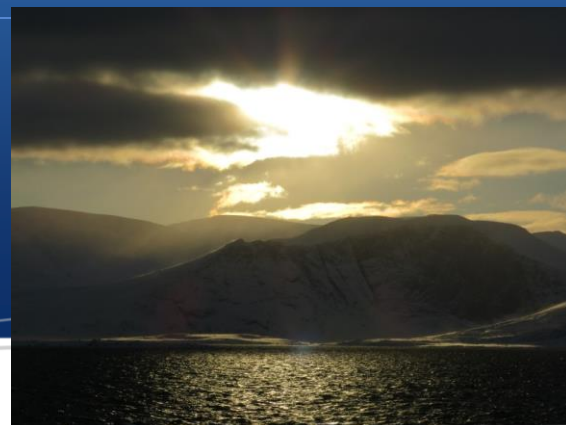


# January 2014 Newsletter – Law Society of Nunavut

QIKIQTARJUAQ



## A man with a beard and mustache, wearing a black judicial robe over a white shirt and a white collar, stands in a modern office hallway. He is smiling and has his hands in his pockets. The hallway features a grid ceiling with recessed lighting, potted plants, and a large window in the background.

In the last few months, your LSN staff and Executive have been very hard at work to improve the operation of our Society. The Executive recently made changes to the structure of the Membership Committee. In particular, the new committee will be reduced to five members and will meet on a regular, rather than ad hoc, basis. We are confident these changes will improve the function

On September 17<sup>th</sup>, 2013 I was honoured to **represent the LSN at a meeting chaired by Federal Justice Minister Peter Mackay**. The meeting was a consultation session on the issue of a proposed Victim's Bill of Rights. I specifically raised LSN concerns about the balancing of victim's rights and

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LAW SOCIETY OF NUNAVUT  
BARREAU DU NUNAVUT



### 2013-14 Executive

Stephen Mansell – President  
Mark Mossey – Vice –President  
Scott Wheildon – Treasurer  
Margaret Hollis – Secretary  
Jessica Black – Public Representative  
Clare Henderson - Immediate Past Secretary

## Update on the Constitutional Challenge

The matter of Chwyl et. al. v. The Law Society of Nunavut et. al. proceeded to a hearing on the merits on December 10, 2013 in the Nunavut Court of Justice located in Iqaluit. The LSN continues to resolutely maintain its right to regulate the legal profession within Nunavut. The law societies of the Northwest Territories and the Yukon have been granted intervenor status and support the position adopted by the LSN. The LSN looks forward to having this matter brought to a favourable conclusion shortly.

- **Scott Wheildon, LSN Treasurer**

The LSN acknowledges the following standing committee designations:

### Membership & Admissions

Chair - **Mandy Sammurtok**

Vice Chair – **Sarah Kay**

### Ethics & Unauthorized Practice

Chair – **Shelley Miller**

Vice Chair – **Daniel Albahary**

## New Appointments by the LSN Executive

Kimberley Gilson, Chair of the Discipline Committee

Elaine Keenan Bengts, Nunavut Court of Justice Court Records Committee

Malcolm Kempt, Nunavut Legal Services Board

Mark Christie, Akitsiraq Law School Society Board of Directors

Thomas Lemon, Nunavut Law Foundation Board of Directors

Mandy Sammurtok, Nunavut Law Foundation Board of Directors

Federation of Law Societies  
of Canada



Fédération des ordres professionnels  
de juristes du Canada

## Update

The Law Society of Nunavut ("LSN") welcomes **Mark Mossey** as its new Council representative (since June 2013) to the Federation of the Law Societies of Canada ("FLSC"). The Executive would like to take this opportunity to recognize **Susanne Boucher** for her many years of contributions both as LSN Executive member including 2 mandates as President and her role as Council member to the FLSC for numerous years. In recognition of her exceptional dedication, Ms. Boucher received the LSN Annual Volunteer Award this past May during the LSN's Annual General Meeting.

