

# **FINAL REPORT**

Taskforce on the revision of the Nunavut Statutes Examination

May 2023

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## **PART I: EXECUTIVE SUMMARY**

The *Taskforce on the revision of the Nunavut Statutes Examination* (the "Taskforce") unanimously recommends that the Law Society of Nunavut ("LSN") immediately abolish the Nunavut Statutes Examination ("Examination") as a requirement for students-at-law<sup>1</sup> to be admitted to practice law in the territory.

As an interim measure, the Taskforce recommends that the LSN recognize the [Canadian Centre for Professional Legal Education's](#) ("CPLD") [Practice Readiness Education Program](#) ("PREP"), with adjustments to content and process to satisfy both the Bar admissions course<sup>2</sup> and Bar admission examination<sup>3</sup> pursuant to s. 18(2)(b) of the *Consolidation of Legal Profession Act* (the "LPA"). The Taskforce further recommends immediately establishing a subsequent Taskforce to develop a new anti-racist Nunavut Bar admissions program to replace CPLD's PREP. This program would strive to remove unnecessary barriers to entry to the legal profession to support and promote a representative local Bar.

Finally, the Taskforce recommends that the LSN issue a statement of apology for the harm caused to Inuit, particularly members of the ASLP and NLP, by the Bar admissions process in Nunavut.

The Taskforce decided at the outset that to determine the appropriateness of the current Bar admission requirements in Nunavut, it needed to consider any past reviews that had been conducted, factors that were considered as part of these reviews, feedback that was provided, and the context in which LSN made its earlier decisions. This process necessarily involved engaging in difficult discussions about racial inequality and injustice. The Taskforce felt that the only way to avoid the mistakes of the past was to acknowledge them in this report to ensure LSN provides Nunavut students-at-law with a process to enter the profession that is both equitable and effective.

For Nunavut students-at-law, Bar admission requirements and processes have progressively become more stringent and less equitable over the past twenty years. The most significant changes occurred in the lead-up to the graduation of two cohorts of Nunavut law students who took part in ground-breaking, made-in-Nunavut law school programs designed to address the critical shortage of lawyers in Nunavut.

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<sup>1</sup> According to s. 1 of the *Legal Professions Act*, "student-at-law" means a person serving articles of clerkship approved by the Society to a member.

<sup>2</sup> Section 1 of the *Legal Profession Act* defines "Bar admission course" as "the Bar admission course established and operated by the Society."

<sup>3</sup> Section 1 of the *Legal Profession Act* defines "Bar admission examination" as "an examination in general subjects related to the practice of law, including practice, procedure, ethics and the Acts of Nunavut or the Acts of Canada or both."

The Akitsiraq Law School Program ("ALSP") and the Nunavut Law Program ("NLP") were fundamentally aimed at increasing access to legal services and access to justice for Nunavummiut, the majority of whom are Inuit. Historically and presently, legal services provided in Nunavut have been performed primarily by lawyers from outside the territory. Nunavummiut often have no choice but to rely on southern lawyers who do not speak Inuktitut and are not informed or knowledgeable about Inuit Qaujimajatuqangit, the culture of most clients and their everyday realities.

The ALSP and the NLP were designed to remedy this problem by providing an opportunity for Nunavut residents, particularly Inuit, to become lawyers, which will improve access to justice for all Nunavummiut. Unfortunately, LSN changed the Bar admission requirements in anticipation of the influx of applications from homegrown students-at-law, adding hurdles beyond what some other law societies require rather than reducing unnecessary barriers for the first and second generation of Nunavut law school graduates.

In 2022, the LSN introduced a revised Statutes Examination that all Nunavut students-at-law were required to take. LSN made this decision against the backdrop of decades of discussion about the appropriateness of the LSN Statutes Examination as a requirement for admission to the Nunavut Bar – the same year 22 NLP students, including 16 Inuit, graduated. This cohort was the first to write the new version of the Statutes Examination.<sup>4</sup> While similar to the previous Statutes Examination that was based on the Statutes Examination required by the Law Society of the Northwest Territories in 2000, the revised Examination introduced many significant and worrisome changes, including changing the format from open-book to closed-book and from short-answer questions to multiple choice.

NLP graduates were required to take the revised exam during one of two sittings: one on May 21, 2022 and another four months later on September 9, 2022. Before this, students-at-law in Nunavut could take the Statutes Exam at the Law Society Office at their convenience by calling ahead and booking a sitting.

As had been the case since the Statutes Examination's inception, no accompanying course was offered to students-at-law to assist with examination preparation, despite the Examination changing to a closed-book format.<sup>5</sup> Further, despite inquiries from students-at-law about the changes to the Statutes

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<sup>4</sup> The Law Society of Nunavut committed to undertaking a comprehensive review of the articling and admissions process at the 2019 Annual General Meeting on June 18, 2020.

<sup>5</sup> All jurisdictions that require students to write an Examination offer a preparatory course except for the Law Society of Ontario, Law Society of Yukon and Law Society of the Northwest Territories. All of these jurisdictions have self-study Examinations.

Examination format and delivery and how they could best prepare for the Examination, students received no meaningful responses from the LSN.<sup>6</sup>

In addition, Nunavut students-at-law were required to successfully complete the Canadian Centre for Professional Legal Education ("CPLD") PREP Bar admission program, which included a rigorous four-day final assessment consisting of an examination of research, drafting, writing and oral competencies.<sup>7</sup> Canada's Prairie Provinces developed CPLD as a shared Bar admission education program to train and assess new lawyers entering the profession. In all provinces where CPLD is used, law societies recognize it as meeting Bar Exam requirements for becoming licenced to practice. Except for the Northwest Territories<sup>8</sup>, no other CPLD jurisdiction requires students-at-law to write a substantive examination in addition to completing CPLD PREP. Students who article in Nunavut are subject to two Bar Exams, one from a different jurisdiction and another that the territory's law society designed.

The Taskforce has considered the spectre of colonialism and the history of discrimination in Nunavut's Bar admission process and the legal profession more broadly, particularly against Inuit. For example, only a small number of Inuk and resident lawyers participated in the survey administered by Principia Assessments Ltd. in September 2021, the results of which would be used to validate a draft competency profile for Nunavut lawyers and inform the development of test specifications for the revised Statutes Examination.<sup>9</sup> A pilot test of the revised Examination was also not conducted before it was instituted by

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<sup>6</sup> LSN circulated three documents to students, including: "Nunavut Statutes Examination Rules and Protocols," "Information Item re: Nunavut Statutes Exam 2022," and "Nunavut Statutes Exam 2022: study tips and Exam content information". A frequently asked questions document was also circulated.

<sup>7</sup> In this final assessment, students demonstrate skills and competencies in simulated transactions. They complete tasks demonstrating their competence in decision-making, provide their client with ethical and professional representation, and use the appropriate case management and technical tools to guide their work. Finally, they submit a final reflection on their practice goals.

<sup>8</sup> Students-at-law in the Northwest Territories are presently required to complete a Bar admission or an equivalent course in another Canadian jurisdiction. Many students opt to participate in CPLD's PREP program in Alberta. Following the successful completion of a Bar admission course and articles, students-at-law may then be called to the Northwest Territories Bar in one of two ways: (1) pass a Northwest Territories Statutes Examination administered by the Law Society of the Northwest Territories or (2) become a member of another Canadian Law Society and utilize the "Permanent Mobility" clause under the Territorial Mobility Agreement to join the Law Society of the Northwest Territories.

<sup>9</sup> See Principia Assessments Ltd., "Competency Validation and Test Development Report" (15 March 2022): Of the 310 email invitations sent to members, only one-third of respondents reported being Nunavut residents and 28% identified as Inuk.

the LSN in 2022, and the "subject matter experts"<sup>10</sup> involved in developing questions for the new Examination did not include Inuit.

The Taskforce has found the continued imposition of an additional Statutes Examination, on top of CPLED, to be particularly redundant, burdensome, exclusionary and of dubious value as an indicator of a candidate's prospective capacity to practice law, particularly in the case of NLP graduates who had just completed four years studying Nunavut-specific statutes and a 12-month articling term approved by LSN. The Taskforce determined that the Bar admissions requirements imposed by the LSN on students-at-law leading up to the May 2022 sitting of the revised Statutes Examination created inequity and disadvantages for students-at-law from underrepresented groups in the legal profession and for Inuit in particular. This fact was brought to the attention of the LSN in several letters submitted to LSN by NLP students, high-ranking politicians and Nunavut legal organizations.

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<sup>10</sup> *Ibid* at page 34.

## **PART II: HISTORICAL CONTEXT, COLONIALISM AND DISCRIMINATION IN THE LEGAL PROFESSION**

Many factors need consideration in establishing any Bar qualification requirements for Nunavut students-at-law, including:

- A) Colonization of Indigenous Peoples in Canada
- B) Indigenous People's inability to attain legal counsel
- C) Indigenous Peoples historically being barred from entering the profession
- D) A brief history of the status quo in Nunavut contracting and shipping help from the south
- E) Surveys on Indigenous Lawyers from other law societies
- F) National Inquiry into Missing and Murdered Indigenous Women and Girls ("MMIWG")
- G) Truth and Reconciliation Commission ("TRC")
- H) LSN History

The issues from these sources are summarized below.

### ***The Official Mind of Canadian Colonialism – a report by the Qikiqtani Truth Commission***

The machine of colonialism, through government departments, exuded inherent jurisdiction and paramountcy. Inuit and people of European descent had been interacting with one another for over a hundred years by 1970, in one capacity or another. Establishing an economy through the trading of furs for essential items that Inuit had steadily become reliant on connected Inuit to the world economy. This is not the impugned action. The more contentious aspect of the colonization of Inuit lies within asserted sovereignty over Inuit lands and the lack of meaningful consultation in implementing law through these governing and regulating bodies. It was the clash of colonialist, positivist law and the complex inherent non-confrontational and balanced style of Inuit law that could not reconcile with one another

Canadian government officials, most of whom had very little knowledge of Inuit and Inuit Nunangat, made decisions that affected the intimate day-to-day lives of Inuit, including on topics such as child-rearing and housekeeping. This was because they had defaulted to making decisions based on stereotypes, as opposed to making decisions based on the well-being of Inuit with informed consent and consultation. There was little to no opportunity for Inuit to address issues that arose in their communities or to implement Inuit Qaujimajatuqangit in a sustained way<sup>11</sup>.

The dichotomy of a traditional life versus a "modern civilized" one, as crafted by the government, was shifting more to the latter as time passed and more funds were invested into schools, health centres and housing for Inuit, which was meant as an exchange for life out on the land. In the broader picture, life

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<sup>11</sup> Nunavut, Qikiqtani Truth Commission Thematic Reports and Special Studies 1950-1975, *The Official Mind of Canadian Colonialism* (Iqaluit: Inhabit Media Inc., 2013) at page 11



was changing rapidly for all Canadians, and the federal government felt the weight of their own burden to govern Indigenous peoples. The beliefs around whether Inuit should remain on the land or live a life more reflective of the South became a steadily increasing issue. While the government increased its presence in the north with more schools and health centres, Inuit faced the dilemma of either education in the government-created communities or segregation from those communities to live their lives out on the land<sup>12</sup>.

Teachers were hired to educate their children. Inuit families moved to a more sedentary life so they would not be split up, even in cases where they might have preferred to live on the land. This set off a series of issues, including a sizeable unforeseen influx of Inuit moving to communities which they could not support. This, in turn, resulted in Inuit losing roles within their community, such as hunter and provider. Without these meaningful roles, Inuit hunters and elders were hit the hardest. Presently, societal confusion in valuable roles in society can be rooted in the timeframe between 1950-1975. Even with good intentions, the government, who sometimes wanted Inuit to live a traditional life or a dependant one, failed to protect and provide Inuit with either of those choices<sup>13</sup>.

Particularly in the 1950s, Canadians held harmful stereotypes towards Inuit. Canadians viewed Inuit as being simplistic, cheerful, resilient, and incapable. Whether negative or seemingly positive, stereotypes contributed to the spark that started the bullish onslaught of settler colonialism. These stereotypes aimed to categorize people who belong to a culture to take an individual belonging to that culture for granted, having already assumed the nature of that human being. Stereotypes can forge a path that avoids the work of understanding another person and their perspective. The Canadian government chose to rely on its flawed and basic understanding of Inuit, most likely because it is easier to default to a set of stereotypes than to meaningfully consult and seek consent from a nation.

Though care and responsibility can be seen as an honourable undertaking, this type of paternalistic attitude is patronizing to Inuit, especially in many cases, because Inuit had to care for and support colonialists so that they might survive. Perhaps, saving Inuit from economic development was in response to the fact that Inuit had opened the north and, in many cases, welcomed those from the south while also ensuring their survival.

### *LSN's Role in Decolonization*

The assimilation of Indigenous peoples into a settler colonist society is the force decolonization acts to push back. Recognizing the part that we all have in decolonization is imperative and time-sensitive. As a regulatory body, the LSN is a gatekeeper entrusted with being a leader in the profession by driving the decolonization process. Having three significant roles in the society of Nunavut: admitting lawyers, regulating them, and acting in the interest of the public of Nunavut. Nunavummut, the majority of

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<sup>12</sup> *Ibid* at page 50

<sup>13</sup> *Ibid* at page 51

whom are Inuit, are the only clients of the LSN's lawyers in Nunavut. The LSN's role in reconciliation, decolonization, and repairing and preventing harm against Nunavummut is not passive.

The Nunavut Legislative Assembly grants the privilege to LSN of being Nunavut's regulatory body, and they can take away those powers if democratically elected members of the Nunavut Legislative Assembly determine that LSN is not acting in the best interests of Nunavummut. On Inuit Nunangat, a failure to strive toward reconciliation and decolonization amounts to an injustice to the people and the land in which the people live. If the LSN does not proactively seek to decolonize, the risk of deregulation is real. What follows are quotes from Joe Karetak and Shirley Tagalik from a podcast delivered by the LSN specifically on the topic of a healthy workplace that provide guidance in terms of the future of Nunavut and the legal system in Nunavut toward a culturally safe model:

"Now, people are always going to be who they are. We're always going to be the way we are. We always have been, and we always will be. The only difference is that it seems like it's manageable. There seems to be ways we can do things. We can improve the education system. We can, I think, look at things in a way that can change that. So when the setting, the environment was so harsh, it just became more obvious that when Inuit people raised their children to be human beings, instead of a hardened person or a fragile person, the whole system was easier to manage. And that's how the culture was designed. So when you disassemble the culture, all of those mechanisms of which would have helped someone deal with things, all got left behind. And you see what we have to recover from, and that's what I mean by trauma. This understanding may be hard for people to accept, but I think if we all understand it, and decide together that we're going to do something about it, immediately, you could start to create a better outcome. It's when people don't accept that happened, they reject that this is the way it is, and they create false concepts to help them understand or accept a situation that's not true, then that's where things get complicated. Because you can't undo that position. So to me, it's a matter of position of thought."

- Joe Karetak

"As Joe was speaking about earlier, this is really the challenge when we work in government or when we work in legal systems. Because it's not a comfortable place for Inuit to be. It's not a place that welcomes, and makes space for a different perspective, a different way of being, a different way of understands. And so you're constantly, as an Inuk facing these workplaces or these structures, these systems that are around you, you're constantly being pushed off guard. You're constantly out of your comfort zone. And so it really behooves us in Nunavut to find ways to break down those barriers and to build the strengths of IQ into the way we work, the way we set those systems up in our workplaces, to be much more accommodating of these IQ principles that are so powerful. The answers are inherent in these principles, if we just put them to work, the solutions are already there. So I think that's a core challenge for Nunavut, is to, like I said earlier, not just whitewash the IQ on top of the QQ, but to look at really re-building the strength of IQ in everything that we're doing.<sup>14</sup>"

- Shirley Tagalik

### *Suicide Epidemic*

There is an estimated population of 39 403 people in Nunavut. The territory reported 250 deaths by suicide between the years of 2011 and 2016. Between 2015 and 2019, the recorded age range of those who died by suicide was 12 to 63. From 2020 to 2021, the age range was 10 to 55.<sup>15</sup> The nexus between a representative Bar in Nunavut and the quality of life of its residents is evident. Lawyers hold power and privilege to interpret the law from the lens of Nunavummuit. To an Inuk, Inuit Qaujimagatuqangit is a birthright. Is it easier to teach someone from the South the ways of IQ? Or is it easier to train a Nunavummuit how to practise law and inspire IQ in their work? Similarly, is teaching a southern lawyer how to speak Inuktitut easier? Or is it easier to train an Inuktitut-speaking person how to practise law?

