

To: Members of the Law Society of Nunavut

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

Re: Report for the 2019-2020 Annual General Meeting

Date: June 8, 2020

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 change and shifting of the composition of our Committee. We said goodbye to Martin Hak, who had been a long-standing member of the LSN and the Committee and welcomed both Erinma Abara (vice-chair) and Caroline Pothemont to the Committee.

Further, Caroline Pothemont is the new representative for the LSN on the Federation of Law Societies of Canada (FLSC) Model Code Liaison Committee; Caroline took over from Steven Shaddock who now works with the FLSC in Ottawa.

As we have all responded and adapted to the COVID-19 restrictions, the work of the Committee unfortunately was temporarily placed on hold over the past few months. But we remain committed to serving the membership and will continue to push forward with our projects and respond to complaints and questions, as required.

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.

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. Additional Notices provide further clarification on workplace investigations and arbitration. Please see the attached Notices.

(II) Revising the Mandatory Reading List

The List is part of the admission requirements to be called to the Nunavut Bar. Efforts from the Committee have been ongoing to propose 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.

There is also value in reviewing a suggested supplemental reading list tto include recent Inuit cultural readings.

At this time, Gloria Song is leading the ongoing review and we hope to have an updated reading list to propose to the membership this fall.

(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 in May, 2020, 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. Since the 2018/2019 AGM, the Committee has taken the additional step of referring a matter, upon the conclusion of our investigation, to the Law Society of Ontario for investigation and potential discipline.