The LSN also welcomed for the very first time Jonathan Herman, CEO of the Federation of the Law Societies of Canada ("FLSC"), the then President of the FLSC, Gérald Tremblay and Bâtonnier Nicolas Plourde of the Barreau du Québec to Nunavut. This was an opportunity for our members to learn about the FLSC mandate and their work at the national level and to have President Tremblay speak on the various national initiatives including the National Discipline Standards and National Admission Standards. President Tremblay's year-end report can be downloaded by visiting the LSN's homepage at [www.lawsociety.nu.ca](http://www.lawsociety.nu.ca).



Above: Frederica Wilson, Senior Director, Regulatory and Public Affairs at the FLSC



Above: L to R : FLSC Past President Gérald Tremblay, FLSC CEO Jonathan Herman and Bâtonnier Nicolas Plourde

In addition, Bâtonnier Nicolas Plourde provided a detailed presentation and history that led to the consideration of Québec lawyers into full mobility within the National Mobility Agreement ("NMA"). Québec lawyers will have the right to practice law in any jurisdiction across Canada bringing the Canadian Lawyer Advisor regime to an end.

The Law Society Executive recognized that the changes to the Québec mobility regime was of importance and set out to hold a membership consultation on October 8 in Iqaluit with special guest, Frederica Wilson, Senior Director, Regulatory and Public Affairs at the FLSC. Unfortunately, northern weather came into play and although Ms. Wilson was in Iqaluit and hoping to meet with our members, the consultation was cancelled due to blizzard conditions. Members were given the opportunity to provide comments by email and as such, comments were considered during the October Executive meeting.

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## President's Message, cont'd

offender's Constitutional rights and the stress that some of the proposed changes will put on the Court. The meeting was a productive sharing of ideas and the Minister expressed thanks for the LSN's comments and participation.

The LSN has had a number of successful **PD events** recently including a partnership with the Nunavut Branch of the Canadian Bar Association. Our events have been well attended both in Iqaluit and via conference call. We thank our members and special guests who've taken time to share their knowledge and expertise: The **Honourable Leonard S. Mandamin, James Morton, Shane Kert, Daniel Albahary, Lisa Peters and Professors John Borrows, Mar Campins and Yves Lebouthillier**. I wish to acknowledge **our past President, Arthur Yuan**, who has on many occasions provided access to the Nunavut Tunngavik boardroom to host many of these events. We are thankful for this contribution.

In October 2013 the LSN Executive was sad to say **goodbye to our fellow member Clare Henderson**. Clare has left Nunavut for Prince Edward Island. She was a valued member of the Nunavut Bar and the LSN Executive. Thank you for all your hard work Clare we will all miss you.

With Clare's departure the LSN Executive was very happy to **welcome Margaret Hollis** to our ranks in November 2013. Margaret is a Legal Counsel for the Government of Nunavut in Iqaluit. Margaret was first called to the Bar in BC in 1989, and became a member of the Nunavut Bar in 2003. She is a past Chair of the Membership and Admissions Committee and has also worked with the Discipline Committee. She just recently handed over her position as director of the Nunavut Lawyers Assistance Program to Philip Grassie. From 2006 through 2009 she worked for the Law Society of Alberta, as an examiner for the Alberta Lawyers Insurance Association, and as Policy Counsel to the Law Society, where she became familiar with Law Society processes and challenges, and became aware of the risk factors for practicing lawyers. Her contributions in various areas will no doubt be much appreciated. Welcome Margaret!

As we move forward into 2014, the LSN will continue to provide PD and other events to strengthen the bar in Nunavut. The LSN has received a **financial grant from the Nunavut Law Foundation (NLF)** to support the offering of PD events this coming year. I thank the NLF Board of Directors for this support and look forward to developing activities that will benefit all of our members.