### *Assimilation of Indigenous people*

Barring Inuit from entering the legal profession by establishing a Bar admissions process from a foreign culture is an act of assimilation meant to mould Nunavummuit to look and act like a qablunaaq.

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<sup>14</sup> Gloria Song, "Talking About Justice in Nunavut, Episode 3, Part 2 - Creating a Healthy Workplace (POH podcast)" TRANSCRIPT v1[96] (lawsociety.nu.ca) online: [https://www.lawsociety.nu.ca/sites/default/files/Access-to-Justice/Talking%20About%20Justice%20in%20Nunavut%2C%20Episode%203%2C%20Part%202%20-%20Creating%20a%20Healthy%20Workplace%20\(POH%20podcast\)%20TRANSCRIPT.pdf](https://www.lawsociety.nu.ca/sites/default/files/Access-to-Justice/Talking%20About%20Justice%20in%20Nunavut%2C%20Episode%203%2C%20Part%202%20-%20Creating%20a%20Healthy%20Workplace%20(POH%20podcast)%20TRANSCRIPT.pdf)

<sup>15</sup> Christy Somos "'It's unbearable': Nunavut still experiencing a suicide epidemic, 6 years after crisis was declared" CTV News (Dec 2, 2021) online: <https://www.ctvnews.ca/canada/it-s-unbearable-nunavut-still-experiencing-a-suicide-epidemic-6-years-after-crisis-was-declared-1.5690899#:~:text=With%20statistia%20estimating%20the%20population,territory%20has%20died%20by%20suicide.>

Maintaining a Bar composed primarily of Southern lawyers creates an environment with more pressure to assimilate into Southern culture. This lack of representation prevents Nunavut from creating its own way with Nunavut-specific customs, traditions and values.

Andrew Paull was a legally trained Skwxwú7mesh (Squamish) leader whom the Law Society of British Columbia refused entry to the Bar because of his Indigenous status. Andrew Paull faced the impossible choice of denying his Indigenous culture or being called to the Bar. He went on to be called "Canada's Indian conscience" for his proficiency in treaty law and his fight to stop the assimilation of his people and for all Indigenous people in Canada.

"I submit that you can trust an Indian to be an agent, a superintendent or something like that. I say to you ... that we have Indians qualified to do some of the government work that you men are doing ... We have Indians throughout Canada who have a greater degree of learning than the illiterate Indian agent who supervises and administers your laws over those Indians."

Andrew Paull (Canada, Parliament, sjc (1946), Minutes, no. 9, 427.)<sup>16</sup>

Andrew Paull recognized the broader context of what ignoring Indigenous people was doing to Canada's Indigenous populations. His message to the government was to shed light on the arrogance of colonization and the need to take the lead from Indigenous people when it comes to the administration of law.

#### *Indian Act barring Indigenous people from hiring lawyers*

Until 1951, it was illegal for Indigenous people in Canada to hire lawyers to negotiate land claims agreements – a discriminatory law in the infamous *Indian Act*.<sup>17</sup>

A key finding of the 1996 Report of the Royal Commission of Aboriginal Peoples was that the greatest contributor to the overrepresentation of Indigenous people in the justice system was the colonial values underlying Canadian laws, policies and practices that have harmed Indigenous people.

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<sup>16</sup> "I Have Lots of Help behind Me, Lots of Books, to Convince You": Andrew Paull and the Value of Literacy in English. Edwards, Brendan F.R. pg 15

<sup>17</sup> Appendix B: Indian Act Timeline – Pulling Together: Foundations Guide (opentextbc.ca) online <https://opentextbc.ca/indigenizationfoundations/back-matter/appendix-b-indian-act-timeline/#:~:text=1927%E2%80%931951&text=It%20was%20illegal%20for%20status,to%20fight%20for%20their%20rights.>

Report of the Federation of Law Societies of Canada's Truth and Reconciliation Calls to Action Advisory Committee (2020)

On May 13, 2020, the Federation of Law Societies of Canada's Truth and Reconciliation Calls to Action Advisory Committee – of which LSN representative Paul Okalik was a member – made several recommendations to Canadian law societies.<sup>18</sup> Of these, Recommendation #3 called for law societies to critically examine their regulatory processes and structures to consider how they may be more inclusive of the needs and perspectives of Indigenous Peoples and how these processes may adversely impact them.<sup>19</sup> In addition, Recommendation #8 urged “law societies to review their admissions curriculum and licensing requirements and make the necessary modifications to reflect the spirit and intent of the TRC’s Calls to Action.”<sup>20</sup> The report also clarified the interpretation of the Truth and Reconciliation Commission’s Calls to Action 27<sup>21</sup> and 28<sup>22</sup>, including law societies’ direct responsibilities for training and educating future legal professionals.

What we have to gain

Nunavummut have unique legal needs that cannot be imported from the south. These include custom adoption, the indoctrination of Inuit Qaujimagatuqangit into legislation, and Inuktitut spoken and understood in our courts and legal systems. Keeping Inuit in the territory to receive essential services by ensuring success at every opportunity we could to *displace* Western standards so that there is meaningful space for cultural safety and knowledge sharing. We can gain children who have enough to eat. We can achieve springtime with no suicides and winter without shootouts.

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<sup>18</sup> Federation of Law Societies of Canada, “[Truth and Reconciliation Commission Calls to Action Advisory Committee’s Recommendations for Responding to the TRC](#)” (13 May 2020).

<sup>19</sup> *Ibid* at page 7.

<sup>20</sup> *Ibid* at page 11.

<sup>21</sup> “While the language of [Call to Action 27](#) specifically references the Federation, it is understood that individual law societies are directly responsible for the training and education of future legal professionals. The Advisory Committee’s mandate specifies that its work complement, and not duplicate, those efforts. The committee gathered information about how law societies have responded to the TRC and considered how it might support or guide the provincial and territorial approaches. It also considered the role and responsibilities of the Federation in responding to the TRC.”

<sup>22</sup> “[Call to Action 28](#) speaks to the need for law schools to ensure students are educated about Indigenous peoples and the law. It mirrors the knowledge and skills referred to in Call to Action 27. The Federation’s interest in Call to Action 28 is tied to its oversight of the National Requirement and its concern for strengthening the continuum of education that exists between law school and legal practice.”

### **PART III: HISTORY OF NUNAVUT'S BAR ADMISSION PROGRAM FOR STUDENTS-AT-LAW**

There is a long history of the LSN Executive, membership and other stakeholders, including the Nunavut Court of Justice, raising concerns about the process for students-at-law seeking admission to practice law in the territory, including the statutes examination, outside jurisdiction Bar admission program and articling requirements. As early as 2003, the LSN flagged the need to develop a Nunavut Bar admissions program and issues with the legal framework applicable to students-at-law.

#### *Creation of the Nunavut Statutes Examination*

The first version of the Statutes Examination borrowed its form and contents from the Law Society of the Northwest Territories' Statutes Exam, which was required for any person seeking to practice law in the territory. In 2000, the year after the creation of Nunavut and the LSN, the LSN's [Membership and Admissions Committee](#)<sup>23</sup> ("MAC") established a three-hour, open-book Statutes Examination, divided into two parts – Part A (substantive) and Part B (ethics) – with test takers examined on a list of 30 statutes

#### *Law Society of Alberta Bar Admission Course (2001-2005)*

At its inception, no Bar admissions course existed in Nunavut. In 2001, the Law Society of Alberta confirmed that Nunavut students-at-law were permitted to take their Bar admission program (CPLED) as an interim solution. However, this program required students to travel to Alberta for two blocks of five and three weeks during their articling year. During this time, students-at-law were also not released from the requirement to write the Statutes Examination. LSN required students to write it in addition to completing the LSA's ten-month-long Bar admission program that served as the Bar Exam for students-at-law in Alberta.

#### *Development of a Nunavut or Northern Bar Admission Program (2003)*

LSN has discussed the necessity of a Bar Admissions Course since the early 2000s when LSN MAC solicited expressions of interest from law societies across Canada regarding a partnership to develop and deliver an appropriately tailored Bar course for eligible Nunavut students-at-law. In their 2003 annual report, LSN MAC also flagged discussions regarding the development of a National Bar Admission Program with standard core programming and specialty courses to address the particularities of each jurisdiction, noting that "[a] final issue to be monitored or actioned by our committee as Nunavut's

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<sup>23</sup> The LSN Membership and Admissions Committee ("MAC") reviews and provides a recommendation to the Executive on all applications to join the LSN. This includes applications to join as an articulated student-at-law, transfers from another jurisdiction under the Territorial Mobility Agreement, and other types of applications.

needs and capacity develop over time, is the development of a Nunavut or Northern Bar Admission Program.”<sup>24</sup>

#### Review of Legal Framework for Student Admissions (2004)

At the 2004 LSN AGM, several prospective students, resident and non-resident active members of the Nunavut Bar, and the Nunavut Court of Justice voiced concerns indicating restrictions in the *LPA* and *Rules of the Law Society of Nunavut* were impeding efforts to establish meaningful articling arrangements and student-at-law admissions. The same year, LSN MAC was asked to review and make recommendations regarding the legal framework applicable to Nunavut students-at-law.

#### Akitsiraq Law School Program Graduates (2005)

The LSN was called upon to review its admission processes for students-at-law, with the completion of the Akitsiraq Law Program<sup>25</sup> (ALSP), which represented the first cohort of Nunavut-trained law students. ASLP Graduates would be seeking admission to the Nunavut Bar upon graduation in 2005. They would be the largest group of students-at-law seeking admission to the Nunavut Bar in the LSN’s history, given that between 1999 and 2005. The LSN never had more than one student-at-law on the Roll in a given year.<sup>26</sup>

Given this influx of students-at-law seeking admission to the Nunavut Bar, the LSN MAC’s *Report on the Legal Framework for Student Admission in Nunavut* (2004) underscored the importance of ensuring the legal framework for student admissions was up-to-date.<sup>27</sup> To further prepare for the influx of students-at-law – which was estimated to be nine ALSP students – the LSN established a Bar admission working group in 2005 to handle the administration of processing applications. The same year, the LSN also retained a law firm to develop an online Nunavut-focused module<sup>28</sup> as an add-on to the LSA’s Bar admission course (an early version of CPLED); the 350+ page module; however, it never formally became part of Nunavut’s student-at-law Bar admission program.

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<sup>24</sup> Law Society of Nunavut, “Annual Report of the Membership and Admissions Committee” (2003).

<sup>25</sup> ALSP took place in Iqaluit between 2001 and 2005. Upon completion of the program, graduating ALSP students were conferred a Bachelor of Laws (LL.B.) degree from the University of Victoria.

<sup>26</sup> Law Society of Nunavut, Membership and Admissions Committee, “Report on the Legal Framework for Student Admission in Nunavut” (2004).

<sup>27</sup> *Ibid.*

<sup>28</sup> The module outline covered the following subjects: family law; criminal law; corporate/commercial law; real estate law; professional responsibility; Nunavut Land Claims Agreement; municipal law; and administrative law.

*Pivot to the Law Society of British Columbia's Professional Legal Training Course (2005)*

Despite these pre-emptive administrative efforts, the Bar admission requirements were ultimately both onerous (arguably the most onerous requirements in the LSN's history) and disorganized for ALSP graduates seeking to practice law in Nunavut. In 2005, the LSN abruptly pivoted from the Law Society of Alberta's Bar admission program – an early version of CPLED – to the Law Society of British Columbia's ("LSBC") Professional Legal Training Course ("PLTC"). This pivot occurred primarily because of issues with the LSA agreement regarding reciprocity, mobility<sup>29</sup>, and indemnity. Three government and administration respondents suggested that the negotiation of the Bar admission course and exam by the Nunavut Law Society was a struggle under a short time frame, with one respondent suggesting that it was a "scramble" in a report four years later that reflected on lessons learned from ALSP.<sup>30</sup> The result was that ALSP graduates seeking admission to the Bar were required to complete the B.C. Bar admission course and pass three examinations testing substantive legal knowledge in two jurisdictions.

*Lessons Learned from the Akitsiraq Law School Program (2009)*

Between January and April 2006, 9 of the 11 ALSP graduates completed the LSBC's PLTC course in Iqaluit. Of the nine students who wrote the PLTC exams, only three passed.<sup>31</sup>

In July 2009, Silta Associates prepared a report on the ALSP for the Department of Justice, highlighting key factors impacting the number of ALSP students called to the Bar, graduation rates and graduates' transition into the workforce as lawyers.<sup>32</sup> The report noted that one of the difficulties faced by ALSP graduates was the "inappropriate Bar admission course."<sup>33</sup> Students surveyed reported that the instruction and content of the Bar admission course and exam itself "were *inappropriate* and not in keeping with the philosophy of the Akitsiraq program."<sup>34</sup>

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<sup>29</sup> ALSP students-at-law who completed the LSA's Bar admission course would be ineligible for admission to the Law Society of Alberta.

<sup>30</sup> Silta Associates, "[Research on Lessons Learned from the Akitsiraq I Law School Program: Final Report](#)" (13 July 2009) at page 19.

<sup>31</sup> Law Society of British Columbia, "Professional Legal Training Course (PLTC) – Iqaluit 2006 – Student Results" (26 May 2006). Of the students who did not pass, five received a Remedial Standing and one received a Failed Standing.

<sup>32</sup> Silta Associates, *supra* note 30, at page 4.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*



### Law Society of Manitoba Collaboration to Deliver CPLED Bar Admission Program (2014)

In 2014, through a collaboration with the Law Society of Manitoba, the LSN adopted the Canadian Centre for Professional Legal Education's ("CPLED") Bar admission program as the territory's Bar admissions course.<sup>35</sup> Designed as a competency and skills-based legal training program for articling students/students-at-law, CPLED included a Capstone week of exams on competencies and ethics. However, despite CPLED already having its own final assessment built into the Bar admission program, Nunavut students-at-law were still required to write the Nunavut Statutes Examination following the adoption of CPLED. In fact, at the time, no other CPLED jurisdiction – the Law Society of Alberta, the Law Society of Saskatchewan or the Law Society of Manitoba – required students-at-law to pass an additional Statutes Examination to be admitted to practice law.<sup>36</sup> According to Margaret Hollis, who worked on designing the LSN's admissions program in 2014, the understanding at the time was that CPLED would eliminate the need for the Statutes Examination. However, the requirement of a Statutes Examination remained in place following the inception of CPLED in Nunavut.

In 2019, CPLED introduced a new version of its Bar admission program called the Practice Readiness Education Program ("PREP"). Between 2014 and 2022, 29 students completed CPLED, including 15 in 2022 – the graduation year of the NLP cohort.<sup>37</sup>

### Nunavut Bar Admission Process under Scrutiny:

In 2015, the Nunavut Statutes Examination came under increased scrutiny after LSN MAC opted not to share a sample exam with students, a foreshadowing of a similar response by the 2022 NLP students.<sup>38</sup> At the 2019 LSN AGM, the LSN Executive committed to undertaking a comprehensive review of articling and the Statutes Examination. However, the same year, the number of examinable authorities increased

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<sup>35</sup> CPLED is a non-profit organization founded in 2004, by Canada's prairie law societies (Alberta, Saskatchewan and Manitoba) to develop a shared Bar admission education program. Each law society managed the delivery of the program in its jurisdiction.

<sup>36</sup> See PART VII, Section C: "Comparison of Bar Admission Requirements between Nunavut and other Provincial and Territorial Jurisdictions."

<sup>37</sup> Of these students, 4 have yet to complete CPLED and one student was successful following a retake.

<sup>38</sup> On July 2, 2015, MAC's Chairperson chose not to provide sample questions to ensure the security and fairness of the test. Given that LSN had limited versions of the Examination, it was determined that releasing the information would not be feasible. However, the LSN chose to let the students know that the open-book Examination would consist of very specific questions that require both the text and section number from a statute. The LSN also advised students of the rough outline of the Examination and provided information regarding how it would be graded.

from 30 statutes to 106 (Appendix E). On January 22, 2020 and February 5, 2020<sup>39</sup>, the LSN Executive held two roundtable discussions with 17 participants<sup>40</sup> to seek guidance on articling opportunities for NLP students, with a report released by the LSN following these discussions.<sup>41</sup>

### Recommendations made by the LSN Executive regarding Articling and Admissions Processes

LSN MAC began its review of the Statutes Examination in 2020, which continued into 2021. One of the first steps of this review was the tabling of [eight recommendations](#) regarding both the articling and admissions processes for membership feedback at the 2020 LSN AGM.<sup>42</sup>

According to [its report](#) to the membership at the 2021 LSN AGM, the following year, MAC members “reviewed questions currently found in the exam and identified issues with clarity and suggested questions to be corrected or removed from the exam.”<sup>43</sup> At the same AGM, the [Legal Ethics and Unauthorized Practice Committee](#) (“LEPC”) [reported](#) that it was “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.”<sup>44</sup> However, the extent to which both Committees factored in the needs or perspectives of Inuit and how the Bar admissions requirements for students-at-law – namely CPLED and the Nunavut Statutes Examination –

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<sup>39</sup> Two meetings were scheduled once it was 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.

