking the appropriate consultations and input on this matter, as we appreciate this is an area that requires specific cultural input. The consultation will begin on June 25, 2021.

As for the supplemental reading list, LSN's executive public representative, Koovian Flanagan, has provided input and we have reached out to the Nunavut Arctic College as well. Members will also be given an opportunity to provide feedback through the upcoming consultation.

Our Committee is also looking to incorporate some interactive materials within the reading list(s) by way of videos from members of the bar for specific practice areas, an overview of our *Regulations*, and other Nunavut-specific practice issues. We would invite any interested members to contact Nalini and Stephanie. We will provide further information and suggestions when we undertake the reading list consultations.

(III) Implementation of Mandatory Cultural Competency Training; All Members

The Committee is in the midst of reviewing and implementing Nunavut-specific modules to help lawyers (especially lawyers new to Nunavut and students-at-law) familiarize themselves with the unique context of practicing law in Nunavut, including the cultural and historical background of the territory, practical tips, and key resources.

The LSN has been in the process of securing funding and a partnership with the Pirurvik Centre to provide training for all members of the LSN, both through in-person and online modules. This is an exciting partnership and one that will specifically provide members with traditional knowledge and insight to Inuit culture, in turn, strengthening the LSN membership and continuing to ensure the needs of all Nunavummiut are respected and advanced in the most competent manner.

We look forward to updating the members on the funding that would allow the Committee to move forward with next steps for the culturally competency training.

(IV) Professional Development (PD) and Speaker Series

The Committee had planned to welcome a senior staff from Federation of Law Societies of Canada to host a PD event that would speak to the recent amendments to Model Code of Conduct and to the Anti-Money Laundering Model Rules; and other professional development as it relates to the areas of unauthorized practice and ethics. We had intended to host these sessions to coincide with the LSN's Annual General Meeting, but as a result of the COVID-19 restrictions, we have placed this on hold and will be looking into other virtual options to still provide content to the members in the fall.

The Committee is also planning on hosting a Speaker Series for the members and community at large. We've established a collaboration with the Nunavut Arctic College (NAC) to invite elders from across Nunavut to speak about oral tradition and traditional Inuit laws, including speaking to excerpts from a 200-page Lucien Ukaliannuk transcript that has now been translated to English. The original transcript was generously provided to the LSN by member Paul Okalik. Next steps entail editing the transcript with an objective of publication. More details to follow.

B. COMPLAINTS

The Committee continues to be engaged in investigating referrals and providing recommendations to the LSN Executive, as required. This work remains a priority for the Committee. Over the past year, the LSN received approximately ten referrals regarding suspected unauthorized practice. In all these circumstances, the matters were positively resolved following a courtesy call or email from the CEO, resulting in full memberships, restricted appearance certificates, or the withdrawal of services. None of these referrals escalated to the point of involving the committee for an investigation.

In October 2020, the LSN received correspondence from the LSO's decision with respect to the LSN's second complaint of unauthorized practice filed earlier that year. Engaging with our counterparts at other law societies has proven to be an efficient and effective manner of dealing with more significant matters.