We are working hard on some specific priorities for the year. These priorities include the Access to Justice Initiative which will at its first phase focus on access to knowledge with the support of many local organizations both governmental and non-governmental. We will also be working with various partners to offer more articling opportunities in Nunavut and collaborating with the Law Society of Manitoba to offer the opportunity of writing the bar admission course and exam online. Finally we will continue to hold consultations with our membership on issues that are discussed at the national level and impact our jurisdiction such as Québec mobility, the new Model Code of Professional Conduct and the Conflict of Interest Rule.

If you have any questions about our priorities, membership issues, or any LSN related matter please feel free to contact our office. In closing, we would like to send a big thank you to my fellow executive, our staff, and all our volunteers for all their hard work in 2013 and wish all of you the very best in 2014.

Sincerely,  
Stephen Mansell

## Meet Our Members – Committee Chairs

### **Margaret Hollis, Outgoing Chair of Membership and Admissions Committee**

Born and raised in Ontario, Margaret practiced general civil litigation at McQuarrie Hunter in New Westminster until she made the move to Iqaluit in 2003. She is now the Director of the Legal and Constitutional Division at the Department of Justice and considers Iqaluit to be her home now.



“I had always been fascinated by the arctic and Inuit culture,” she explains, “and I was hitting a kind of wall that happens when you’ve been in practice 10 or 12 years, where you’ve accomplished everything you set out to and now you decide what to do next. I was bored and wanted a more meaningful practice. I got it too.”

In her spare time, Margaret pursues various creative activities, including sewing (she sewed on the fur in this photo by herself!) and writing novels.

Margaret is the outgoing Chair of the Law Society of Nunavut’s Membership and Admissions Committee.

### **Sarah Anne Elizabeth Kay, Incoming Vice-Chair of Membership and Admissions Committee**

Sarah studied law at the University of Windsor and first came north in 1990 as part of the clerkship between Windsor and the Northwest Territories Supreme Court. After articling in Toronto, she returned north and has been in Yellowknife ever since. She worked in private practice with Lawson Lundell until 2010, when she moved to the GNWT Department of Justice where she is now senior legal counsel and manager of litigation. A member of the LSN since 1999, she has been an active volunteer with both the Law Society and the CBA. She comments, “I’m very grateful for all of the opportunities to be involved in so many things over the years that are important to our profession and I’m pleased to be involved with MAC at this time.”

Outside of law, she is an avid dog lover and has a cabin at Small Lake just outside of Yellowknife. “It’s my place to play summer and winter,” she says.

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## Meet Our Newest Members

*In this issue of the Polar Barrister profiles newly called, resident members of the LSN.*

### Joseph Flowers

By Gloria Song

Born in Happy-Valley-Goose Bay, Labrador, Joseph moved to Nunavik at age 17. After obtaining a diploma in social sciences, Joseph earned a diploma in professional cooking at L'Institut de tourisme et d'hôtellerie du Québec and worked as a chef for a number of years. He then switched careers, earning a Bachelor of Arts in linguistics and philosophy at McGill, followed by his dual law degree also at McGill. Joseph then became the first Inuk law school graduate from Nunavik.

Joseph clerked at the Federal Court for the Honourable Mr. Justice Mandamin, the first Aboriginal judge to be appointed to the federal bench. This was a great experience, as Joseph explains: "It was wonderful to work with a man who has accomplished so much, is so competent, and commands such a great deal of respect." Joseph is now a criminal lawyer at Maliiganik Tukisiiniakvik in Iqaluit.

Now that he is back in the North, he looks forward to being on the land again. When asked why he decided to return to the North, Joseph has an insightful reply. "While I am not from Nunavut, I am from other northern regions of Canada. When I went to law school, I realized that I felt most comfortable working with, and thinking about, law as it relates the Inuit and Northern Canada. Inuit leaders are constantly encouraging Inuit to attend university to use their education to serve their communities. I have taken their words to heart and agree that it is important that Inuit territories train and mentor Inuit professionals. It is one step that will contribute to a strong independent population of Northerners."

In his spare time, Joseph enjoys baking bread, cooking food, exercising, and visiting friends. He also hopes that others will follow in his footsteps. "I encourage Inuit to become lawyers," Joseph says. "If any Inuit have questions related to becoming a lawyer, I am happy to answer them."