<sup>40</sup> 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); 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.

<sup>41</sup> Topics covered included: possible articling opportunities in 2021; NLP student needs; steps the LSN should consider to facilitate various rotation options between resident and non-resident members; and any other changes to the articling program. For more, see Law Society of Nunavut, “[Report on Articles 2021 – Roundtable Discussions and Next Steps](#)” (12 June 2020).

<sup>42</sup> Law Society of Nunavut, “[President’s Report: Articling Roundtable and Discussions](#)” (18 June 2020).

<sup>43</sup> Law Society of Nunavut, Membership and Admissions Committee, “[Report for the 2020-2021 Annual General Meeting](#)” (16 June 2021).

<sup>44</sup> Law Society of Nunavut, Legal Ethics and Unauthorized Practice Committee, “[Report for the 2020-2021 Annual General Meeting](#)” (4 June 2021).

could be modified to reflect the spirit and intent of the TRC’s Call to Action #27 (Appendix B) remains unclear.

And while the LSN’s [Truth and Reconciliation Commission Calls to Action Standing Committee’s 2019 Report](#) – the final report produced by the Committee, which was established in 2017 – made recommendations regarding Indigenous Cultural Competency Professional Development, a speaker series including storytelling by Elders, Inuktitut language training, changes to the LSN’s mandatory reading list and a project to translate the Lucien Ukaliannuk Transcript, the Committee made no recommendations regarding the student-at-law admissions process despite the second iteration of the Nunavut Law Program being well underway and one of the Committee’s [Terms of Reference](#) being to “[e]valuate and consider actions the LSN can take to support Inuit lawyers and law students, and work towards having the LSN Bar reflect the population of Nunavut.”<sup>45</sup>

#### *Hiring Principia Assessments Ltd.*

In response to these concerns, the LSN hired Edmonton-based [Principia Assessments Ltd.](#) In 2021 to assist with the review and update of the Statutes Examination. The LSN provided this Taskforce with a copy of the Competency Validation and Test Development Report dated March 15, 2022. The report documents steps taken to develop and validate the competency profile, develop specifications for the new Statutes Examination and develop multiple choice questions. The report writers claim to have evaluated whether the test provides all test takers equal opportunity to demonstrate their competence and that test scores have the same meaning for all individuals in the intended population. However, the review did not appear to consider the needs or perspectives of Inuit in Nunavut, nor whether any changes were needed to reflect the intent of the TRC’s Call to Action #27.<sup>46</sup> Further, only a small number of Inuk and resident lawyers participated in a survey of the LSN membership administered by Principia Assessments Ltd. in September 2021, of which results would be used to validate a draft competency profile for Nunavut lawyers and inform the development of test specifications for a revised Statutes Examination.<sup>47</sup>

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<sup>45</sup> Law Society of Nunavut, [“Truth and Reconciliation Committee Terms of Reference”](#) (adopted 15 September 2017).

<sup>46</sup> The Truth and Reconciliation Commission’s Call to Action #27: “We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.”

<sup>47</sup> Out of the 310 email invitations sent to members, only one-third of respondents reported being a Nunavut resident and 28% identified as Inuk.

Several flaws are immediately evident in the Principia recommendation, including the process for setting a cut score which would require a much larger sample size and the recommendation for a closed-book exam without any evidence-based backing. Further, it is unclear how the four “subject matter experts were identified” (2/4 being non-resident) or whether there was any meaningful consultation with Inuit members of the Nunavut Bar. None of the subject matter experts were Inuit.

## **PART IV: 2022 CHANGES TO THE NUNAVUT STATUTES EXAMINATION**

At the 2022 LSN AGM on June 16, 2022, the LSN reported that a review of the Statutes Examination was conducted after over 20 years, with the first sitting of the revised Examination having taken place one month prior on May 21, 2022.

The revised Statutes Examination reflected several changes, including:

- Part A of the Examination would change from an open- to closed-book format, alleging that a closed-book format would “test actual knowledge” (versus being an “examination of ability to look things up quickly”) and “test takers may prepare more thoroughly.”<sup>48</sup>
- The format of Part A of the Examination (90% of the Examination) would change from 60 short-answer questions<sup>49</sup> to 60 multiple-choice questions<sup>50</sup>.
- The May 2022 sitting marked the first time the Statutes Examination was available in three different language formats: English/Inuktitut, English/French or French/Inuktitut.
- Unlike prior sitting(s) of the Statutes Examination – in which students were made aware that the passing mark was 70% – the LSN did not determine or share the passing mark before the May 2022 sitting.<sup>51</sup> LSN representatives advised students that a panel would determine the cut score after the first sitting.
- The number of statutes and authorities used for the exam was reduced from 106 in 2019 (Appendix B) to 66 Nunavut statutes in 2022 (Appendix C).
- Prior to 2022, students-at-law eligible to write the Statutes Examination were invited before the end of their articling period to schedule a time to write the Examination, typically in the LSN boardroom in Iqaluit. With the new changes adopted in 2022, students-at-law were made aware that moving forward, there would be (at least) two sittings of the Statutes Examination in Iqaluit per calendar year (with students being able to request to write elsewhere), which drastically affected students’ ability to write the Examination at a time that worked for them during their

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<sup>48</sup> Principia report, *Supra* Note 9 at Page 31

<sup>49</sup> The former versions of the Nunavut Statutes Examination consisted of 60 short-answer questions.

<sup>50</sup> Each of the 60 multiple-choice questions were worth 1.5 marks and had four answer options, only one of which is correct.

<sup>51</sup> The May 2022 sitting was the first time the new Examination was administered. Students-at-law were advised that the LSN would wait to finalize the passing mark until they have the results from the first sitting because more information would be available to consider. The revised Rules and Protocols – which were shared with students-at-law regarding the 2022 sittings of the Examination – communicated that the LSN Executive would appoint a panel consisting of three LSN members and the Examination Administrator to set a passing mark after the first sitting of the Examination (or ‘cut score’). The LSN appointed the panel, which consisted of LSN members from different organizations and practice areas (criminal law, family law and civil law).

articling year.<sup>52</sup> Further, if a student needed to retake the exam, they were made aware that they would have to rewrite it during the next sitting of the Statutes Examination.

### Passing Mark (or 'Cut Score')

Before 2022, the passing mark for the Statutes Examination was 70% – which was communicated to students before writing the exam.

Given that the May 2022 sitting was the first time the LSN administered the new Statutes Examination, they communicated to students-at-law that the LSN would wait to finalize the passing mark until they have the results from the first sitting because more information would be available to consider.

The [revised Rules and Protocols](#) –shared with students-at-law regarding the 2022 sittings of the Statutes Examination – communicated that the LSN Executive would appoint a panel consisting of three LSN members and the Examination Administrator. The panel would mark the Statutes Examination and collectively set a passing mark after the first sitting of the Examination. The LSN appointed the panel, which consisted of LSN members from different organizations and practice areas (criminal law, family law and civil law).

The panel reviewed the eight examinations written during the May 2022 sitting and discussed whether any questions were unfair, unclear, too easy or too challenging. After their review and discussions, they did not remove any questions from the bank.

The panel also discussed the passing mark. The discussion focused on ensuring that students who passed demonstrated sufficient knowledge but also looked at the examination level of difficulty (taking into consideration that Part A had changed to closed-book). The Panel also considered whether the passing mark should be different for Part A and Part B.

Ultimately, the 2022 Statutes Examination's passing mark was 65% (39/60) for Part A and 70% (7/10) for Part B, with students having to pass both Part A and Part B.

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<sup>52</sup> Subject to approval, candidates who are not in Iqaluit may request to write the Examination in the city/community where they are completing their articling term.

## **PART V: CRITIQUE OF BAR ADMISSION REQUIREMENTS**

Despite the LSN’s review of the Bar admission program for students-at-law, including the Statutes Examination, the 2021 graduating NLP cohort faced onerous Bar admission requirements, particularly compared to students-at-law in other CPLED jurisdictions.

Nunavut students-at-law – like students-at-law in Alberta, Saskatchewan, Manitoba and Nova Scotia<sup>53</sup> – were required to take CPLED. This course includes a four-day “Capstone” final assessment consisting of an examination of both written and oral skills. However, unlike the other four CPLED jurisdictions, which do not require students-at-law to write additional exams as part of their Bar admission processes, Nunavut students-at-law were still expected to pass the Statutes Examination to gain entry to the Law Society. The Statutes Examination has been a Bar admissions requirement in Nunavut since the creation of the Examination in 2000, even for students-at-law who were required to take CPLED when it was introduced in 2014. The format changed from an open- to closed-book format the year the NLP cohort was seeking admission to the Nunavut Bar.<sup>54</sup> The Law Society of New Brunswick – the only other jurisdiction in Canada that mandates a closed-book exam (called the “Legal Knowledge Examination”<sup>55</sup>) offers a preparatory course in advance. No course was introduced or made available to Nunavut students-at-law to assist with learning the material and preparing for the revised Statutes Examination; the Examination was entirely self-study.

### ***Insufficient and Untimely Information Provided***

Further, insufficient and untimely information was provided to students-at-law regarding revisions to the LSN’s Bar admissions program. Although the LSN indicated that further information would be forthcoming on several occasions, no details about the revised Statutes Examination were provided until March 2, 2022, nearing the end of many of the students-at-law’s articling terms and just two and a half months before the first sitting of the exam on May 21, 2022. In the “[Information Item: Nunavut Statutes Exam 2022](#)” dated March 2, 2022, students received a list of 66 statutes (over 4400 pages of documents) and vague details regarding the revised Statutes Examination format.<sup>56</sup> Students subsequently made many inquiries about the Statutes Examination, and the LSN did not provide meaningful answers. In

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<sup>53</sup> In September of 2019, the Nova Scotia Barristers’ Society implemented CPLED’s PREP course as the new Bar admission program within their jurisdiction.

<sup>54</sup> Since its creation in 2000, and until 2022, the Nunavut Statutes Examination was an open-book examination.

<sup>55</sup> The Law Society of New Brunswick’s *Legal Knowledge Examination* is a four-hour, closed-book, computer-based multiple-choice exam consisting of 135 questions. It tests a general understanding of core legal concepts that candidates need for safe and effective practice.

<sup>56</sup> Law Society of Nunavut, “[Information Item: Nunavut Statutes Exam 2022](#)” (2 March 2022).

particular, the LSN refused to provide practice questions or a sample examination to help students better understand the new expectations and examination format.

### Revised Rules and Protocols

In May 2022, the LSN provided students-at-law with a ten-page "[Nunavut Statutes Examination Rules and Protocols](#)" (Appendix G).<sup>57</sup> Students writing the exam faced an invasive search procedure by invigilators at the exam site(s)<sup>58</sup>, including of their personal belongings. Students-at-law were informed that "[c]andidates must comply with any instructions from the Proctors" and "should be prepared to comply with all Proctor instructions."<sup>59</sup> At least one female student reported having been patted down by a male Proctor upon arrival to take the Statutes Examination.

### Memorization of Statutes

According to the Principia Report, 75-85% of the marks in the new Examination would be based on the cognitive level of "remembering and understanding," and 15-25% would be based on the cognitive level of "application and analysis."<sup>60</sup>

The volume of memorization consisted of over 4400+ pages of material, for which students were only given two months to review ahead of the May 2022 sitting. The list of statutes also did not build off the changes proposed to the LSN's [Mandatory Reading List](#) (June 2022) – which is similar to the list of authorities for the Nunavut Statutes Examination but for lawyers applying for regular membership under the [Territorial Mobility Agreement](#)<sup>61</sup> – by the LSN's Truth and Reconciliation Committee.<sup>62</sup>

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<sup>57</sup> *Ibid.*

<sup>58</sup> On 21 May 2022, students wrote their Examinations in five different locations: Iqaluit (Law Society of Nunavut boardroom), Cambridge Bay, Ottawa, Whitehorse and Iqaluit (Department of Justice Boardroom).

<sup>59</sup> Law Society of Nunavut, "[Nunavut Statutes Examination Rules and Protocols](#)" (May 2022).

<sup>60</sup> Principia Report, *Supra* Note 9 at page 92.

<sup>61</sup> The [Territorial Mobility Agreement](#) governs transfers between the common law jurisdictions and the territories of Yukon, the Northwest Territories and Nunavut.

<sup>62</sup> Law Society of Nunavut, Truth and Reconciliation Committee, "[Report for the 2018 – 2019 Annual General Meeting](#)" (28 May 2019).



## **PART VI: LETTERS RECEIVED REGARDING THE NUNAVUT STATUTES EXAMINATION**

In July 2022, NLP students who wrote or were registered to write the 2022 Statutes Examination raised concerns about the Bar admissions process for students-at-law, namely that it perpetuated systemic barriers that exclude Inuit from entering the legal profession. In support, several other individuals and organizations, within and outside of Nunavut, also sent letters of concern to the LSN. As one measure that could be taken to dismantle systemic discrimination and promote access to justice by increasing the number of Nunavummiut and Inuit lawyers in the Territory, each letter asked the LSN to set aside the Statutes Examination.

The Taskforce reviewed 12 letters received by the LSN President, Executive and CEO from stakeholders and students respecting the May 2022 sitting of the Statutes Examination to ensure recommendations considered the concerns raised and feedback received. It is the understanding of the Taskforce that the LSN did not share some letters due to specific concerns relating to confidentiality.

Letters reviewed included those from:

- 4 NLP graduates, including:
  - Angnakuluk Friesen
  - Andrew Morrison
  - Jessica Shabtai
- Group of Akitsiraq Law School Program graduates
- 4 Senators, including:
  - Senator Murray Sinclair
  - Senator Brent Cotter
  - Senator Yvonne Boyer
- Public Prosecution Service of Canada (PPSC)<sup>63</sup>
- Legal Services Board of Nunavut
- Past members of the Nunavut Bar, including:
  - Margaret Hollis

Concerns expressed primarily related to how:

- The Statutes Examination itself caused a significant, unfair and unnecessary barrier to NLP graduates being successfully admitted to practice law in their own Territory.

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<sup>63</sup> This letter was signed by Philippe Plourde (Chief Federal Prosecutor), and Crown Counsel: Chris D'Souza, Gary Wool, Shannon Stakiw, Martin Tooke, Stephanie Boydell, Astor Li, Emma Baasch

- The Statutes Examination was redundant because it sought to assess NLP students who had just completed a four-year Nunavut-specific law degree, which adequately evaluated their ability to understand and interpret Nunavut-specific legislation.
- Out-of-territory lawyers seeking admission to the Nunavut Bar were not subject to the same level of scrutiny as the NLP graduates. Lawyers called in other jurisdictions have only to sign an affidavit attesting to having read the [mandatory reading list](#).
- Continuing the requirement of the Statutes Examination carried a harmful effect through the perpetuation of systemic discrimination and ongoing colonization of Inuit.
- The Statutes Examination duplicated the ethical and professional competencies evaluated in the four-day Capstone final assessment of CPLED.
- The pivot from an open- to closed-book format and expectation that students-at-law memorize over 60 statutes.
- Issues regarding the accessibility of the format and delivery of the Statutes Examination.

Each letter asked the LSN to set aside the Statutes Examination to support students' success and promote the increase of Nunavummiut and Inuit lawyers in the Territory.

## PART VII: TASKFORCE CREATION AND DELIVERABLES

### A. LSN President's Statement

On 31 August 2022, the [LSN President announced](#) that the requirement for students-at-law to write the Nunavut Statutes Examination as part of the territory's Bar admission process would be paused until March 31, 2023, with the requirement indefinitely waived for NLP graduates.<sup>64</sup>

### B. Creation of the Taskforce

To follow through on the commitment made in the [LSN President's statement](#), the LSN Executive established the *Taskforce on the revision of the Nunavut Statutes Examination*. The LSN sent a request for Expressions of Interest to the membership on October 26, 2022, and circulated a subsequent call out for a Project Manager on December 1, 2022. The first meeting of the Taskforce was held on February 9, 2023.

