

Updates from the Executive

The 2012-2013 Executive established a list of Priorities for the short and long terms that includes, for example, establishing an Inuktitut Telephone Hotline, establishing a Continuing Professional Development Policy, establishing an Investment Policy and Reserve Fund Policy, making progress on the Access to Justice issue, developing an employee benefits policy and a policy manual and developing bar exams for Nunavut.

There have been two active litigation files involving the LSN in the past year. The first relates to a matter arising out of the mobility agreement and the ability to practice in Nunavut. An application has been filed by a lawyer (based out of Alberta) in the Nunavut Court of Justice challenging, based on the mobility right under the Charter of Rights and Freedoms, the right of the Law Society of Nunavut to require either a restricted appearance certificate or LSN membership for him to practice law in Nunavut. This matter continues to be ongoing and costs are being incurred. The Executive has retained outside counsel and takes the position that this matter is fundamentally important to the protection of the Nunavut Bar. The Law Societies of the NWT and YT have also intervened.

The second matter was related to a membership application. A candidate from a civil law background with no education or limited experience in a common law jurisdiction challenged the authority of the Law Society to require him to undertake additional common law examination requirements. The LSN retained outside counsel and the matter was withdrawn on the basis of a resolution agreement before it reached the hearing stage. The candidate wrote a special examination (under certain conditions) and was eventually admitted as a member.



Drawing by C.H.

The Law Society of Nunavut

cordially invites you, your family and guest

on Dec, 6, to a Holiday Gathering to celebrate the festive season



Drawing by C.H.



Kivalliq Legal Services

2012 Holiday Gathering

Photos provided by
Kathryn Kellough, LSN Member



Drawing by C.H.



Nunavut Court of Justice

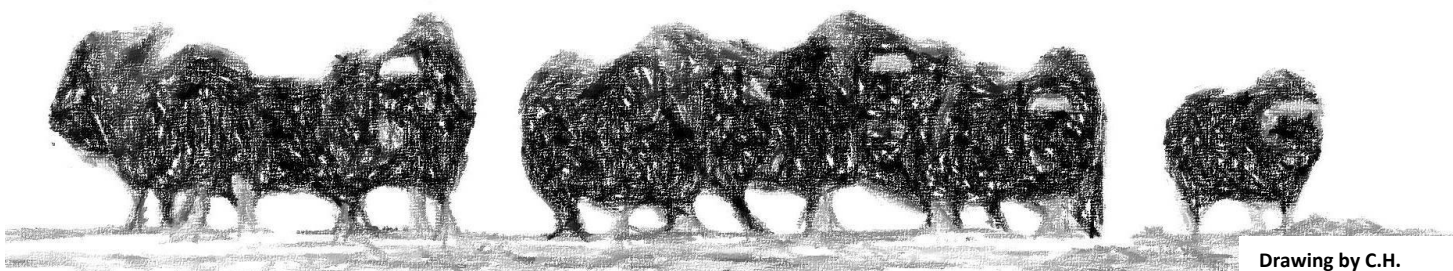
Meet the Judges' Chambers Staff!

By the Honorable Madame Justice Sue T. Cooper



Left to Right: Michel MacDonald, Alison Hamer, Denise Murphy, Ida Allurut

The judiciary is pleased to have been invited to contribute a column to the Law Society newsletter on a regular basis. In this first column I would like to introduce you to the wonderful staff in Judges' Chambers. Somehow they manage everything from ordering pens and paperclips to setting the court schedule and getting each of us where we need to be, all while keeping a friendly attitude and a smile on their faces!



Drawing by C.H.

Meet the Judges' Chambers Staff!