### Jay Potter

Jay Potter grew up in Dartmouth, Nova Scotia but has lived in Montreal, Ottawa, and Toronto over the past ten years. Jay obtained his law degree from the University of Toronto, where he developed his interest in criminal and aboriginal law while mooting in the Gale Cup as well as the Kawaskimhon Aboriginal Law moot on treaty interpretation. After law school, Jay articulated with the Department of Justice in Ottawa. Before law school, he worked as a policy analyst in Ottawa with the Treasury Board Secretariat, where he was also exposed to some of the policy issues facing northern and aboriginal communities.

Jay now works as Crown Counsel with the Public Prosecution Service of Canada's Nunavut Regional Office and is looking forward to new experiences. "Nunavut offered me the unique opportunity to practice criminal law in an Inuit milieu, embracing both of my interests," he says. "I felt that it was important for me to live and develop first-hand experience in the North as well – it's a privilege that few Canadians get to enjoy."

Outside of work, Jay enjoys running and completed his first full marathon this July. He describes himself as a bit of a geek and a policy wonk, commenting, "on my e-reader, you'll find the latest sci-fi or fantasy epic sitting comfortably next to the month's *Atlantic* or *Walrus*." Jay is also on Twitter; other social media users can follow his tweets at @jayaldenpotter.

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## A View from... The Gjoa Haven Water Board

For more than a year now, I've held the position of Executive Director with the Nunavut Water Board (NWB). The NWB was created as an Institution of Public Government (IPG) under Article 13 of the *Nunavut Land Claims Agreement* (NLCA) and derives all of its substantive powers, function, objectives and duties from the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), which received Royal Assent on April 30, 2002.

By Damien Côté



The NWB's primary function is to license uses of freshwater and deposits of waste. The Board, made up of 9 members appointed by the Minister of Aboriginal Affairs and Northern Development Canada, is required to consider any detrimental effects of the potential uses of water or deposit of waste on other water users and to hold, where appropriate, public hearings to discharge this duty. The NWB cooperates with the Nunavut Planning Commission (NPC) to develop land use plans that affect water, and with the Nunavut Impact Review Board (NIRB), to assess the environmental and socioeconomic impacts of water-related project proposals. Overall, the Board holds jurisdiction over the world's 5th largest freshwater resource (compared by surface area, treating Nunavut as a country for comparison).

Yet, the above is not what seems to galvanize the interest of friends and colleagues. Instead, the following line of inquiry is far more prevalent: "how do you like living in Gjoa Haven?" Gjoa Haven is the location of the NWB headquarters and above all, is a small and friendly traditional community of about 1200 residents located above the Arctic Circle. During the summer months, it welcomes numerous Northwest Passage sailing expeditions and a number of other tourists. Polar explorer Roald Amundsen called Gjoa Haven's "the finest little harbor in the world", a designation some may suggest it still boasts today. Living here is arguably not unlike living in a small rural community in, say, northern Manitoba. If ever your legal practice brings you here, make sure to drop by the NWB office!

## LSN Representative to the Akitsiraq Law School Society

Mark Christie



Mark is currently criminal counsel at Maliiganik Tukisiiniakvik Legal Services. Before this, he worked in his own practice focusing on child welfare law and then for Legal Aid Ontario in the Lindsay and Minden Courts for criminal, family and child welfare matters. He raised three children in Keene, Ontario, and has three grandchildren, with another grandson expected soon.

Mark grew up in a small mining town of 80 people in Central Ontario. Before becoming a lawyer in 2002, he worked in the construction trades for 30 years. Other than attending school in Toronto for a few years, Iqaluit is the largest place he has lived.

"Since my very young education we were taught about the North and probably in a romanticized way," Mark explains. "But never-the-less, I have always been pulled to the north, always felt like it is part of me and who I am as a Canadian. Now that I am here, now that I have been to many of the small communities, similar in size to where I have lived all my life, I realized that the North was undersold to me all those years ago. I should have come 20 years ago."