### C. Taskforce Members & Support

The Taskforce was created on November 29, 2022, and included four uncompensated volunteer members from the Nunavut Bar (Chris D'Souza, Angnakuluk Friesen, Jennifer Hunt-Poitras and Jessica Shabtai). LSN provided staff (Rachel Kohut and Stenette van den Berg) to support the work of the Taskforce.

### D. Taskforce Deliverables (as per the Terms of Reference)

The Terms of Reference for the creation of the Taskforce outlined four deliverables:

1. The Taskforce will consider ways to incorporate Nunavut's unique history, culture, and legal context into the Bar admission requirements, to make those requirements more relevant and reflective of our community values.
2. The Taskforce will consider whether a written examination is an appropriate method of evaluating Bar admission applicants with respect to Nunavut's unique history, culture, and legal context, and if so, the Taskforce will recommend in broad terms the nature and content of the written Examination.

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<sup>64</sup> Law Society of Nunavut, "[Statement from the Law Society of Nunavut President re: the Nunavut Statutes Examination](#)" (31 August 2022).

3. If the Taskforce recommends against a written examination, the Taskforce will recommend alternative method(s), if any, of evaluating Bar admission applicants with respect to Nunavut's unique history, culture, and legal context.
4. The Taskforce will deliver a final written report to the Executive no later than April 30, 2023, which will allow time for the report to be translated and distributed to the membership in advance of the 2023 Annual General Meeting. The Taskforce will also deliver an interim written report to the Executive no later than March 31, 2023.

## **PART VII: REVIEW, RESEARCH, AND INQUIRIES COMPLETED**

### **A. Current Bar Admission Requirements for Nunavut Students-at-Law**

The LSN summarized the current requirements for students-at-law seeking admission to the Nunavut Bar in a [Notice to the Profession regarding the Articling Process](#) dated July 20, 2022:

“As part of the Law Society’s admissions process, students-at-law must complete 12 months of continuous service, pursuant to subsection 18(2)(a) of the *Legal Profession Act (LPA)*, under a principal and during that time complete the [Practice Readiness Education Program](#) (PREP) administered by the Canadian Centre for Professional Legal Education (CPLED) and write the Nunavut Statutes Examination.”<sup>65</sup>

The [Consolidated of Legal Profession Act](#) and the [Rules of the Law Society of Nunavut](#) elaborate on these requirements, excerpts of which can be found in Appendix A.

It is important to clarify that the Statutes Examination is considered a “special examination” and not a “Bar admission examination” under the *LPA*. Unlike the “Bar admission examination” – which is defined in the *LPA* as an “examination in general subjects related to the practice of law, including practice, procedure, ethics and the Acts of Nunavut or the Acts of Canada or both”<sup>66</sup> – the “special examination” is defined as an “examination at university standards in subjects pertaining to substantive law in force in Nunavut.”<sup>67</sup> Under s. 8(c) of the *LPA*, the LSN Executive’s powers include “prescribing and establishing a Bar admission examination or a special examination or both, and the contents of those examinations.”<sup>68</sup> Also within its powers, under 16(1) of the *LPA*, is the ability to administer a special examination to any applicant upon evaluating their academic qualifications for admission as a member of the LSN.<sup>69</sup>

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<sup>65</sup> Law Society of Nunavut, [“Notice to the Profession – The Articling Process”](#) (20 July 2022).

<sup>66</sup> s. 1, *Consolidated of Legal Profession Act* R.S.N.W.T. 1988,c.L-2.

<sup>67</sup> *Ibid*, s. 1

<sup>68</sup> *Ibid*, s. 8(c)

<sup>69</sup> *Ibid* s. 16(1)

## **B. Overview of Students-at-Law who have taken the Examination since 2012**

- Since 2012, 23 students have written the Nunavut Statutes Examination:
  - 15 students wrote the Examination between 2012-2022.
  - 8 students wrote the Examination in May 2022.
- Of the eight students that wrote the Examination in May 2022, four (50%) received a passing score, only one of whom was Inuk.<sup>70</sup>

## **C. Comparison of Bar Admission Requirements between Nunavut and Other Provincial and Territorial Jurisdictions**

At the request of the Taskforce, LSN staff carried out a comprehensive jurisdictional scan on the Bar admission requirements of other provinces and territories. This scan showed significant variation across Canada with respect to the Bar admissions requirements for students-at-law/articling students/articling clerks.

Besides Nunavut, five other jurisdictions have incorporated CPLED into their student-at-law admission processes: Alberta, Manitoba, Northwest Territories<sup>71</sup>, Nova Scotia, and Saskatchewan. Of these, only Nunavut and the Northwest Territories require students to write an additional exam testing knowledge of substantive law. The only other CPLED jurisdiction with an additional requirement is the Nova Scotia Barristers' Society, which requires the completion of a one-day cultural competency workshop as part of their Bar admission program in addition to CPLED.<sup>72</sup> While multiple-choice questions seem to be the standard testing format in other jurisdictions, the only other jurisdiction with a closed-book exam is the Law Society of New Brunswick. No other jurisdiction in Canada requires students to memorize statutes.

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<sup>70</sup> The Taskforce understands that only three students passed initially and that a fourth student passed only after an appeal.

<sup>71</sup> See *supra* note 8: Northwest Territories students-at-law are required to complete a Bar admission or an equivalent course in another Canadian jurisdiction. Many students opt to participate in CPLED's PREP program in Alberta. Following the successful completion of a Bar admission course and articles, students-at-law may then be called to the Northwest Territories Bar in one of two ways: (1) pass a Northwest Territories Statutes Examination administered by the Law Society of the Northwest Territories or (2) become a member of another Canadian Law Society and utilize the "Permanent Mobility" clause under the Territorial Mobility Agreement to join the Law Society of the Northwest Territories.

<sup>72</sup> Nova Scotia Barristers' Society, "Bar Admission Program" (2023). Online: [Bar Admission Program - Nova Scotia Barristers' Society \(nsbs.org\)](https://www.nsbbs.org)

The remaining non-CPLED jurisdictions each have their own Bar admission course or exams that vary in length, format and process:

### **Barreau du Québec (BQ)**

Once a student has obtained a Bachelor of Laws (LL.B.) or Licentiate in Law (LL.L.) – which, like the Nunavut Law Program and Akitsiraq Law School Program, does not require the completion of an undergraduate degree for admittance, only the completion of CÉGEP, given it is a civil law jurisdiction – they must complete a new [professional training program](#) (available in French only) through l'École du Barreau in one of the four professional training centres in Montréal, Quebec City, Sherbrooke or Gatineau.<sup>73</sup> As part of this new experiential training program introduced in 2023, which also includes a legal clinic placement, students must write two evaluations: a graded evaluation on professional conduct and ethics and a two-day final evaluation on substantive law.<sup>74</sup>

Students must pass the graded evaluation with a passing mark of 12/20 to be eligible to write the two-day final evaluation. The first day of the final evaluation consists of long answer questions, and the second day consists of multiple choice questions on family law, business law, civil law (Book 5 of Civil Code of Quebec) and civil evidence. Both evaluations are open-book, and sample questions are provided ahead of both evaluations.<sup>75</sup>

Students must complete the training program, examinations, and a 6-month articling placement (or “stage”).

### **Law Society of British Columbia (LSBC)**

PLTC is a full-time, 10-week course. Classes are held three times a year at the Law Society offices in Vancouver and once a year at both Camosun College in Victoria and Thompson Rivers University in Kamloops. Classes are taught by full-time faculty with many years of teaching and practice experience and by practising lawyers who volunteer to share their expertise.

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<sup>73</sup> L'École du Barreau, “Formation” (2023). Online : [Accueil - L'École du Barreau \(ecoledubarreau.qc.ca\)](https://www.ecoledubarreau.qc.ca/)

<sup>74</sup> L'École du Barreau, “Évaluations” (2023). Online : [Évaluations - L'École du Barreau \(ecoledubarreau.qc.ca\)](https://www.ecoledubarreau.qc.ca/)

<sup>75</sup> *Ibid.*

Articling students must pass two three-hour, open-book<sup>76</sup> examinations to become a member of the LSBC: the barrister exam<sup>77</sup> and the solicitor exam.<sup>78</sup> Students must achieve a minimum of 60% on each Examination to pass. On the first day of PLTC, students are given a printed copy of the practice material<sup>79</sup> and sample exam questions.

### **Law Society of Newfoundland and Labrador (LSNL)**

In addition to completing a 52-week articling term, students-at-law<sup>80</sup> must pass a six-week<sup>81</sup> Bar admission course (which counts towards their articling term) to be admitted to practice law in Newfoundland and Labrador.<sup>82</sup> The goals of this Bar admission course are (1) to provide a comprehensive overview of Newfoundland and Labrador and federal law/procedure and (2) to ensure that lawyers called to the Bar in Newfoundland and Labrador have demonstrated an entry-level degree of competence in the profession.

To pass the Bar admission course, students-at-law must write three 3.5-hour open-book examinations. The examinable material covers six subjects: family law; commercial law; civil procedure; criminal law; administrative law; and real estate/wills. Students-at-law must obtain at least 60% on each exam and a cumulative average of at least 65%.

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<sup>76</sup> Students may use the Practice Material, the Activity Plans binder, the Member's Manual, their own notes, summaries or indices, and any relevant statutes.

<sup>77</sup> Covers barristers' work: i.e., practice management (10 marks), civil (30 marks), criminal procedure (30 marks), family (30 marks), and ethics and introduction to Indigenous law (included throughout exam).

<sup>78</sup> Covers solicitors' work: i.e., practice management, business, real estate, wills, and ethics and introduction to Indigenous law.

<sup>79</sup> PLTC Practice Material summarizes practice and procedure in core areas of practice in British Columbia. It is provided to all students enrolled in PLTC as an aid to developing entry-level competence. An online version is also available as a resource for articulated students and lawyers. All PLTC students will receive a print copy of the Practice Material on the first day of PLTC. The Practice Material is periodically revised by the Law Society and volunteer contributors. An updated version of the online Practice Material is published at the beginning of each PLTC session, in February, May and September.

<sup>80</sup> "Student" means "a student-at-law who is bound by a written contract, known as 'articles', to serve with a member and who is entered on the register of students of the society" (*Legal Profession Act*, s. 2.(1)(f.1)(j)).

<sup>81</sup> The Bar Admission Course generally commences on the first Monday of October and runs for a period of six weeks.

<sup>82</sup> Law Society of Newfoundland and Labrador, "Bar Admission Course"(2023). Online: [Bar Admission Course - The Law Society of Newfoundland and Labrador \(lsnl.ca\)](https://www.lsnl.ca/bar-admission-course)



## **Law Society of Ontario (LSO) (formerly Law Society of Upper Canada)**

To be admitted to practice law in Ontario, the LSO requires candidates to article for eight months *or* complete the [Law Practice Program/Programme de Pratique du droit \(LPP/PPD\)](#)<sup>83</sup>, in addition to writing two licensing examinations: the barrister exam and solicitor exam. Each licensing examination is 4.5 hours long and consists of 160 multiple-choice questions. The barrister<sup>84</sup> and solicitor<sup>85</sup> competencies tested are those required for entry-level practice that have the most direct impact on the protection of the public and that influence effective and ethical practice. Both licensing examinations are self-study and open-book.<sup>86</sup> They are offered in person three times a year (summer, fall and winter).<sup>87</sup>

There is no set pass mark for the licensing examinations – it is marked on a pass/fail basis, and no passing mark is shared with students before the exam.<sup>88</sup> Candidates do not need to write or pass the

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<sup>83</sup>On December 10, 2018, the LSO's governing body approved an option for lawyer licensing that retains both Articling and the Law Practice Program/Programme de Pratique du droit (LPP/PPD) as two transitional pathways to licensing. Candidates entering or currently registered in the Law Society's Lawyer Licensing Process may choose from two experiential training paths that include either the Articling Program or the LPP/PPD. Both training paths will satisfy the experiential training component of the Lawyer Licensing Process. The LPP consists of a four-month training course followed by a four-month work placement. Candidates who select the LPP experiential training path must successfully complete both the training course and the work placement. The program runs consecutively from late August/early September until the end of April. Presently, Toronto Metropolitan University (formerly known as Ryerson University) provides the English program and the University of Ottawa provides the French program.

<sup>84</sup> Law Society of Ontario, "Entry-Level Barrister Competencies" (2023). Online: [Entry-Level Barrister Competencies | Law Society of Ontario \(lso.ca\)](#)

<sup>85</sup> Law Society of Ontario, "Entry-Level Solicitor Competencies" (2023). Online: [Entry-Level Solicitor Competencies | Law Society of Ontario](#)

<sup>86</sup> The LSO provides candidates with access to the necessary online materials to study for the licensing examinations. Candidates are permitted to print and mark up the materials and bring them to the examination testing area.

<sup>87</sup> During each of the three exam sessions, the barrister and solicitor exam sittings are scheduled two weeks apart.

<sup>88</sup> The Licensing Examinations are marked on a pass/fail basis. Scores equal to or higher than the established passing mark receive a "Pass" result. Scores lower than the passing mark receive a "Fail" result. The Advisory Group sets and approves the passing mark for each Licensing Examination. The passing mark is the same for each different version of the same Licensing Examination. The passing mark represents a single overall score for the Licensing Examination; candidates are not required to individually pass separate sections or areas of law on a Licensing Examination. The passing mark represents the expected performance of a minimally-competent entry-level lawyer or paralegal, as applicable. To ensure consistency across each sitting of the Licensing Examinations, the Advisory Groups apply this same standard to the particular set of items on each Licensing Examination. The setting of a passing mark is based on the judgment of these informed subject-matter experts and is determined through rigorous consultation and dialogue. The Law Society does not use a bell curve, and there is no pre-determined rate for the proportion of candidates who will pass a Licensing Examination.

licensing examinations before they article or attend the Law Practice Program. However, they must pass each exam before becoming eligible to apply for LSO membership.

Articling students have three attempts to successfully complete each exam within their licensing term. If an articling student fails an exam and still has attempts remaining within the articling student's licensing term, they will be eligible to attempt to write that exam again. Tutors – LSO members who offer tutoring in their area of practice in exchange for CPD hours – are available to those unsuccessful on their first attempt.

### **Law Society of Prince Edward Island (LSPEI)**

All articulated clerks in Prince Edward Island must attend and pass the prescribed Bar Admission Course before being eligible for admission to the Bar and membership in the LSPEI.<sup>89</sup> The course is designed to give new lawyers an overview of PEI law and procedure and the skills necessary to practice law so that the new lawyer will have entry-level competence when called to the Bar. The course is organized by the LSPEI's Articling & Admission Committee, coordinated by the Legal Education Coordinator, and taught by volunteer lawyers and judges.

The Bar Admission Course is offered in person in Charlottetown in the fall of each year.<sup>90</sup> It concentrates on substantive law and practice specific to the province and practical skills required to be a lawyer. Topics covered include Supreme Court practice; legislation; commercial and corporate law; administrative law; real property; estates; criminal trial practice; family law; law office economics and management; ethics; and discipline.<sup>91</sup>

To complete the course, an articulated clerk must attain a mark of at least 60% in each subject on assigned evaluations throughout the course. Materials are available to clerks one to two weeks before the beginning of the course. The materials cover course topics and include reference materials for future use.

As of 2021, students were no longer required to write a Bar Exam as part of LSPEI's Bar admission program.<sup>92</sup>

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<sup>89</sup> Law Society of Prince Edward Island, "Bar Courses" (2023). Online: [PEI Lawyer Bar Courses - PEI Bar Admission - Law Society of Prince Edward Island \(lawsocietypei.ca\)](https://lawsocietypei.ca)

<sup>90</sup> End of September until the beginning of November.

<sup>91</sup> Law Society of Prince Edward Island, *supra* note 89.

<sup>92</sup> The last time students were expected to write a Bar Exam was in 2020.

## **Law Society of New Brunswick (LSNB)**

Students-at-law<sup>93</sup> must pass two exams to be admitted to practice in New Brunswick: the **Legal Knowledge Examination** (a four-hour, closed-book<sup>94</sup> multiple-choice exam<sup>95</sup> consisting of 135 questions<sup>96</sup> that test general understanding of core legal concepts and knowledge areas that candidates need for safe and effective practice but do not already form part of the national law degree requirement, including the legislative and regulatory system; substantive law<sup>97</sup>; transaction procedures<sup>98</sup>; law of evidence; civil rules of procedure; other rules of procedure and ADR process<sup>99</sup>; and legal practice<sup>100</sup>) and the **Professional Skills Examination** (a two-part<sup>101</sup>, multi-day<sup>102</sup>, semi-closed book<sup>103</sup> exam that helps ensure candidates have the professional skills needed to practice law safely and effectively by testing core skills areas not already part of the national law degree requirement, including professionalism; problem-solving; communication; collaboration; and management).