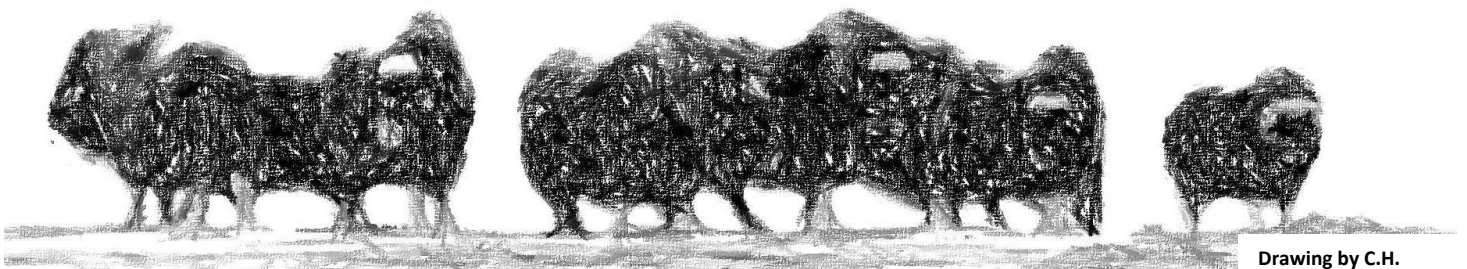
Denise Murphy is the administrator of judicial affairs and is likely the first person you will encounter if you phone or come to Judges' Chambers. She provides administrative support services to the judges of the Nunavut Court of Justice (six resident judges and approximately fifty deputy judges), the judges of the Nunavut Court of Appeal and visiting judges from the Federal Court and the Tax Court. She is the judiciary's liaison with the Office of the Commissioner of Federal Judicial Affairs, the National Judicial Institute, the Canadian Bar Association, the Law Society of Nunavut, and all other outside agencies.

Michele MacDonald is the administrator in charge of court scheduling. Those of you who are litigators will know her as the trial coordinator and will have spoken with her when arranging pre-trial and case management conferences and trial dates. You will also appreciate the work that goes into maintaining the schedule given the demands on the time of everyone involved in the justice system!

Ida Allurut is the administrative assistant for the Justices of the Peace program. Her responsibilities include preparing the required documentation for those going through the process of being appointed as Justices of the Peace, providing all of the administrative support for Justice of the Peace training, preparing correspondence, managing files and maintaining supplies and equipment for the Justices of the Peace. In addition to her duties with the Justice of the Peace program Ida also provides administrative and clerical support to the judges of the Nunavut Court of Justice. Working in the justice system is a family affair for Ida – her son, Willis, will be well known to many as he works in the Registry as a criminal clerk.

Alison Hamer is the newest Law Clerk with the Nunavut Court of Justice. Alison graduated from the University of British Columbia law school in the spring of 2011 and was called to the BC bar in June of 2012. She has been with the Nunavut Court of Justice since September of 2012 and will be staying with us until April, 2013. Her responsibilities include assisting with the development and implementation of court policy, conducting legal research, drafting memoranda, editing judgments and providing administrative support to numerous court committees.

The judiciary greatly appreciates the support that the staff provides.
They are truly a pleasure to work with and without them
our jobs would be that much more difficult.



Drawing by C.H.

Committees Report

Membership & Admissions

The Membership and Admissions Committee continues to be busy. The Committee processes applications for membership, most of which are made under the territorial mobility agreement. The Committee has a new chair, Margaret Hollis, and several new members, so some of the work is simply becoming familiar with the relevant sections of the *Legal Professions Act*, the Law Society Rules, and the relevant mobility agreements.

2012-13 Membership Committee Members

Chairperson
Margaret Hollis

Vicechairperson
Steven Cooper

Daniel Albahary
Anusha Aruliah
Steven Foulds
Kimberley Gilson
Shayne Kert
Lorraine Land
John Maclean
Allan Maclure
Elizabeth Miller
Robert Neron
Marc Noreau
Merrilee Rasmussen
Mandy Sammurtok
John Solski
Jessica Thompson
Sutheat Tim