In his spare time, Mark enjoys walking on the land, fishing for char, pitching a tent at Silvia Grinnel, snowmobiling along the Soper valley, and waiting for the opportunity to hunt seal. "I find that being on the land is an irresistible tug on my heart always," Mark says. "In September, Joavie Alivaktuk boated my wife, Jeanne, and I into the Auyuittuq National Park in Pangnirtung. For four days we were the only people in a land the size of Prince Edward Island: A beautiful and humbling experience."

# Update from the Nunavut Court of Justice

By Justice Sue Cooper



I would first like to start by introducing Rhyannon O'Heron, the new articling student in Judges' Chambers. Rhyannon has already been with us for six months and will be here until May of 2014. She has settled in well to the community, having adopted a puppy and having become a regular at Atii Fitness. Rhyannon graduated from the University of Alberta Law School in 2013. She has a Masters degree in clinical social work and an undergraduate degree in social work.



**Rhyannon O'Heron**

The Nunavut Court of Justice has recently implemented a new court schedule in Iqaluit in an effort to increase the timely resolution of cases. The new schedule has been in place since the fall and we have received positive feedback. Please feel free to raise any comments or concerns you may have about the schedule.

Criminal court will now be held three weeks a month. Monday mornings will continue to be a docket for accused persons not in custody and Tuesday mornings for accused persons in custody. Monday and Tuesday of each criminal court week is available for sentencing. During the first criminal week of the month trials will be held on Wednesdays, Thursdays and Fridays. During the second and third criminal weeks of the month trials will be held on Wednesdays and Thursdays, Youth Court on Friday mornings at 9:30 and Criminal Chambers on Friday mornings at 10:00.

Assignment Court is held on the first Monday of the month. It commences at 1:30, Eastern Time, with the Qikiqtaaluk list, 2:30 with the Kivalliq list and 3:30 with the Kitikmeot list.

Some time ago the court implemented a Kitikmeot docket once a month, to speak to matters for persons in custody at the North Slave Correctional Centre. This docket will continue. It will be held on a Wednesday, at 1:30, Eastern Time. The day of the month will vary so that it does not conflict with a scheduled circuit to the Kitikmeot.

The court is now also holding a Kivalliq docket for persons at the Healing Centre in Rankin Inlet. This docket will be held once a month, on a Tuesday, at 2:30, Eastern Time. The day of the month will vary so as to not conflict with a scheduled circuit to the Kivalliq.

One week a month is set aside for civil matters. Civil chambers is on the Monday at 9:30, eastern time. The child welfare list is on the Thursday at 1:30, Eastern Time. The balance of the week is for civil trials and lengthy applications.

The court schedule is posted on the website, [www.nucj.ca](http://www.nucj.ca).



## NOTICE TO THE PROFESSION

## Renewals, Accountant's Certificate, Submission and Deadlines



In light of the concerns raised by the Law Society of Nunavut (“LSN”) Executive pertaining to the failure to respect various statutory and regulatory deadlines, the following serves as a notice to the profession: The LSN will enforce the *Legal Profession Act* (“LPA”) and the *Rules of the Law Society of Nunavut* (“Rules”) on Renewal of Membership and Accountant’s Certificate.

## Renewal of Membership

Pursuant to Ss. 55(1) of the Rules of the LSN, to renew his or her membership, the member shall submit to the Secretary **on or before January 31 of the year** for which the renewal is sought, all of the documents, fees and levies set out below:

55. (a) an original application for renewal in Form T;
- (b) an original certificate in the form provided by the Society, certifying to the Executive the circumstances entitling a member to an exemption under subsection 93(6), if applicable;
- (c) payment of the assurance fund levy, if applicable;
- (d) payment of the trust fund levy, if applicable; and
- (e) payment of the applicable annual fee set out in Schedule A.
- (2) The Law Society may defer the requirement to pay any levy to another time.