As part of their Bar admissions program, LSNB also requires students-at-law to complete a 12-month articling period and pass two courses: a two-week **Intensive Skills Training** offered in the fall of each

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<sup>93</sup> According to s. 1 of the LSNB's [General Rules under the Law Society Act, 1996](#), a "student-at-law" means "a person whose enrolment as a student-at-law has been approved in accordance with subsection 27(1) of the *Law Society Act*".

<sup>94</sup> This means candidates cannot access any outside materials.

<sup>95</sup> Each question has four answer options, only one of which is correct. Multiple-choice questions are electronically scored using a "0" for an incorrect response and a "1" for a correct response.

<sup>96</sup> The Examination consists of 135 questions of which 125 are "operational items" that form the basis of the candidate's score.

<sup>97</sup> This includes corporate and commercial law, family law, and wills and estates.

<sup>98</sup> This includes commercial transactions, real estate transactions, and wills and estates transactions.

<sup>99</sup> This includes administrative law, alternative dispute resolution and criminal law.

<sup>100</sup> This includes client development, and time and task management.

<sup>101</sup> The Examination contains two parts: Part 1 tests in-person skills using a performance-based assessment format (live performance). Candidates complete three stations: a short interview, a short negotiation, and a short demonstration of advocacy. Each of the three stations runs for about 1 hour, which includes about 30 minutes of quiet preparation time and 20 to 30 minutes of performance. Part 2 tests general professional and technology skills using a technology simulation (task-based performance-based assessment where candidates have about 1 hour and 15 minutes to complete the simulation, with certain tasks being subject to completion within a fixed 45-minute period) and written test (computer-based format, where candidates are expected to complete 4 to 6 constructed response questions covering general professional skills over the course of 2.5 hours).

<sup>102</sup> The examination takes place over multiple days, with a total of about 6 to 7 hours of active examination time.

<sup>103</sup> The examination is semi-closed book, which requires candidates to use their own knowledge and skills, but with limited access to reference resources (including any necessary statutes or cases).

year (which allows candidates to practice and self-assess the core skills tested on the *Professional Skills Examination*) and the year-long **Sustainable Practice Course** (a blended learning course designed to set candidates up for continuing competence and sustainable success in the practice of law). Students-at-law must achieve a result of ‘competency demonstrated’ to pass each component.

### **Law Society of Yukon**

To become licensed to practice law in Yukon, an articled student must complete a 12-month articling period, pass the Law Society of British Columbia’s Professional Legal Training Course – which includes writing two substantive exams (the barrister exam and solicitor exam) – and write the Yukon Statutes Exam.<sup>104</sup>

The Yukon Statutes Exam is a three-hour, open-book, 50-question exam that assesses articled students on the differences between Yukon law and British Columbia law, focusing on Yukon and federal statutes. To pass the exam, students must achieve a mark of at least 70%.<sup>105</sup>

## **D. Acknowledgments of Systemic Discrimination by Other Law Societies**

Other Law Societies have acknowledged the existence of systemic discrimination within their organization(s) and the justice system at large and have completed a review or have committed to undertaking a review of their internal policies and regulations:

- In April 2000, the Law Society of British Columbia released a report called “[Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers](#).”<sup>106</sup>
- At its 2016 Convocation, the Law Society of Upper Canada – now the Law Society of Ontario – approved a report called “[Working together for change: Strategies to address issues of systemic racism in the legal professions](#)”.<sup>107</sup> The report resulted from four years of consultation and research by the Challenges Faced by Racialized Licensees Working Group – which found that

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<sup>104</sup> Law Society of Yukon, “Articled Students” (2023). Online: [Articled Students - Law Society of Yukon \(lawsocietyyukon.com\)](https://lawsocietyyukon.com)

<sup>105</sup> The first part of the question is a true/false or yes/no question. The second part of each question requires the writer to identify the applicable statute and section number.

<sup>106</sup> Law Society of British Columbia, “[Addressing Discriminatory Barriers Facing Aboriginal Law Students and Lawyers](#)” (April 2000).

<sup>107</sup> Law Society of Upper Canada, “[Working together for change: Strategies to address issues of systemic racism in the legal profession](#)” (2016).

racialized lawyer licensees (those outside the dominant white culture) faced various professional barriers to growth.

- In 2021, the Nova Scotia Barristers' Society committed to undertaking [an independent review tackling systemic discrimination](#) after acknowledging that systemic discrimination exists within the organization and justice system.<sup>108</sup>
- On April 28, 2022, the Law Society of Alberta [acknowledged the existence of systemic discrimination](#) in the legal profession.<sup>109</sup>

## E. Other Materials Considered by the Taskforce

The Taskforce considered other materials that inform the LSN's Bar admissions program, including:

- [Consolidation of Legal Profession Act](#) ("LPA") (current to December 7, 2014);
- [Rules of the Law Society of Nunavut](#) ("Rules") (current to June 16, 2022);
- [Truth and Reconciliation Commission of Canada's Calls to Action](#)<sup>110</sup>, specifically Calls to Action 27 and 28 (Appendix B);
- [National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice](#)<sup>111</sup>, specifically Calls for Justice #5.12 and #10.1 (Appendix C); and
- Federation of Law Societies of Canada's Truth and Reconciliation Commission Calls to Action Advisory Committee's [Report](#) (June 2020);
- Federation of Law Societies of Canada's [National Requirement](#) (1 January 2018) (currently under review);
- Akitsiraq Law School Society, "[The Akitsiraq Law School Program: Lawyer-Making in the Arctic](#)" (July 2007);
- Silta Associates, "[Research on Lessons Learned from the Akitsiraq I Law School Program: Final Report](#)" (13 July 2009);
- Law Society of Nunavut, "[Report on Articles 2021- Roundtable Discussions and Next Steps](#)" (12 June 2020);

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<sup>108</sup> Nova Scotia Barristers' Society, "[Review on Systemic Discrimination: Terms of Reference](#)" (10 May 2021).

<sup>109</sup> Zena Olijnyk, "[Law Society of Alberta acknowledges systemic discrimination in the legal profession](#)" *Canadian Lawyer Magazine* (28 April 2022).

<sup>110</sup> Truth and Reconciliation Commission of Canada, "[Truth and Reconciliation Commission of Canada: Calls to Action](#)" (2015).

<sup>111</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, "[Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: Calls for Justice](#)" (2019).

- Law Society of Nunavut, [Information Item re: Nunavut Statutes Exam 2022: study tips and Exam content information](#) (14 March 2022);
- Law Society of Nunavut, [Information Item re: Nunavut Statutes Exam 2022](#) (2 March 2022);
- Law Society of Nunavut, [Nunavut Statutes Examination Rules and Protocols](#) (revised May 2022);
- Law Society of Nunavut's Truth and Reconciliation Commission Calls to Action Standing Committee's [Terms of Reference](#), as well as the Committee's [2019](#) and [2018](#) AGM Reports; and
- an LSN-provided timeline regarding the establishment and evolution of the Nunavut Statutes Examination and Bar Admission Course spanning from 1999 (the year Nunavut became a territory and the LSN was formed) to 2022.

## **F. Information Not Provided to the Taskforce**

The Taskforce requested information from the LSN about the number of students-at-law who have written the Statutes Examination, the pass rate, the passing mark/cut score and a copy of the Examination itself. While the LSN shared most of this information, it did not share a copy of the Statutes Examination in its entirety out of concern that it would undermine the integrity of the question bank; it only shared three sample questions (2 questions from Part A and 1 question from Part B). Details about the passing rate for ASLP students who took a previous version of the Statutes Examination and the historic passing grade were requested but not received by the Taskforce in advance of the final report.

Ultimately, the Taskforce determined there was ample information to make a recommendation without seeing a copy of the Statutes Examination itself and in the absence of the other information not provided. However, the Statutes Examination and its contents are inextricably connected to the central issues discussed in this report. Disclosure of the Statutes Examination to the Taskforce would have benefitted the shared goal of a representative and inclusive Nunavut Bar, as the Taskforce would have had a fuller picture to consider in relation to the recommendations and history of Nunavut's Bar admission program.

## **PART VIII: TASKFORCE RECOMMENDATIONS**

### **Recommendation #1**

The Taskforce recommends that the requirement for students-at-law to write the Nunavut Statutes Examination as part of Nunavut’s Bar admission program be immediately abolished.

#### **Rationale**

The Taskforce unanimously agrees that LSN should cease the administration of a “special examination”<sup>112</sup>— i.e., the Nunavut Statutes Examination — as a requirement for students-at-law to be admitted to practice law in the Territory.

The Examination, particularly the 2022 revised version, creates an indefensible barrier for students-at-law to be called as lawyers to practice in the Territory. This barrier has impeded more Inuit and Nunavummiut lawyers from joining the legal profession, hindering efforts to facilitate access to justice, decolonize the justice system, and work toward reconciliation.

In deliberating the abolishment of the Examination, the Taskforce considered the following:

i. Problematic Origins of the Examination:

The statutes exam is inherently a transplant from the Law Society of the Northwest Territories, which was initially designed for transferring lawyers, and then extended to students-at-law. Since the creation of Nunavut in 1999, an Examination, in some form, has been a part of the LSN’s Bar admissions program for students-at-law. However, no prior consideration was ever given to whether the requirement of an Examination was consistent with the purpose behind Nunavut’s creation.

ii. Barriers Faced by Nunavut Law Program Graduates:

The history of the Bar admissions process in Nunavut clearly shows that Nunavut’s law students, Inuit students in particular, have faced unjustifiable barriers to the legal profession over the past two decades. An inquiry into Nunavut’s first law program – the Akitsiraq Law School Program, which graduated a cohort of 11 students in 2005 – found that the Bar admission course was “inappropriate” given the goal of increasing Inuit representation at the Bar.<sup>113</sup> The second cohort of Nunavut law students – who graduated from the Nunavut Law

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<sup>112</sup> s. 1, *Consolidated of Legal Profession Act* R.S.N.W.T. 1988,c.L-2. “Special examination” means “an examination at university standards in subjects pertaining to substantive law in force in Nunavut”.

<sup>113</sup> See: Silta Associates, *supra* note 30.

Program in 2021 – once again faced onerous Bar admission requirements. The second cohort was required to complete a 12-month articling term, CPLED’s PREP course, including a Capstone final assessment, in addition to the Statutes Examination. The Taskforce equally finds the onerousness of these Bar admission requirements “inappropriate,” given the goal of promoting Inuit representation in the legal profession.

iii. Nunavut’s Requirements Comparison to Other Jurisdictions:

No other jurisdiction aside from Nunavut required CPLED in addition to an Examination in 2022. In 2014, Nunavut joined the Canadian prairie jurisdictions that had already adopted CPLED, designed to be a competency and skills-based legal training program with a Capstone week of exams on various competencies and ethics. In 2014, the prairie jurisdictions had eliminated the requirement of a Bar Exam, having implicitly recognized the redundancy of a Bar Exam given the structure and requirements of CPLED. Nunavut, nevertheless, retained both the Nunavut Statutes Examination and CPLED, making its admission requirements not only onerous in absolute terms but also unduly onerous relative to the rest of the country.

iv. Failures in Designing the 2022 Nunavut Statutes Examination:

The appropriateness of Nunavut’s Bar admissions program, including the Nunavut Statutes Examination, has been discussed since 2003, with both the LSN membership and Executive raising concerns at the 2019 and 2022 LSN AGMs. The Taskforce finds that the “review” of the Examination in 2022 by Principia Assessments Ltd. did not represent a step forward, particularly in light of the TRC’s Calls to Action #27 and #28 (see Appendix B). The newest version of the Examination was primarily developed by four “subject matter experts,” with minimal engagement from Nunavut Inuit and resident members of the Nunavut Bar.<sup>114</sup>

v. Failures in the format of the Examination:

On the advice of Principia Assessments Ltd., the implementation of a revised Examination in a closed-book<sup>115</sup> and multiple-choice format was an egregious decision. The rationale provided by the LSN for a new closed-book Statutes Exam was summarized in the Principia Assessments Ltd. Report, which purported to “test actual knowledge” (versus being an “examination of ability to look things up quickly”) and provide test takers with an opportunity to “prepare more thoroughly” through a closed-book exam based on 4400+ pages of statutes (see Appendix F for list of Statutes Examined).<sup>116</sup> This methodology was inherently disconnected from the realities of legal practice, where the focus is on critical thinking and

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<sup>114</sup> While Sara Siebert, Koovian Flanagan, Alyssa Holland, Mandy Sammurtok and Lana Walker provided feedback on the initial draft of the report, only one-third of the survey respondents were resident members of the Nunavut Bar and 28% identified as Inuit.

<sup>115</sup> Part A of the Examination was closed-book. For Part B, students-at-law were allowed to bring a copy of the Model Code of Conduct.

<sup>116</sup> Principia report, *Supra* note 9, at Page 31.



analysis versus the weight placed on “memory and understanding” by Principia Assessments. Further, no course was introduced or made available to Nunavut students-at-law to assist with learning the material and preparing for the revised Examination; the Examination was entirely self-study. This is unlike the Law Society of New Brunswick – the only other jurisdiction in Canada that mandates a closed-book exam (called the “Legal Knowledge Examination”<sup>117</sup>) but offers a preparatory course in advance.

vi. The Examination was destined to fail students-at-law:

The implementation of the Examination was flawed, as students-at-law were not given an adequate opportunity to show their competence. First, the volume of study material imposed on test-takers was demonstrably unmanageable -- no other jurisdiction requires the memorization of statutes. That standard practice typically provides study materials that summarize high-level legal concepts. There was no accompanying preparatory course for those registered to write the Examination, which, based on the experience of the Akitsiraq Law School Program, was known to be likely to benefit test-takers. Second, there was no delineation of a passing grade communicated to students-at-law. Finally, students-at-law were told that there would only be two scheduled sittings per year and limited opportunities to re-write the Examination should a student-at-law not pass on the first attempt. Altogether, it is evident from the 50% pass rate at the first sitting that the exam-takers faced limited prospects of success.

vii. The Examination perpetuates the legacy of colonialism:

The Taskforce has found that the entirety of the new Examination process was designed to fail NLP graduates, the majority of whom were Inuit. First, the timing of the changes to the Examination is noteworthy, as the graduating NLP class in 2021-2022 were made to face the most stringent evaluation standards, just as they were about to be admitted to the legal profession. Second, the structure and design, as discussed above, and the implementation of the Examination clearly reflected that NLP graduates were subject to a different standard of evaluation versus southern-barred lawyers, who were transferring into the Territory. If the rationale for requiring Nunavut students-at-law to take the Statutes Exam in addition to completing CPLED was to protect the public from incompetent practitioners, it makes little sense that LSN chose not to extend this requirement to lawyers seeking to practice in Nunavut who were called to the bar in other CPLED jurisdictions. This requirement leaves the impression that the LSN perceived Nunavut students-at-law as less capable or less trustworthy than their colleagues from other CPLED jurisdictions, who were only required to

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<sup>117</sup> The Law Society of New Brunswick’s *Legal Knowledge Examination* is a four-hour, closed-book, computer-based multiple choice exam consisting of 135 questions. It tests general understanding of core legal concepts that do not already form part of the national law degree requirement including: legislative and regulatory system; substantive law; transaction procedures; law of evidence; civil rules of procedure; other rules of procedure and the ADR process; and legal practice.

sign a Statutory Declaration stating that they had read the relevant statutes to gain admission to the Nunavut bar. Overall, a two-tiered admission process is unequivocal in Nunavut. This reality reflects racial prejudice that has permeated the legal profession in Nunavut and Canada more broadly. It reflects a clear endeavour to keep Inuit out of the legal profession while making it easier for non-Inuit and non-resident lawyers to practice in the Territory.

## Recommendation #2

The LSN Executive shall issue a written statement to reflect that the requirement in s. 18(2) (b) of the *LPA* that requires passing a Bar admissions examination is satisfied by a Bar admissions program that includes an evaluation or assessment.