After January 31, 2013 Membership Renewals

Active Members: 239

Active Resident Members: 62

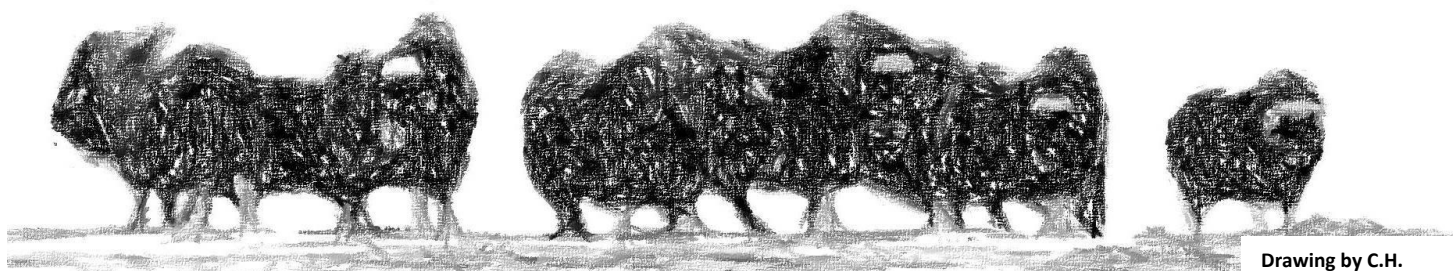
Active Non-Resident Members: 177

Inactive Members: 23

Inactive Resident Members: 3

Inactive Non-Resident Members: 20

Reports by the respective Chairpersons of the Discipline Committee and Ethics & Unauthorized Practice Committee will be provided in the next edition!



Drawing by C.H.

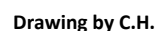


By Thomas Druyan, Chairperson

A group of nine people, including adults and children, are posed for a photograph in front of a wooden wall. The wall is decorated with several framed pictures, including a portrait of a man and a portrait of a woman. In the center, a woman in a black top holds a white certificate. To her left, a woman in a grey jacket holds a young child. To her right, a woman in a blue and white patterned top holds a young child. On the far right, a man in a blue denim jacket holds a young child. Other children are standing around them, some in blue and white tracksuits. The group appears to be celebrating an achievement.

- Principal Edward Sheppard

The Foundation also recently granted a *Lucien Ukaliannuk Award* to Priscilla Ferrazzi who is pursuing graduate legal studies and whose research article “Improving Criminal Justice for People with Mental Illness in Remote Arctic Communities” explores ways in which the criminal justice system can be better adapted for Nunavut. Ms. Ferrazzi’s research summary can be viewed at <http://lawsociety.nu.ca/law-foundation-of-nunavut/>.



In addition, Board members were pleased to see their efforts bear fruit when the recipient of a past *Lucien Ukaliannuk Award* gave a public legal education presentation on the criminal justice system to prospective law students during the 2012 Akitsiraq legal skills training.

The Foundation is working on developing strategies to notify more students about the availability of this award, and encourage members of the law society to spread the word.

Finally, the Foundation is working with the Nunavut Department of Justice to amend the *Legal Professions Act* to i) broaden and clarify the scope of projects that fall within the Foundation's mandate; and ii) provide protection from liability for the Directors, as is common for Law Foundations in other jurisdictions and for other Boards.

IMPORTANT NOTICE

NuLAP : Nunavut Lawyers Assistance Program

NuLAP provides counseling and other support to Nunavut-resident lawyers, articling students, judges and their families who have personal problems. NuLAP is funded by our Nunavut Branch of the Canadian Bar Association.

Up until now, NuLAP's support was offered through the Ontario program, OLAP. OLAP has been jointly funded by the Law Society of Upper Canada and the Ontario insurer. However LSUC recently decided to bring the program in-house.

In order to insure continuous coverage for Nunavut-resident lawyers, **NuLAP has now engaged the services of Alberta Lawyers' Assistance Society, ASSIST.** **Effective 1 January 2013**, counseling and peer support services will be provided by ASSIST, which can be contacted at **1-877-498-6898** or www.albertalawyersassist.ca/.

Any individual who is engaged with OLAP as of December 31, 2012 date will continue with OLAP. The OLAP contact information is www.olap.ca/ or 1-877-576-6227.

ANY LAWYERS CURRENTLY USING THE SERVICES OF OLAP

SINCE DECEMBER 31, 2012 WILL CONTINUE TO BE SERVED.





THE CANADIAN BAR ASSOCIATION
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L'ASSOCIATION DU BARREAU CANADIEN
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Nunavut Branch
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Division du Nunavut
Nunavutmi Katujikatigit



John Hoyles, Robert Brun and Mark Mossey (new President)



The Nunavut Branch of
the Canadian Bar Association started
its new year by hosting
CBA National President
Robert Brun, Q.C. &
CEO John Hoyles
at its October 30, 2012
Annual General Meeting in Iqaluit.