## Failure to Renew

The LSN will enforce Ss.56 (1) of the Rules; on failure to renew his or her membership on or before January 31, the member **is without notice automatically suspended** from membership.

Pursuant to Ss.56 (2) For the purpose of determining whether a membership has been renewed on or before January 31, all of the documents, fees and levies set out in subsection 55(1) must be received by the Law Society on or before January 31 of the year for which the renewal is sought.

## Electronic Copies

The LSN will accept electronic copies of the documents referred to in subsection 55(1) of the *Rules* submitted to the [administrator@lawsociety.nu.ca](mailto:administrator@lawsociety.nu.ca). As stipulated in the Rules, Ss.55 (2) permits the submission of copies and for the originals Ss.55 (3) requires they be retained by the member and upon the request of the LSN be submitted to the LSN forthwith.

## Accountant's and Member's Certificate

The LSN will enforce Ss.48 (1) of the LPA; requiring every member to deliver to the Secretary; **on or before September 1** in each year certificates of the member and of a chartered accountant or certified general accountant which shall be in the form set out in the rules (Ss.92 Form V in the *Rules*) and made up to the end of a 12-month fiscal period ending no earlier than June 1 of the previous year.

## Exceptions

The Exceptions can be found in Ss. 48 (2) of the LPA and application for a designation containing full particulars or the reasons for the designation shall be made in writing to the Secretary **no later than June 1** in each year.

Pursuant to Ss.48. (3) of the LPA, delivery of the certificates under subsection (1) is not required in the case of a member who satisfies the Secretary by statutory declaration or otherwise that he or she has not had occasion to maintain a clients' trust account in Nunavut.

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## *Thursday December 5<sup>th</sup> 2013 Holiday Gathering!*

Thanks to everyone who came out including some special young guests!



## FLSC Update, cont'd

In light of these changes to national mobility, the FLSC struck a committee that is currently looking into identifying reading materials that could be added to the required reading list when Québec lawyers are transferring to other jurisdictions including to Nunavut.



Left to Right : Past LSN President Arthur Yuan, Bâtonnier Nicolas Plourde, CEO Nalini Vaddapalli, LSN Vice President Mark Mossey ( back row), Past LSN Secretary Clare Henderson, FLSC CEO Jonathan Herman and FLSC Past President, Gérald Tremblay

This past October at the Annual General Meeting of the FLSC, all provinces signed the new NMA ("NMA 2013") which incorporates provisions that will now allow Québec lawyers to apply for full regular membership in any provinces and have the opportunity to practice law up to 100 days in the context of temporary mobility.

Next steps? At its October 2013 meeting, the Council of the FLSC approved amendments to the Territorial Mobility Agreement ("TMA") incorporating the changes to the rules governing mobility between Québec and the common law jurisdictions contained in the NMA 2013.

Approval from each law society is now required and it is expected that a ceremony to execute the TMA agreement during the semi-annual meeting of the FLSC will be held in April 2014 in Regina. The signing of the TMA in Regina will be the last important step to this historical endeavour providing full mobility to every Canadian lawyer across every province and territory.

If you have any questions related to any of national initiatives, the upcoming signing of the TMA or any other files under the governance of the FLSC, you can contact Mark Mossey by emailing the LSN's administrator, Faith Natunga at [administrator@lawsociety.nu.ca](mailto:administrator@lawsociety.nu.ca).



## New in Town...

The PPSC moved into a new building in Iqaluit this year. Pictures above are three new lawyers with the PPSC—**Sébastien Lafrance, Myriam Girard and Jay Potter** in front of the beautiful new building.



## The Law Societies of Nunavut & Manitoba – Working Together

Law and Co-op Students in the North have been coming and going. One may ask what can be done to offer a worthwhile experience after law school so that more students may seriously consider Nunavut as a great place to begin their practice of law. Articling opportunities are an important component of the experience. Some of the local organizations have been offering annual articling positions and new organizations are currently considering offering rotations.