### Rationale

The Taskforce unanimously agrees that completing CPLED's Bar Admissions Program meets the requirement for applicants to have taken a Bar admission course and passed a Bar admission examination, per section 18(2) of the *LPA*. Any usage of LSN discretion to add a special examination is without basis and contrary to the findings of the Taskforce, given that CPLED satisfies 18(2)(b),

Specifically, the Taskforce has considered the following:

i. The legal basis of the Nunavut Statutes Examination under the *LPA*:

Students-at-law must have "taken a Bar admission course and passed a Bar admission examination" to be qualified for admission to the LSN, as per subsection 18(2) (b) of the *LPA*. Having examined the structure and format of CPLED's PREP course, the Taskforce has determined that this course satisfies both the Bar admission course and Examination under the *LPA*. Further, given the inclusion of the Capstone final assessment within CPLED, the Taskforce has determined that no further "special examination" may be imposed. The requirement for any statute Examination, whether deemed a "special examination" under the *LPA* or otherwise, contravenes the governing statute.

ii. Nunavut's Bar admissions requirements relative to other jurisdictions:

As demonstrated by the jurisdictional scan, all other CPLED jurisdictions no longer require an additional substantive Bar admissions examination. The Taskforce has unequivocally concluded that these jurisdictions have implicitly recognized the redundancy of an Examination given the structure and requirements of CPLED. The Taskforce calls upon the LSN to recognize the same.

While amendments to the *LPA* may be considered in the future to clarify the interpretation, that endeavour takes time. In the interim, the Taskforce recommends that the LSN circulate a written statement to members to provide clarity on this statutory interpretation.

### Recommendation #3

On a temporary basis, the LSN shall continue to require Nunavut students-at-law to complete CPLED's PREP course. Recognizing that CPLED has also contributed to creating systemic barriers, the Taskforce recommends that:

- i. The LSN should work with CPLED to develop more Nunavut-specific content and address accessibility concerns within PREP.
- ii. Establish an "appeal" or review process through the LSN for students who fail CPLED but are successful in their articles to allow the LSN to establish a work plan that may include make-up work with mentors or overseen by a member of the Nunavut Bar to facilitate the student's admission to the Bar without redoing CPLED.

### Rationale

The Taskforce unanimously agrees that, while CPLED's PREP satisfies the requirements of a "Bar admission course" and "Bar admission examination" under section 18(2) of the *LPA*, CPLED PREP's curriculum in its present form lacks content and context relevant to Nunavut. CPLED's PREP also demonstrates accessibility deficiencies. An appropriate review process must exist for students-at-law who do not pass CPLED's PREP, specifically due to the inherent drawbacks of the program.

Specifically, the Task Force has considered:

- Problematic approach to Indigenous and Cross-Cultural content
- Need for a Trauma-Informed and Anti-Racist approach to course content
- Accessibility concerns and reluctance to grant meaningful accommodations
- Cost
- Time required for completion
- Lack of Nunavut-specific content/assignments and inflexibility in using Nunavut statutes/court documents
- Inability to seek clarification on assignment constructs, which is inconsistent with real-world practice
- Inconsistency and lack of transparency in feedback and marks on assignments
- Refusal by CPLED to re-evaluate assignments even where they acknowledged the evaluator did not meet their standards
- Inaccessible appeal procedure where students receive a failing mark and a deficit in meaningful feedback to support future success

## Recommendation #4

The Taskforce recommends establishing an anti-racist Nunavut-specific Bar admission program for students-at-law within two years to replace CPLED's PREP course as the Bar admission course and Bar admission examination for Nunavut within two years. Part of this inquiry will explore whether there should be a different Bar admissions program for students-at-law who completed their legal education outside of the Territory and are seeking admission to the LSN from other jurisdictions, including those applying after completing NCA Accreditation.

### Rationale

While Taskforce unanimously agrees that CPLED's PREP course meets Nunavut Bar admissions requirements following the abolishment of the Nunavut Statutes Examination, the continued use of CPLED does not represent a long-term solution. Given the inherent weaknesses of CPLED's PREP course discussed above, a "Nunavut-Specific Licencing Process" is recommended.

Specifically, the Taskforce has considered the following:

i. Requirement for an in-depth Survey:

Taking into account information gathered from a survey of students-at-law, and developed through consultation and feedback, including from students, articling principals, Elders, Inuit organizations, the legal community, and stakeholders, and with the assistance of professionals skilled in this area, develop a Bar admissions program that reflects Nunavut's unique needs, circumstances and cultural considerations.

ii. Costs and Resources Involved in the New Process:

While recognizing there are practical issues to consider in developing such a course – including allocating additional costs, training, development, and resources – the development of a Nunavut Bar admissions program is one meaningful way the LSN can address systemic racism within the legal profession at large and support the entry of Inuit lawyers into the legal profession.

iii. Involvement with Stakeholders:

Develop proposals for stakeholders to share costs – such as Legal Services Board of Nunavut (LSB), Inuit Tapiriit Kanatami (ITK), Public Prosecution Service of Canada (PPSC), Nunavut Tunngavik Incorporated (NTI), and Government of Nunavut – to support Nunavut

students-at-law in successfully completing a culturally safe and appropriate Bar admissions program.

iv. Cohesion with Articling:

Ensure the program does not take away from the learning experience of articling.

v. Nature of the Course:

Consider whether a Bar admission course should cover professional competency/practical skills (i.e., CPLED's [Practice Readiness Education Program](#), LSO's [Law Practice Program](#)), substantive law or a combination of both (i.e., Law Society of Prince Edward Island's [Bar Admission Course](#), Law Society of British Columbia's [Professional Legal Training Course](#), Law Society of Newfoundland and Labrador's [Bar Admission Course](#), Law Society of New Brunswick's [Bar Admission Program](#), Barreau du Québec's [l'École du Barreau](#)).

vi. Accessibility Concerns:

Consider methods to facilitate accessibility and regular course availability, including online/remote availability and in-person segments and supports.

## Recommendation #5

The LSN shall conduct a survey of all past students-at-law to assess a broad range of issues to inform the future evolution, development, and success of the Bar admissions process in Nunavut and gather information on what the LSN can do to break down barriers for Inuit students entering the legal profession. This survey should address a broad range of topics, including barriers related to financial strain, mental health, and family obligations.

### Rationale

Several law societies have carried out a Student Experience Survey, through which they gathered meaningful and insightful information to improve their students' experience and Bar admissions process. In making future changes, student input will be essential in ensuring a successful strategy in Nunavut that reduces barriers. Others may also be consulted, including articling principals, Elders, and those in the legal profession in Nunavut.

The Survey can seek information and feedback to:

- Address issues of discrimination and harassment experienced during the articling process.
- Canvas what resources or assistance the LSN could provide for students-at-law in these scenarios (i.e., mentorship program, how to file a complaint about an articling principal/organization).
- Inquire about students' experiences with the Bar admission course (Alberta, BC and CPLED have been used in Nunavut to date), Nunavut Statutes Examination and the articling process overall.
- Look into options for creating more flexibility in the defined articling period (for example, to accommodate for maternity/parental leave or family leave), and
- Consider how a program could address the distinct cultural, historical, and legal context, in addition to intercultural competency.

## **Recommendation #6**

The LSN shall issue a statement of apology for the harm caused to Inuit, particularly members of the ASLP and NLP, by the Bar admissions process in Nunavut.

### **Rationale**

It is a cornerstone of Inuit piquajit (things that have to be done) to acknowledge past harms so that there is an opportunity to discuss what went wrong and what is expected moving forward.

A statement of apology will serve:

- To restore harmony and strengthen the LSN's ties with the community.
- To move toward reconciliation and decolonization.
- To acknowledge the harm that has been done through the process of establishing Bar admission requirements that effectively excluded Nunavummit from the legal profession.



## Other Recommendations

- Consider the *LPA* and Rules requirements for a student to be called to the Bar in Nunavut, as well as the requirements in other jurisdictions, to ensure that Nunavut's requirements support the entrance of qualified students to the Bar while reducing barriers.

The Taskforce will examine the *LPA* and LSN Rules that set out the requirements and restrictions related to the Bar admission process, including articling (see Appendix A). The Taskforce will consider whether to recommend changes and provide a rationale for the following identified issues:

- a. Current *LPA* qualifications for membership requirements and restrictions for articles under the *LPA* and Rules to consider whether these should continue or be changed.
- b. Whether there should be a separate process for students-at-law who attended law school outside Nunavut versus in Nunavut.
- c. Some jurisdictions have different requirements to become a student-at-law and complete the Bar admission process. The Taskforce will review whether the following should be considered in Nunavut and provide a rationale to include or reject:
  - i. Reference check
  - ii. Criminal record check or vulnerable persons check or disclosure.
  - iii. Good character (including letters attesting to good character and who can provide them)
  - iv. Graduation from a Canadian Law School (or NCA Accreditation)
  - v. Course Requirements
  - vi. Language requirements (should Inuktitut language training be required as part of the Bar admission process?)
  - vii. Articling Period (is 12 months too long relative to other jurisdictions?)
  - viii. Available Student Supports- mentorship program, tutoring programs, etc.
  - ix. Cost of licensure
  - x. Support for Articling Principals

## APPENDIX A: EXCERPTS OF THE CONSOLIDATION OF LEGAL PROFESSIONS ACT

### *Definitions*

#### 1.

"Bar admission examination" means an examination in general subjects related to the practice of law, including practice, procedure, ethics and the Acts of Nunavut or the Acts of Canada or both; (*examen d'admission au Barreau*)

"special examination" means an examination at university standards in subjects pertaining to substantive law in force in Nunavut; (*examen spécial*)

"student-at-law" means a person serving articles of clerkship approved by the Society to a member; (*stagiaire en droit*)

### *Rules*

8. (1) The Executive shall make rules for the regulation of the Society, the management and conduct of its business affairs and for the exercise of the powers conferred or the performance of the duties imposed on the Society or the Executive by or under this Act and, without restricting the generality of these powers to make rules, may make rules

- (a) prescribing the terms and conditions on which approval for admission as members or as students-at-law may be given, and the manner of proof of those terms and conditions;
- (b) prescribing and establishing a Bar admission course, the contents of the course and fees for enrollment in the course for persons required to pass a Bar admission examination;
- (c) prescribing and establishing a Bar admission examination or a special examination or both, and the contents of those examinations;
- (d) fixing the admission fees and the annual and other fees payable to the Society by members and students-at-law;
- (e) providing, with respect to any rule respecting the payment of fees, that a member is suspended without notice or investigation on contravening that rule;
- (f) providing for the reinstatement of
  - (a) members and students-at-law under suspension,
  - (b) former members whose names have been struck from the Roll, and
  - (c) former students-at-law whose articles have been terminated under this Act,and prescribing the terms and conditions on which reinstatement may be granted;
- (g) providing for the election to become an inactive member, for reinstatement of inactive members as active members and prescribing the terms and conditions on which reinstatement may be granted;
- (h) requiring members to open and maintain trust accounts for clients' money at a bank, treasury branch, credit union or trust company;
- (i) prescribing the manner of keeping the books, ledgers, journals, records and accounts required under section 43, requiring the furnishing of evidence that those books, ledgers, journals, records and accounts are being kept and maintained and providing for their inspection from time to time by the auditors or agents of the Society;

- (j) requiring a member to pay to the Society the cost of an inspection or audit of books and accounts of the member where the rules have not been complied with;
- (k) prescribing the manner of keeping the records and accounts of the Society including the Roll and the information that may be entered in them;
- (l) providing for the procedure for the nomination of candidates for election as members of the Executive and for the appointment of members to the Discipline Committee;
- (m) prescribing the circumstances under which a member is or is not entitled to vote;
- (n) prescribing the procedure to be used for the holding of elections and for determining the elected members;
- (o) respecting matters relating to the discipline and honour of the legal profession, the discipline of barristers and solicitors and students-at-law, the making of investigations and inquiries concerning the conduct of barristers and solicitors and students-at-law, including the procedure to be followed by and the powers and duties of the Discipline Committee or a Sole Inquirer or a Committee of Inquiry and the giving of public notice of disbarments, expulsions and suspensions of barristers and solicitors and students-at-law;
- (p) respecting the powers, duties and qualifications of the officers and employees of the Society;
- (q) for the admission of members of the legal profession outside Nunavut as barristers and solicitors for occasional appearances for specified proceedings; and
- (r) prescribing the procedure for meetings of the Society and the Executive, including the calling of meetings, quorum, voting and notice of motion to be given of rules to be submitted to a meeting of the Society for confirmation or adoption.

### ***Evaluation of Qualifications***

#### *Qualifications of applicants*

**16.** (1) The Executive shall evaluate the academic qualifications of every applicant for admission as a member of the Society and may, in its discretion, administer a special examination to any applicant.

#### *Waiving and varying requirements*

(2) Notwithstanding anything in this Part, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary the requirements set out in paragraph 18(2)(a) or (b). S.Nu. 2004,c.9,s.3.

### ***Student-at-Law***

#### *Certificate*

**17.** (1) An applicant for admission to the Society as a student-at-law shall obtain from the Secretary a certificate as to the compliance by the applicant with the rules respecting the admission of students-at-law.

#### *Articles with judge of Nunavut Court of Justice*

(2) The Executive may, subject to terms and conditions that it considers proper, permit an applicant for admission as 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;
- (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.

### ***Qualifications for Membership***

#### *Qualifications for membership*

- 18.** (1) Subject to subsection 16(1), a person is qualified for admission to the Society who
- (a) has been duly called to the Bar of a province or territory or has been admitted to practise as an attorney, advocate, barrister or solicitor in any superior court of a province or territory; and
  - (b) is of good character and of good standing in the law society of the province or territory of which he or she is an attorney, advocate, barrister or solicitor.

#### *Articles of student-at-law*

- (2) A person is qualified for admission to the Society who
- (a) except as provided by subsections 17(2) and (3), has completed 12 months of continuous service under articles as a student-at-law approved by the Executive to a barrister and solicitor residing in Nunavut
    - (i) who is in good standing;
    - (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; and
    - (iii) whose practice affords reasonable opportunity for the instruction and training of the student-at-law in the general practice of the profession of a barrister and solicitor;
  - (b) has taken a Bar admission course and passed a Bar admission examination; and
  - (c) is of good character, and
    - (i) is a graduate of a law school approved by the Executive, or
    - (ii) has been duly called to the Bar in a country that is a member of the British Commonwealth of Nations and has been actively engaged in the practice of law in that country for a period of not less than three years within the five years immediately before the date of his or her application and who has a legal education that, in the opinion of the Executive, is equivalent to graduation from a law school approved by the Executive.

### ***Student-at-Law***

#### *Student-at-law as counsel*

- 66.** (1) A student-at-law may
- (a) act as counsel or agent before a justice
    - (i) in a civil proceeding, or
    - (ii) in a proceeding pertaining to an offence punishable on summary conviction;

- (b) act as counsel or agent before a judge in a proceeding pertaining to an indictable offence in respect of which a judge of the Nunavut Court of Justice has absolute jurisdiction under section 553 of the *Criminal Code*; or
- (c) act as counsel on any motion, petition or other proceeding before a judge sitting in chambers.

*Notice to client*

(2) Where a student-at-law acts under subsection (1), the student-at-law shall advise his or her client that he or she is a student-at-law before so acting.

***Offences and Punishment***

*Practice of Law*

**68.** (1) No person shall engage in the practice of law unless he or she is an active member of the Society.

*Exceptions*

(2) Subsection (1) does not apply to

- (a) a person who acts on his or her own behalf in an action, matter or proceeding to which he or she is a party;
- (b) a person who draws, prepares, revises or settles for his or her own use any will, conveyance or other instrument pertaining to real or personal property, or any other instrument or document that is or is intended to be enforceable by law or have a legal effect;
- (c) an insurance adjuster acting under the *Insurance Act*;
- (d) a person who appears as an agent without reward for another person before a justice of the peace or judge when authorized to do so under an Act of Nunavut or an Act of Canada; or
- (e) a student-at-law in the course of acting as counsel in any of the cases set out in subsection 66(1) or in doing anything in the course of his or her service under articles, if it is done under the direction or supervision of an active member.

## **APPENDIX B: TRUTH AND RECONCILIATION COMMISSION'S CALLS TO ACTION 27 AND 28**

### **Call to Action #27**

“We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.”

### **Call to Action #28**

“We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism.”

## **APPENDIX C: NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS' CALLS FOR JUSTICE #5.12 AND #10.1**

### **Call for Justice #5.12**

“We call upon federal, provincial, and territorial governments to increase Indigenous representation in all Canadian courts, including within the Supreme Court of Canada.”

### **Call for Justice #10.1**

“We call upon the federal, provincial, and territorial governments, and Canadian law societies and Bar associations, for mandatory intensive and periodic training of Crown attorneys, defence lawyers, court staff, and all who participate in the criminal justice system, in the area of Indigenous cultures and histories, including distinctions-based training.