At the AGM the new Branch Executive, comprised of Stephen Mansell (Past President), Mark Mossey (President), John MacLean (Vice President), Philip Grassie (Treasurer) and Mandy Sammurtok (Secretary), was confirmed.

In addition, Marc Noreau is Chairperson of Special Events.



Drawing by C.H.

The Branch is anticipating a very exciting and full year of both professional development and volunteer opportunities for its members; we will update membership regularly in 2013 on a number of events planned for late spring. The CBA Executive enjoyed co-hosting the holiday party with the Law Society of Nunavut on December 6, and hope that all who attended had an enjoyable time.

Mark Mossey, President CBA, Nunavut Branch

JUSTICE THOMAS CROMWELL TO VISIT IQALUIT

During the last week of May The Nunavut Branch of the Canadian Bar Association is proud to announce that it will be hosting The Second Annual High School Mock Trial. This year's event will be presided over by current member of the Supreme Court of Canada, The Honourable Mr. Justice Thomas Cromwell.

Other events will be surrounding Mr. Justice Cromwell's visit and will be made available to members of the CBA.

CBA – NUNAVUT BRANCH REBATE

The Law Society is offering **resident** lawyers a **\$100** rebate to renew their CBA membership or become new members. The goal is to recognize the contribution of the Nunavut Branch of the CBA in providing continuing professional activities in Nunavut and to encourage resident lawyers to take advantage of the activities offered by the CBA. A cheque will be issued to the member or the organization that paid the member's fees once the Law Society has verified membership with the CBA. Please contact the Law Society at (867)979-2330 or by e-mail at administrator@lawsociety.nu.ca for more information or to obtain your rebate.



Drawing by C.H.



NUNAVUT COURT OF JUSTICE PRACTICE DIRECTIVE #45 RENEWALS AND PROOF OF MEMBERSHIP

The Nunavut Court of justice requires that all persons engaged in the practice of law as defined by the *Legal Profession Act* (other than self represented litigants) are required to have either:

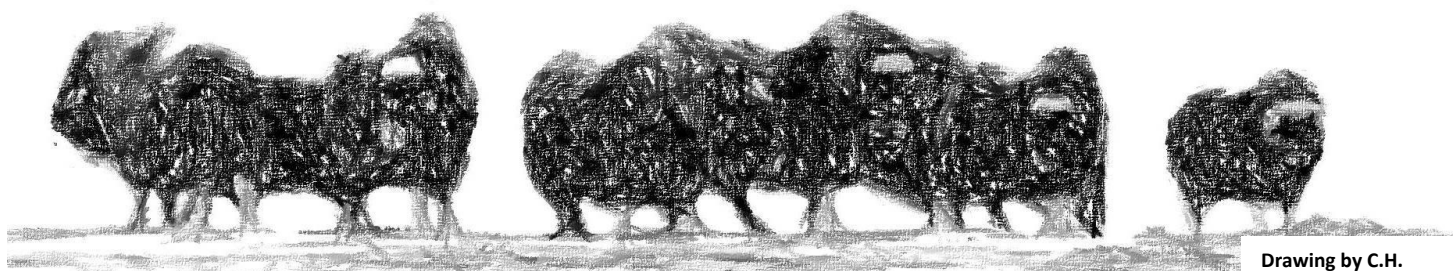
1. Full membership in the Nunavut Law Society; or
2. A temporary authorization in the form of a Restricted Appearance Certificate; or
3. Be otherwise authorized to practice law as a court worker or a student-at-law in articles of clerkship approved by the *Law Society of Nunavut*

This practice directive requires all persons other than self represented litigants to satisfy the Court, prior to appearing or filing documents in the Nunavut Court of Justice, that they have met the requirements of the *Legal Profession Act*.

- ❖ **For more information on this directive see:** http://lawsociety.nu.ca/wp-content/uploads/2011/08/PD45_AuthorizedPractice_Proof.pdf
- ❖ **For more information on the Notice for Address of Service see :** <http://lawsociety.nu.ca/news-and-notice/>

MEMBERSHIP CARDS

The Law Society will be providing membership cards
to its members as of 2013 renewals.



