LCLCAbd bɔbbchnnc aabr NUNAVUMI MALIGALIUQTIT LAW SOCIETY OF NUNAVUT BARREAU DU NUNAVUT



SPECIAL GENERAL MEETING

December 4, 5:15pm ET

1. Resolution to amend the Rules of the Law Society of Nunavut

RESOLUTION TO PROVIDE AN EXEMPTION TO THE INSURANCE LEVY FOR NON-INSURED MEMBERS PROVIDING PRO BONO LEGAL SERVICES

WHEREAS the membership of the Law Society of Nunavut (LSN) has adopted an Access to Justice Program at its 2014-2015 Annual General Meeting, which includes the delivery of probono legal services as set out in Appendix A;

WHEREAS the lack of insurance coverage for non-insured LSN members has been identified as an impediment to the provision of pro bono legal services in Nunavut;

BE IT RESOLVED THAT the Executive shall amend the *Rules of the Law Society* to add Section 93(5.1).

AMENDMENT

- 1. Rule 93 is amended by adding "93(5.1)" after subrule "93.5".
- 93. (1) There shall be a fund called the Professional Liability Claims Fund into which shall be paid moneys collected from members for the payment of premiums payable by the Society under a group contract entered into by the Society under subsection 61(1) of the Act
 - (2) An annual assessment shall be levied on active members, not exempted by subsection (4), in such amount as may be fixed by the Executive from time to time for the purpose of maintaining and augmenting the Professional Liability Claims Fund, and such annual assessment may, in the discretion of the Executive, be paid in one or more instalments on such dates as may be specified by the Executive.
 - (3) The Executive, in determining the amount or amounts of the assessment referred to in subsection (2), may include in the levy on particular members an additional amount, based on the paid claims record of those members.

- (4) The following categories of active members are exempt from payment of the assessment and are not entitled to indemnification under the group contract entered into under subsection 61(1) of the Act:
 - (a) an active member who does not ordinarily reside in nor carry on his or her principal practice of law in and proves to the satisfaction of the Executive that he or she has errors and omissions insurance that covers him or her in the practice of law in Nunavut and that entitles him or her to indemnification to such limits as are established by the Executive annually;
 - (b) an active member who is employed by and whose professional services are provided exclusively to
 - (i) a government or government agency, or
 - (ii) an employer who does not practice law.
- (5) The exemption under paragraph (4)(b) does not apply to an active member however employed who renders legal services to the public in Nunavut.
- (5.1) Members who are otherwise exempted under subrule (4) are, nevertheless, covered by the group contract for approved pro bono legal services rendered through the Access to Justice Program as adopted by the Society at its Annual General Meeting or Special General Meeting.

APPENDIX A

Excerpts from the Report on the Access to Justice Roundtable

Report on the Access to Justice Roundtable

May 29, 2014

The Context: 2013 saw the release of two landmark reports on access to justice in Canada. The National Action Committee on Access to Civil and Family Matters, chaired by Justice Tom Cromwell and made up of lawyers, judges, organizations, institutions and the public from across Canada, produced a Roadmap for Change in October, 2013 and hosted a Colloquium in January 2014 designed to build momentum for leaders in each jurisdiction to take concrete action on access to justice. In April of 2013 the CBA held the Envisioning Equal Justice Conference in Vancouver and in November released its Envisioning Equal Justice Report, itemizing specific goals for progress on access to justice. The report highlights opportunities for leadership by lawyers and timelines for measuring success. These reports share common themes of focusing on the experiences of the public, the knowledge and skills needed to deal with everyday legal problems and the attitudes that build confidence in legal resolution and professionals.

Pro Bono: The LSN has been working to meet the recommendations of the CBA's Pro Bono Committee by ensuring that there is insurance coverage for non-insured LSN members while they are involved in a LSN approved pro bono program. The Access to Justice Program will be the first approved program and will establish pro bono opportunities for LSN members that comply with the CLIA insurance requirements, align with pro bono efforts nationally and reflect the needs of the local community and the local bar.

The Projects

Access to Knowledge - information with support

The Access to Knowledge project will collect existing and produce additional resources on the identified themes and make them available in each community by liaising with community leaders. The Access to Knowledge project will connect people with someone who can help them identify their problem and connect them with legal help. Not only will the project produce high-quality, multi-lingual information, but will also make that information available through multiple delivery sources (phone line, online, in person, using different community resources or leaders etc.).

The initial topics of the Access to Knowledge project will be Family issues, Family violence, Tenants' rights, Foreclosure, Disability rights, Consent and confidentiality in provision of services and Court processes.

Legal Capability - Building Law as a Life Skill

This project will see lawyers, judges and court staff connecting with students through school-based projects to introduce legal concepts, and legal professionals as helpful people who are approachable and trustworthy. The Legal Capability project will focus on attitudes about the justice system and building trust and interest in legal sector careers. The project will include a focus in Law 10/12 at Inukshuk High School and a Circuit Court school outreach project for Grade 4-6.

Legal Health - Public Workshops

Basic public information sessions will provide an overview of a legal topic and allow people to meet a lawyer without the anxiety of an active conflict. These session will rely on reinforce the CBA legal health checklists and connect the LSN's A2J program with activities underway in other jurisdictions. A roster of topics and session outlines, handouts and visuals for public sessions on commonly requested topics will be enhanced and made available to LSN members, building on the existing base of Legal Aid sessions.