This includes, but is not limited to, the following measures:

(i) All courtroom officers, staff, judiciary, and employees in the judicial system must take cultural competency training that is designed and led in partnership with local Indigenous communities.

(ii) Law societies working with Indigenous women, girls, and 2SLGBTQQIA people must establish and enforce cultural competency standards.

(iii) All courts must have a staff position for an Indigenous courtroom liaison worker that is adequately funded and resourced to ensure Indigenous people in the court system know their rights and are connected to appropriate services.”

## APPENDIX D: LIST OF [105] REGULATIONS, RULES AND STATUTES FOR THE NUNAVUT STATUTES EXAMINATION (2005)

### STATUTES

1. *Access to Information and Protection of Privacy Act, SNWT 1994, c 20*
2. *Act to Amend the Land Titles Act, SNU 2000, c 15*
3. *An Act to Amend the Legal Profession Act, SNU 2005, c 9*
4. *An Act to Amend the Judicature Act and Other Acts in Relation to Judges, SNU 2000, c 3*
5. *An Act to Amend the Workers' Compensation Act, SNU 2003, c 14*
6. *Assignment of Book Debts Act, RSNWT 1988, c A-9*
7. *Bill of Sale Act, RSNWT 1988, c B-1*
8. *Boards of Management Dissolution Act, SNU 1999, c 3*
9. *Boilers and Pressure Vessels Act, RSNWT 1988, c B-2*
10. *Certified Nursing Assistants Act, RSNWT 1988, c C-2*
11. *Change of Name Act, RSNWT 1988, c C-3*
12. *Child and Family Services Act, SNWT 1997, c 13*
13. *Cities, Towns and Villages Act, RSNWT 1988, c C-8*
14. *Conditional Sales Act, RSNWT 1988, c C-14*
15. *Condominium Act, RSNWT 1988, c C-15*
16. *Consumer Protection Act, RSNWT 1988, c C-17*
17. *Cooperative Associations Act*
18. *Corporation Securities Registration Act, RSNWT 1988, c C-21*
19. *Dental Auxiliaries Act, RSNWT 1988, c D-3*
20. *Dental Mechanics Act, RSNWT 1988, c D-2*
21. *Dental Profession Act, RSNWT 1988, c D-3*
22. *Disease Registries Act, RSNWT 1988, c 7 (Supp)*
23. *Divisional Education Councils Dissolution Act, SNU 1999, c 4*
24. *Document Registry Act, RSNWT 1988, c D-6*
25. *Education Act, SNWT 1995, c 28*
26. *Elections Act, RSNWT 1988, c E-2*
27. *Electrical Protection Act, RSNWT 1988, c E-3*
28. *Electronic Commerce Act, SNU 2004, c 7*
29. *Emergency Medical Aid Act, RSNWT 1988, c E-4*
30. *Environmental Protection Act, RSNWT 1988, c E-7*
31. *Evidence Act, RSNWT 1988, c E-8*
32. *Factors Act, RSNWT 1988, c F-1*
33. *Fair Practices Act, RSNWT 1988, c F-2*
34. *Financial Administration Act, RSNWT 1988, c F-4*
35. *Fire Prevention Act, RSNWT 1988, c F-6*
36. *Flag of Nunavut Act, SNU 1999, c 1*
37. *Floral Emblem Act, SNU 2000, c 10*
38. *Forest Management Act, RSNWT 1988, c F-9*
39. *Garage Keepers Lien Act, RSNWT 1988, c G-1*
40. *Gas Protection Act, RSNWT 1988, c G-2*
41. *Hamlets Act, RSNWT 1988, c H-1*
42. *Herd and Fencing Act, RSNWT 1988, c H-2*
43. *Human Rights Act, SNU 2003, c 12*
44. *Income Tax Act, RSNWT 1988, c I-1*
45. *Integrity Act, SNU 2001, c 7*
46. *Intercountry Adoption (Hague Convention Act), SNWT 1998, c 19*
47. *Interjurisdictional Support Orders Act, SNU 2002, c 26*
48. *International Sale of Goods Act, RSNWT 1988, c I-7*
49. *Interpretation Act, RSNWT 1988, c I-8*
50. *Judicature Act, SNWT 1998, c 34,s.1*
51. *Jury Act, RSNWT 1988, c J-2*
52. *Justices of the Peace Act, SNWT 1998, c 34,s.2*
53. *Labour Standards Act, RSNWT 1988, c L-1*
54. *Land Titles Act, RSNWT 1988, c 8 (Supp.)*
55. *Legal Profession Act, RSNWT 1988, c L-2*
56. *Legal Services Act, RSNWT 1988, c L-4*
57. *Legislative Assembly and Executive Council Act, RSNWT 1988, c L-5*
58. *Legislative Assembly and Executive Council Act, SNU 2002, c 5*
59. *Legislative Assembly Retiring Allowance Act, RSNWT 1988, c L-6*
60. *Liquor Act, RSNWT 1988, c L-9*
61. *Local Authorities Elections Act, RSNWT 1988, c L-10*
62. *Maintenance Orders Enforcement Act, RSNWT 1988, c M-2*



63. *Maintenance Orders (Facilities for Enforcement) Act, RSNWT 1988, c M-3*
64. *Medical Profession Act, RSNWT 1988, c M-9*
65. *Mental Health Act, RSNWT 1988, c M-10*
66. *Motor Vehicles Act, RSNWT 1988, c M-16*
67. *Natural Resources Conservation Trust Act, RSNWT 1988, c 122 (Supp)*
68. *Northwest Territories Business Credit Corporation Act (renamed Nunavut Business Credit Corporation Act), RSNWT 1988, c 107 (Supp.)*
69. *Northwest Territories Development Corporation Act (renamed Nunavut Development Corporation Act), RSNWT 1988, c 59 (Supp)*
70. *Nursing Act, RSNWT 1998, c 38, s.4*
71. *Official Languages Act, RSNWT 1988, c O-1*
72. *Optometry Act, RSNWT 1988, c O-3*
73. *Personal Property Security Act, SNWT 1994, c 8*
74. *Pharmacy Act, RSNWT 1988, c P-6*
75. *Planning Act, RSNWT 1988, c P-7*
76. *Plebiscite Act, RSNWT 1988, c P-8*
77. *Powers of Attorney Act, SNU 2005, c 9*
78. *Property Assessment and Taxation Act, RSNWT 1988, c P-10*
79. *Public Service Act, RSNWT 1988, c P-16*
80. *Public Trustee Act, RSNWT 1988, c P-19*
81. *Public Utilities Act, RSNWT 1988, c 24 (Supp.)*
82. *Reciprocal Enforcement of Judgments Act, RSNWT 1988, c R-1*
83. *Revolving Funds Act, RSNWT 1988, c R-7*
84. *Safety Act, RSNWT 1988, c S-1*
85. *Sale of Goods Act, RSNWT 1988, c S-2*
86. *Securities Act, RSNWT 1988, c S-5*
87. *Seizures Act, RSNWT 1988, c S-6*
88. *Status of Women Council Act (renamed Qullit Nunavut Status of Women Council Act), RSNWT 1988, c 55 (Supp)*
89. *Statute Revision Act, SNWT 1996, c 16*
90. *Supplementary Retiring Allowances Act, SNU 2002, c 4*
91. *Technical Standards and Safety Act, SNU 2002, c 1*
92. *Territorial Parks Act, RSNWT 1988, c T-4*
93. *Tobacco Control Act, SNU 2003, c 13*
94. *Tobacco Tax Act, RSNWT 1988, c T-5*
95. *Travel and Tourism Act, RSNWT 1988, c T-7*
96. *Utility Rates Review Council Act, SNU 2001, c 3*
97. *Veterinary Profession Act, RSNWT 1988, c V-2*
98. *Victims of Crime Act, RSNWT 1988, c 9 (Supp)*
99. *Vital Statistics Act, RSNWT 1988, c V-3*
100. *Warehouse Keepers Lien Act, RSNWT 1988, c W-2*
101. *Wildlife Act, RSNWT 1988, c W-4*
102. *Wildlife Act, SNU 2003, c 26*
103. *Wills Act, RSNWT 1988, c W-5*
104. *Workers' Compensation Act, RSNWT 1988, c W-6*
105. *Young Offenders Act, RSNWT 1988, c Y-1*

## APPENDIX E: LIST OF [106] REGULATIONS, RULES AND STATUTES FOR THE NUNAVUT STATUTES EXAMINATION (2019)

### STATUTES

1. *Access to Information and Protection of Privacy Act, SNWT 1994, c 20*
2. *Boards of Management Dissolution Act, SNU 1999, c 3*
3. *Business Corporations Act, SNWT 1996, c 19*
4. *Change of Name Act, RSNWT 1988, c C-3*
5. *Child and Family Services Act, SNWT 1997, c 13*
6. *Children's Law Act, SNWT 1997, c 14*
7. *Cities, Towns and Villages Act, RSNWT 1988, c C-8*
8. *Condominium Act, RSNWT 1988, c C-15*
9. *Conflict of Interest Act, RSNWT 1988, c C-16*
10. *Consumer Protection Act, RSNWT 1988, c C-17*
11. *Co-operative Associations Act, RSNWT 1988, c C-19*
12. *Creditor's Relief Act, RSNWT 1988, c C-24*
13. *Dental Auxiliaries Act, RSNWT 1988, c D-3*
14. *Dental Mechanics Act, RSNWT 1988, c D-2*
15. *Dental Profession Act, RSNWT 1988, c 33 (Supp.)*
16. *Disease Registries Act, RSNWT 1988, c 7 (Supp.)*
17. *Education Act, SNU 2008, c 15*
18. *Electronic Commerce Act, SNU 2004, c 7*
19. *Emergency Medical Aid Act, RSNWT 1988, c E-4*
20. *Engineers and Geoscientists Act, SNU 2008, c 2*
21. *Environmental Protection Act, RSNWT 1988, c E-7*
22. *Evidence Act, RSNWT 1988, c E-8*
23. *Exemptions Act, RSNWT 1988, c E-9*
24. *Factors Act, RSNWT 1988, c F-1*
25. *Family Abuse Intervention Act, SNU 2006, c 18*
26. *Family Law Act, SNWT 1997, c 18*
27. *Financial Administration Act, RSNWT 1988, c F-4*
28. *Flag of Nunavut Act, SNU 1999, c 1*
29. *Floral Emblem Act, SNU 2000, c 10*
30. *Forest Management Act, RSNWT 1988, c F-9*
31. *Garage Keepers Lien Act, RSNWT 1988, c G-1*
32. *Hamlets Act, RSNWT 1988, c H-1*
33. *Herd and Fencing Act, RSNWT 1988, c H-2*
34. *Human Rights Act, SNU 2003, c 12*
35. *Income Tax Act, RSNWT 1988, c I-1*
36. *Integrity Act, SNU 2001, c 7*
37. *Intercountry Adoption (Hague Convention Act), SNWT 1998, c 19*
38. *Interjurisdictional Support Orders Act, SNU 2002, c 26*
39. *International Sales Conventions Act, RSNWT 1988, c I-7*
40. *Interpretation Act, RSNWT 1988, c I-8*
41. *Judicature Act, SNWT 1998, c 34, s 1 (Sched. A)*
42. *Jury Act, RSNWT 1988, c J-2*
43. *Justices of the Peace Act, SNWT 1998, c 34, s 2 (Sched. B)*
44. *Labour Standards Act, RSNWT 1988, c L-1*
45. *Land Titles Act, RSNWT 1988, c 8 (Supp.)*
46. *Legal Profession Act, RSNWT 1988, c L-2*
47. *Legal Services Act, RSNWT 1988, c L-4*
48. *Legislative Assembly and Executive Council Act, SNU 2002, c 5*
49. *Legislative Assembly Retiring Allowances Act, RSNWT 1988, c L-6*
50. *Licensed Practical Nurses Act, SNU 2010, c 25*
51. *Liquor Act, RSNWT 1988, c L-9*
52. *Mechanics Lien Act, RSNWT 1998, c M-7*
53. *Medical Profession Act, RSNWT 1988, c M-9*
54. *Mental Health Act, RSNWT 1988, c M-10*
55. *Midwifery Profession Act, SNU 2008, c 18*
56. *Nunavut Act, SC 1993, c 28*
57. *Nunavut Business Credit Corporation Act, RSNWT 1988, c 107 (Supp.)*
58. *Nunavut Development Corporation Act, RSNWT 1988, c 59 (Supp.)*
59. *Nunavut Housing Corporation Act, RSNWT 1988, c N-1*
60. *Nunavut Elections Act, SNU 2002, c 17*
61. *Nunavut Land Claims Agreement, SC 1993, c 29*
62. *Nunavut Power Corporation Utility Assets Transfer Confirmation Act, SNU 2001, c 5*
63. *Nursing Act, RSNWT 1998, c 38, s. 4(1) (Sched. D)*
64. *Official Languages Act, SNU 2008, c 10*
65. *Optometry Act, RSNWT 1988, c O-3*
66. *Partnership Act, RSNWT 1988, c P-1*

67. *Personal Property Security Act, SNWT 1994, c 8*
68. *Pharmacy Act, RSNWT 1988, c P-6*
69. *Planning Act, RSNWT 1988, c P-7*
70. *Plebiscite Act, SNU 2013, c 25*
71. *Powers of Attorney Act, SNU 2005, c 9*
72. *Property Assessment and Taxation Act, RSNWT 1988, c P-10*
73. *Public Service Act, SNU 2013, c 26*
74. *Public Trustee Act, RSNWT 1988, c P-19*
75. *Qullit Energy Corporation Act, RSNWT 1988, c N-2*
76. *Qullit Nunavut Status of Women Council Act, RSNWT 1988, c 55 (Supp.)*
77. *Reciprocal Enforcement of Judgments Act, RSNWT 1988, c R-1*
78. *Residential Tenancies Act, RSNWT 1988, c R-5*
79. *Revolving Funds Act, RSNWT 1988, c R-7*
80. *Safety Act, RSNWT 1988, c S-1*
81. *Sale of Goods Act, RSNWT 1988, c S-2*
82. *Securities Act, SNU 2008, c 12*
83. *Securities Transfer Act, SNU 2010, c 15*
84. *Seizures Act, RSNWT 1988, c S-6*
85. *Statute Revision Act, SNWT 1996, c 16*
86. *Summary Conviction Procedures Act, RSNWT 1988, c S-15*
87. *Supplementary Retiring Allowances Act, SNU 2002, c 4*
88. *Territorial Parks Act, RSNWT 1988, c T-4*
89. *Tobacco Control and Smoke-Free Places Act, SNU 2003, c 13*
90. *Tobacco Tax Act, RSNWT 1988, c T-5*
91. *Tourism Act, RSNWT 1988, c T-7*
92. *Traffic Safety Act, RSNWT 1988, c M-16*
93. *Utility Rates Review Council Act, SNU 2001, c 3*
94. *Veterinary Profession Act, RSNWT 1988, c V-2*
95. *Victims of Crime Act, RSNWT 1988, c 9 (Supp.)*
96. *Vital Statistics Act, RSNWT 1988, c V-3*
97. *Warehouse Keepers Lien Act, RSNWT 1988, c W-2*
98. *Wildlife Act, SNU 2003, c 26*
99. *Wills Act, RSNWT 1988, c W-5*
100. *Workers' Compensation Act, SNU 2007, c 15*
101. *Young Offenders Act, RSNWT 1988, c Y-1*

## **LIST OF CODES, REGULATIONS AND RULES**

1. Law Society of Nunavut, Model Code of Professional Conduct, Nunavut: Law Society of Nunavut, 2016.
2. Probate and Administration Rules of the Nunavut Court of Justice, Nun. Reg. 79-515, SOR/79-515 [acceptable short hand for exam: Probate Rules].
3. Rules of the Law Society of Nunavut (Current to November 7, 2016).
4. Rules of the Nunavut Court of Appeal Respecting Civil Appeals — Nun. Reg. R-014-2018 [acceptable short hand for exam: Court of Appeal (Civil Rules)].
5. Rules Respecting Criminal Appeals Under Sections 607 - 616 of the Criminal Code and Bail Rules on Appeals to the Court of Appeal for the Northwest Territories, SOR/78-68 [acceptable short hand for exam: Court of Appeal (Criminal Rules)].