**Re: Unauthorized Practice of Law in Nunavut -
Lawyers Acting on Independent Assessment Process Claims
- Duties and Responsibilities -**

Under the Indian Residential Schools Settlement Agreement, former Residential School Students had till September 19, 2012, to apply for compensation under the Independent Assessment Process (IAP). The Adjudication Secretariat is no longer accepting applications; however, lawyers in the Nunavut Territory are called to act on IAP claims.

Due to the nature of these claims and the vulnerability of their clients, **lawyers have the responsibility to ensure a high level of trust.** They are called to act with diligence, particularly in obtaining the authorization to practice law and in the reasonableness of the legal fees charged.

It has come to our attention that some lawyers are acting on IAP claims without the proper authorization. Concerns have also been raised about certain lawyers' behaviour towards their clients.

This Notice is intended to send a clear message about practicing law in Nunavut and to set out the Law Society's politic and position with respect to this matter.

The detailed Notice is available at <http://lawsociety.nu.ca/news-and-notice/>



Drawing by C.H.

1. Lawyers' Obligations in Representing Individuals for IAP Claims

1.1 Authorization to Practice Law in the Territory

In order to act on IAP claims, lawyers must be members of the Law Society of Nunavut. If they aren't, they must obtain a Restricted Appearance Certificate (RAC) and inform the Law Society of the names of their clients. As a RAC only allows lawyers to actively practice law on up to three (3) legal matters for the period of one year, if they wish to act on more than three (3) matters, lawyers must submit an application and obtain another RAC authorizing them to do so.

1.2 The Law Society of Nunavut's Duty of Vigilance

Reproduced below is the *Guidance for Lawyers Acting for Survivors of the Indian Residential Schools*¹ (The Guidelines). The Law Society of Nunavut endorses The Guidelines. It has and will continue to act with vigilance in matters involving the practice of law in IAP claims.

1.3 Expectations of Legal Practice in the IAP

In his letter to Canadian lawyers dated August 30, 2012, Daniel Ish, Chief Adjudicator of the Indian Residential Schools Adjudication Secretariat, introduces a short document titled *Expectations of Legal Practice in the IAP* (reproduced below). He insists on our “*responsibility for ensuring that the Independent Assessment Process is conducted in a way that protects survivors of abuse at residential schools, does no further harm, and brings honour and integrity to the legal profession*”.

The Law Society of Nunavut endorses these *Expectations* and anticipates that all lawyers will act in compliance with them.



FIRST AIR CORPORATE REBATE

The Law Society has negotiated a rebate for our membership that provides a small reduction and flexibility for changes to your bookings. Please call the Law Society to access the [promo code](#).

Nunavut Court of Justice Law Library Services for Law Society Members

By Jenny Thornhill, NCJ Court Librarian

The Nunavut Court of Justice Law Library (NUCJ Law Library or Law Library) offers membership at the Law Library to all members of the Law Society of Nunavut. Membership in the Law Society provides full borrowing and access privileges to the Law Library.

The Nunavut Court of Justice Law Library is staffed **Monday to Friday from 8:30 am to 12 pm and 1 pm to 5 pm**. Members of the Law Society of Nunavut [*Members*] may make after-hours use of the Library facility (evenings and weekends) by use of a FOB issued by the Office of the Sheriff in the Registry of the Nunavut Court of Justice. Information about the Law Library can be found on the Library pages of the Nunavut Court of Justice website: www.nucj.ca.

Court Librarian Assistance

The Court Librarian provides **research and reference services** for all patrons. The Court Librarian cannot conduct a full research project but can and will provide assistance when and where available. All reasonable effort will be made to provide reference service. A *minimum* of 24 hours is required for assistance in locating cases, articles, or judgments from other jurisdictions.

The Court Librarian will **develop and provide legal research instruction** either on-site or at a departmental office for staff upon request. A minimum of one week's notice is required, although two weeks is optimal. The content must be within the scope of the Law Library mandate and the Court Librarian's expertise.