**APPENDIX F: (NEW) NUNAVUT STATUTES EXAM – LIST OF [66] SOURCES OF LAW  
(ADOPTED BY THE LSN EXECUTIVE ON 29 NOVEMBER 2021)**

1. *Aboriginal Custom Adoption Recognition Act*
2. *Access to Information and Protection of Privacy Act*
3. *Adoption Act*
4. *Apologies Act, Legal Treatment of*
5. *Business Corporations Act*
6. *Cannabis Act*
7. *Child and Family Services Act*
8. *Children's Law Act*
9. *Cities, Towns and Villages Act*
10. *Code of Professional Conduct*<sup>1</sup>
11. *Conflict of Interest Act*
12. *Consumer Protection Act*
13. *Corrections Act*
14. *Creditors Relief Act*
15. *Department of Justice Act*
16. *Environmental Protection Act*
17. *Evidence Act*
18. *Family Abuse Intervention Act*
19. *Family Law Act*
20. *Family Support Orders Enforcement Act*
21. *Financial Administration Act*
22. *Guardianship and Trusteeship Act*
23. *Hamlets Act*
24. *Human Rights Act*
25. *Insurance Act*
26. *Inuit Language Protection Act*
27. *Judicature Act*
28. *Jury Act*
29. *Justices of the Peace Act*
30. *Labour Standards Act*
31. *Land Titles Act*
32. *Legal Profession Act*
33. *Legal Services Act*
34. *Limitation of Actions Act*
35. *Liquor Act*
36. *Marriage Act*
37. *Mechanics Lien Act*
38. *Mental Health Act*
39. *Nunavummi Nangminiqaqtunik Ikajuuti Implementation Act*
40. *Nunavut Act*
41. *Nunavut Court of Justice, Civil Rules*<sup>3</sup>
42. *Nunavut Court of Justice, Criminal Rules*<sup>4</sup>
43. *Nunavut Court of Justice, Divorce Rules*
44. *Nunavut Court of Justice, Practice Directives*<sup>5</sup>  
*Nunavut Land Claims Agreement*<sup>6</sup>
45. *Official Languages Act*
46. *Partnership Act*
47. *Personal Property Security Act*
48. *Powers of Attorney Act*
49. *Public Health Act*
50. *Public Service Act*
51. *Public Trustee Act*
52. *Representative for Children and Youth Act*
53. *Residential Tenancies Act*
54. *Rules of the Court of Appeal Respecting Civil Appeals (Nunavut)*
55. *Rules of the Court of Appeal Respecting Criminal Appeals (Nunavut)*
56. *Rules of the Law Society of Nunavut*
57. *Safety Act*
58. *Seizures Act*
59. *Societies Act*
60. *Summary Conviction Procedures Act*
61. *Traffic Safety Act*
62. *Unlawful Property Forfeiture*
63. *Victims of Crime Act*
64. *Wildlife Act*
65. *Workers' Compensation Act*
66. *Young Offenders Act*

## APPENDIX G: Revised Rules and Protocols

# NUNAVUT STATUTES EXAMINATION RULES AND PROTOCOLS

(REVISED May 2022)

Students-at-Law must comply with these Rules and Protocol, which apply equally (with any necessary modifications) to candidates writing the Nunavut Statutes Examination (Examination).

Where these Rules and Protocol appear inconsistent with other information or instructions published or provided by the Law Society of Nunavut (LSN) these Rules and Protocol apply unless such information or instructions specifically state that they take priority over contrary provisions in these Rules and Protocol.

### General Confidentiality And Security

Stringent protocols and security measures have been put in place to ensure that the integrity of the Examination is always maintained. These measures are designed to eliminate any unfair advantage among candidates and avoid the high cost of replacing examination content in the event of a security breach. These protocols have been implemented at all phases of development of the Examination content, including development, review, translation, and printing. All Examination content is the property of the LSN.

The LSN requires that candidates maintain the strict confidentiality and security of the Examination content. This includes all information and material relating to the Examination that is not disclosed publicly by the LSN on its website including any of the following: any topic, item, question, scenario, fact pattern, case, correct answer, or incorrect answer; the format, structure, organization, process, and evaluation of the examination; the types of questions and answers that appear on the Examination; and all materials that may be provided by the LSN to candidates in connection with an examination.

To preserve the security, confidentiality, and integrity of the examination **candidates are strictly prohibited from receiving from, or disclosing to any person or organization, from reproducing (through memorization or by any other means), or from publishing any Examination content.**

### Registration

To be eligible to write the Examination the candidate must be a student-at law in good standing with the LSN at the time of registration and on the day the Examination is taken. A student-at- law may not write the Examination during a time when the articling term is paused but may otherwise register to write the Examination at any point during the articling term.

The Examination will be offered by the LSN at least twice per calendar year, usually in the spring and fall. The Examination will be offered in Iqaluit. Subject to approval, candidates who are not in Iqaluit may request to write the Examination in the city/community where they are completing their articling term.

Students-at-law must complete the required registration form and submit the form along with accompanying documentation and fees by the required deadline. **Candidates who do not meet the registration deadline will not be permitted to write the Examination at that sitting.**

Students-at-law who submit an incomplete registration form will be required to re-submit the form and accompanying documentation. A registration is not deemed to have been received until it is complete. It is strongly recommended that the form be submitted as soon as possible in order to ensure it is completed by the application deadline.

After a completed form is received the student-at-law will receive a **Candidate Identification Number**. This number will ensure that examinations are marked anonymously and will be the only identifying feature on the answer sheet. Care should be taken to record the number and not lose it.

#### **Deferral:**

If a candidate has registered for an examination sitting but is not ready to sit the Examination on that date the candidate may request a deferral. Upon request, the LSN will grant a deferral of an examination. **Deferral is to the next regularly scheduled examination date.** This may result in a delay in the student's eligibility for call and admission to the LSN. **There is no cost to write a deferred examination if it is received more than 5 business days before the sitting of the Examination.**

**If a candidate fails to attend an examination sitting without requesting a deferral the candidate will forfeit the fees paid and will be invoiced for any subsequent sitting.**

To apply for a deferral candidates must send a written request to the CEO of the LSN.

#### **Unexpected Emergency or Medical Concern:**

If an unexpected emergency or medical concern arises that prevents a candidate from sitting the Examination they must inform the CEO of the LSN in writing as soon as practicable. The CEO may request additional information or supporting documentation from the candidate.

Candidates who fail to write the Examination as scheduled and do not provide sufficient evidence of an unexpected emergency or a medical concern will receive an official result of "unexcused absence" for the Examination and forfeit their registration fee. These candidates will be required to register for the next sitting of the Examination and pay the required registration fee.

### Format and Timing Of The Examination Sitting

- **Part A** of the Examination uses a closed-book multiple-choice format. Each multiple-choice question has four answer options, only one of which is correct. There are 60 questions each worth 1.5 marks that form the basis of 90% of the overall score.
- **Part B** of the Examination consists of 4 questions in a constructed response format. Each question has a legal scenario requiring identification and consideration of the *Model Code of Professional Conduct* and related ethical issues. These questions are worth 10 marks and form the basis of 10% of the overall exam score.

Examinations may be written in either **English/Inuktitut or English/French**.

At the examination site in Iqaluit announcements and directions will be made in English.

The **total length of the Examination is 3 hours**. There is no scheduled break, and the amount of time allotted for the Examination contemplates that candidates may need to use some of the allotted time to visit the restroom. Security protocols will be in place for all visits to the restroom.

Candidates must **mark their answers on the answer sheets provided**.

One **hard (paper) copy of the *Model Code of Professional Conduct*** (with the commentary) will be provided to each candidate at the beginning of the Examination.

#### **The examination site:**

Candidates must be seated by no later than 15 minutes prior to the scheduled start of the Examination.

Candidates are not permitted to leave the testing area during the final 15 minutes of the allotted time for the Examination, even if they have completed their examination.

The temperature of the examination site may be different from what is most comfortable for each individual candidate. Candidates are encouraged to dress appropriately.

Candidates should be prepared for minor distractions during the examination sitting.

Candidates who are not in Iqaluit may request to write the Examination at an alternate site in the city or community where they are articling. They must propose an examination site and provide details of the location when registering for the Examination. The alternate site must be approved in advance.

Candidates must comply with any conditions that accompany the approval.

#### **Proctoring During the Examination:**

Proctors will monitor and observe all candidates during the examination sitting. Candidates must comply with any instructions from the Proctors.



Candidates who request to write the Examination at an alternate site must have an approved proctor. They must propose a proctor when registering for the Examination. A proposed proctor must be a member in good standing of the LSN. The proctor must agree to enforce the rules and protocol and be available to monitor the candidate for the duration of the Examination.

Proctors will monitor examination timing they will instruct candidates when to start and stop writing the Examination.

No verbal time cues will be provided during the writing of the Examination. Candidates may make use of a watch or stopwatch to monitor their progress through their Examination.

### **Personal Belongings:**

The following are the only items permitted. Candidates must not bring any items to the examination sitting area not permitted. Personal belongings must be in a clear plastic storage bag (such as a Ziploc bag). Pencils, pens, highlighters, erasers

- Identification
- Food in its original wrapping/container or re-covered in a clear wrapping (e.g., plastic wrap)
- Hygiene products
- Foam earplugs
- Keys
- Medication in clear containers or clear packaging (and not in non-clear pillboxes, organizers, or cases)
- Tissues (loose or in a clear wrapping)
- A wallet
- Unused sticky notes and notepaper (subject to screening and approval by a Proctor)

Candidates may also have:

- Non-alcoholic beverages in clear, resealable plastic containers.
- A wrist watch, stopwatch, or timer that does not transmit (not one that is simply not in transmission mode).
- **Candidates may not use a cellphone or other electronic device as a timekeeper.**

The following are prohibited items that candidates may not possess during the Examination:

- Devices or technologies that can photograph, receive, transmit, or record any information (including video, audio, still, and motion).
- Electronic devices including computers, USB keys, tablets, cell phones, earphones, earbuds, headsets.
- Electronic bracelets of any kind.
- Food or other personal items not in an approved container.
- Notes; copies of statutes or other materials.

### **Registration Upon Arrival:**

Upon arrival at an examination site candidates must report to the registration desk to sign the registration sheet in the presence of a Proctor. Candidates may be asked to present photo identification at that time for confirmation of their identity.

Following registration, candidates must submit to an inspection by Proctors of all personal items. Proctors will be closely monitoring candidates as well as candidates' belongings, clothing, glasses, pockets, buttons, etc. for prohibited items.

Candidates should be prepared to comply with all Proctor instructions. If candidates have any concerns about a specific request, they should immediately request to speak with a LSN staff member.

Once seated a Proctor will issue the candidate a sealed examination package. **Candidates must not open the sealed examination package until instructed to do so.** Once seated candidates are not permitted to leave (even for a restroom break) until at least 30 minutes has elapsed after the start of the examination sitting. **Candidates who exit prior to the allotted time will not be permitted re-entry.**

**A candidate who opens the sealed examination package is deemed to have attempted the Examination.** The candidate's answer sheet will be marked, and an official result given, whether or not the candidate completes the Examination.

### **Leaving the Testing Area:**

Candidates who determine that they have completed their Examination prior to the end of the allotted time must raise their hand and remain seated until a Proctor has attended their desk.

In order not to disturb candidates who are still writing, candidates who exit prior to the allotted time must do so quietly and must not gather must leave the area immediately.

As indicated above, candidates who determine that they have completed the Examination during the final 15 minutes of the allotted time are not permitted to leave early and must remain seated until the announcement is made for all candidates to stop writing.

In order for a candidate take a restroom break they must raise their hand and remain seated until a Proctor has attended their desk. A proctor will escort the candidate to and from the restroom.

### **Procedures for the Conclusion of the Examination Sitting:**

When the Proctor makes the announcement that the allotted time for the Examination is over all candidates must immediately stop writing, put down pencils/pens. **Candidates who fail to abide by an instruction to stop will receive an official result of "Fail" for the Examination.**

At the conclusion of the Examination all candidates must remain seated until Proctors have collected all materials required to be collected by the Proctors and advised candidates that they may leave their seats. Restroom breaks are not permitted during this time.

Proctors will collect the answer sheets and any paper-based materials provided. Candidates must demonstrate to the Proctor that they do not possess any paper materials when leaving the examination site.

## **Conduct**

### **Candidates must:**

- Arrive for the Examination in sufficient time to register and be seated before the Examination commences (note that candidates will not receive additional time to complete their Examination if they begin writing their Examination after the Examination has started);
- Comply with all registration and screening procedures;
- Be seated and ready to listen to any announcements by 15 minutes prior to the scheduled start time of the Examination;
- Keep any garment they are not wearing (e.g sweater) under their seat;
- Comply with these Rules and Protocol;
- Comply with all requests or instructions made by a Proctor before, during, or after the Examination;
- At any time upon the reasonable request of a Proctor or the LSN staff, allow the Proctor or the staff member to inspect their personal property for prohibited items and/or compliance with these Rules and Protocol;
- Keep any permitted items in their storage bag and visible;
- Raise their hand if they require assistance or the use of the restroom and, in all cases, wait for a Proctor to attend and assist them (in the case of a restroom visit, a Proctor escort candidates to and from the restroom);
- Mark their answers on the answer sheet provided;
- Write only their Candidate Identification Number on their answer sheet. Candidates must not mark their answer sheets in any other way that identifies them.

### **Candidates must not engage in any of the following:**

- Engage in any form of dishonesty, fraud, cheating, misrepresentation or other misconduct in respect of an examination;
- Be in possession of, use, rely on, or consult an unauthorized source of information at any time during the Examination;
- Have access to, access or use any electronic, communication, recording or similar device during the Examination or while in possession of an examination package;
- Copy another candidate's answer to a question on an examination;
- Receive an answer to a question on an examination from another person or entity;
- Share any materials or items with any other candidate during an examination sitting;

- Look at any other candidate's print materials during an examination or allow another candidate to look at their print materials;
- Communicate through any means with anyone during the examination sitting (including in the restroom, on the way to or from the restroom, or while exiting), other than to request assistance from a Proctor;
- fail to abide by the instructions and directions of a Proctor;
- write any answers before the beginning of the Examination;
- continue writing after the Proctor has advised the Examination has ended.

Candidates should be respectful of other candidates and be careful not to create any continuing distraction by sound or movement that could disrupt the concentration of other candidates.

Candidates should not consume food that is especially noisy or distracting or has a strong scent.

Candidates should advise the LSN immediately should they become aware of the existence of a breach of these Rules and Protocol.

Candidates should not permit anything to occur that could reasonably be expected to negatively impact the security or integrity of the Examination.

#### **Breach of the Rules and Protocol:**

Any breach of these Rules and Protocol may result in a candidate being asked to leave the

examination site and may result in a 'fail' result on their examination. In addition the LSN may direct the preparation of a written report on the conduct of the candidate and its provision to the chair of the discipline committee.

#### **Accessibility And Accommodation**

Notwithstanding any provision or requirement contained in these Rules and Protocol, a candidate who requires accommodation may request accommodation and the LSN will provide accommodation to the candidate in accordance with LSN policies. For further information regarding accessibility accommodation please contact the LSN.

Candidates are prohibited from disclosing any accommodation granted to them by the LSN, or information related thereto, to any person other than a medical professional or the candidate's family, friend or service provider such disclosure being permitted for the strict purpose of receiving support with the implementation of an accommodation.

## **Marking And Examination Failure**

The LSN Executive will appoint three (3) members of the LSN (the markers) to mark the examination. Examinations will be marked individually by markers. The passing grade for the examination will be set by the markers collectively after the first sitting of the Examination in May 2022.

**To successfully pass the exam candidates must pass both Part A and Part B.** The Examination administrator will email candidates their individual result (an overall pass/fail grade).

Candidates can expect to receive their examination result 3 weeks after sitting their examination.

### **Failed Examination:**

A candidate who fails to receive a passing score on the first attempt will be entitled to write a second examination at the next scheduled sitting. The candidate will be required to complete a registration form and pay the registration fee.

A candidate who fails for a second time may be permitted to write a third time with the permission from the Executive on such terms and conditions as the Executive may determine. The decision of the Executive is final.

A candidate who fails an examination is entitled to review a copy of the marked examination in the LSN offices at a time set by the CEO but is not entitled to reproduce the examination or any portion thereof in any manner whatsoever. Such a review should occur as soon as is practicable. The candidate must make this request in writing.

A candidate may also apply to have any failed examination re-marked. For each re-mark of an examination, there is a fee of \$105 (\$100 plus GST).

**These Rules and Protocol may be updated. The LSN may also provide information about a specific examination sitting prior to the date of that sitting.**