Drawing by C.H.

The Court Librarian can provide instruction on various aspects of legal research, specific legal research tools such as databases, or library-related topics such as copyright or plagiarism.

The Court Librarian provides tours of the Law Library for new members and provides instruction on various aspects of the Library (catalogue, facility, assistance with databases).

Recommendations for Purchases

If you have a recommendation for the purchase of a legal text or legal reference item, you can send your recommendation to the Court Librarian at clibrary@gov.nu.ca. Please include the full title, publisher and date of publication. The Librarian reserves the right of final decision over all recommendations.

Law Library Services

The Law Library **provides free Wi-Fi access for Members** and the password, which changes every 2-3 months, is available by speaking with the Court Librarian. *Please note* that the Wi-Fi is primarily for Law Library use and *does not* work throughout the Courthouse.

Donations

Items may be donated to the Law Library. However, if you wish to donate items to the Law Library you must discuss this with the Court Librarian first. Items ***must not*** be dropped off at the Law Library ***without*** prior consultation with the Court Librarian. *The Court Librarian reserves the right of final disposition of all donated items.*

The Law Library also provides two computers in the Law Library for legal research. The second of these two computers in an **Open-Access station or OPAC** which does not require a username and password. This station is for lawyers who do not work for the GN and/or visiting lawyers.

Members are **welcome to borrow materials** from the Law Library. All members, except for clerks and students receive four week borrowing privileges. All borrowers may have up to *three* renewals of four weeks each. Items can be renewed in person, over the telephone or by email to the Court Librarian. *Please note:* Library items must not leave the Territory of Nunavut.



Drawing by C.H.

You can **view our catalogue** at <http://nuvt.vtls.com/cgi-bin/nuvt/chameleon> in order to see the holdings of the Law Library. The Law Library catalogue allows you to view the holdings of the Law Library, the Legislative Assembly Library, Arctic College and the Nunavut Public Library. The Law Library catalogue is updated and maintained as time and resources permit.

The Law Library provides access to the following electronic resources:

LexisNexis Quicklaw database

Carswell Westlaw database

CanLII

DIVORCEmate Inc., DIVORCEmate database

Various CD-ROM based databases such as Ewaschuk's Criminal Pleadings and Practice and Woodward's Native Law

Items in the Iqaluit libraries of Arctic College and the Legislative Assembly Library can be **interlibrary loaned** upon request by Members. All items borrowed will be subject to the borrowing rules of the loaning institution and any fees associated with such a loan will be the responsibility of the borrower.

The Law Library can provide **document delivery of photocopies** of articles/ chapters of texts through our document delivery partner, *The Law Society of Saskatchewan*; these items are delivered in either scanned PDF or fax. The Court Librarian will make all reasonable effort to locate articles; however, not all requests can be accommodated due to either copyright restrictions or availability of resources at our partner institution. Regrettably, as a result of the closure of the *Library and Archives Canada* Interlibrary Loan Department, the Law Library will not be able to bring in physical texts from other libraries from member consultation.

In the Library there is a photocopier provided for the purposes of scanning, printing, faxing and photocopying. At this time, all of these resources are available *free of charge* for Judges, Lawyers, Courthouse staff, and members of the RCMP. For scanning please bring a USB Key or have remote email access. The Law Library will not provide USB Keys.

We look forward to seeing you at the Nunavut Court of Justice Law Library!



MANY THANKS

THE EXECUTIVE MEMBERS & STAFF OF THE LAW SOCIETY OF NUNAVUT WISH TO EXPRESS THEIR SINCERE GRATITUDE TO MEMBERS OF THE PROFESSION WHO VOLUNTEER THEIR TIME TO PROVIDE INVALUABLE SUPPORT & CONTRIBUTIONS IN VARIOUS INSTANCES INCLUDING FOR THE STANDING COMMITTEES, ACTING AS INVIGILATORS, FOR DISCIPLINE MATTERS & MEETING WITH OUR STUDENTS.
NAKURMIIK!

EDITORS-IN-CHIEF FOR THE WINTER 2013 EDITION:

Clare Henderson

Nalini Vaddapalli



Drawing by C.H.