While the LSN did in the past consider developing its own Bar Admission Course, it has recently considered the option of developing a collaboration with a sister organization as other northern law societies have done.

Allan Fineblit, CEO of the Law Society of Manitoba with the support of its Director of Professional Education and Competence, Brenda Silver, have welcomed this initiative.

Students-at-law will now have the opportunity to article in Nunavut, write their bar admission course and exam online and participate in the required in person modules in Iqaluit. With the support of the Executive, Margaret Hollis (a long time good standing) member of the Law Society is responsible for developing the framework of the in-person modules. The Law Society thanks every organization and member who will be joining us in this new endeavour and who will provide support

to our articling students this coming year!

Left: **Brenda Silver**



Above: Nalini Vaddapalli  
and Allan Fineblit



## Meet Our Members, cont'd



### Lorraine Land, Outgoing Chair of Ethics

Lorraine Land is based in Lakefield, Ontario. She is a partner at Olthuis Kleer Townshend LLP, where most of her work involves negotiations on behalf of Aboriginal clients, as well as litigation and tribunal work. "I really enjoy how the area of Aboriginal law continues to evolve, making this an endlessly fascinating and challenging practice area," Lorraine comments. "I worked a lot with Aboriginal groups across the country including in the north, but I am fascinated by the unique context of Nunavut. The issues and communities, and the Inuit perspectives, are unique and don't necessarily track what is going on or being thought about in other parts of the country or in other Aboriginal contexts."

Lorraine also teaches at Osgoode Hall Law School. Besides law, Lorraine enjoys music and is a classically trained musician. "My musical interests these days are more about traditional music," she explained. "I play in a couple bands, jams and pick up music groups, including for a contra dance band. It seems like more work in life to get to practices and gigs, but then when I'm there I realize how important playing music is for my sense of well-being and to keep my life balanced."

Lorraine is the outgoing Chair of the Legal Ethics and Practice Committee.

## Moving Forward with Access to Justice in Nunavut

A collaboration to provide public legal information with support to all Nunavummiut

The Access to Justice Committee ("A2J Committee") came about in response to concerns from members of the Nunavut bar. A member's resolution was put forward at the Annual General Meeting of the Law Society of Nunavut ("LSN") held on April 30<sup>th</sup> 2011 raising in particular the issue of the reduced size of the private Bar in Nunavut.

Therefore, the Society committed itself to creating the A2J Committee. Many key stakeholders of the Nunavut legal system were invited to take part in this initiative including members or representatives from the Government of Nunavut, the Nunavut Legal Services Board, Nunavut Tunngavik Inc., the Public Prosecution Service of Canada and members of the private Bar.

The Committee had come to an agreement after its first meeting in December 2011 that needs-based research is a necessary step to understanding how the legal needs of Nunavummiut are met today but also recognized that the issue of A2J was much larger than the status of the resident private Bar.

A volunteer based sub-Committee with the support of the LSN's law students was struck to conduct a preliminary literature review with an objective to draft a Request for Proposals and secure funding. The sub-Committee's report provided an overview of the steps taken so far in: defining A2J, identifying key areas of research to be undertaken, and discussing possible funding sources. This work demonstrated that the necessary needs-based research would require major funding and the A2J Committee would require additional infrastructure and capacity to pursue this objective as a first step.

In May 2013, the LSN welcomed Gillian Marriott, Executive Director of Pro Bono Alberta to an Access to Justice Committee meeting. The A2J Committee members were invited to discuss what could be done as a first step in the A2J initiative. Community-based organizations were also invited to participate and after a fruitful discussion, it was proposed that an important core element of A2J for members of the public was the need for better access and

understanding of their rights, the various legal processes and available resources paving the road for the Access to Knowledge Initiative. It was agreed that the second phase of the A2J Committee's plan would tackle the needs-based research and the drafting of national funding proposals necessary to access larger grants at a later time.

This first phase will focus on providing information with support and implementing ground level initiatives to promote public legal education ("PLE") in every community. A comprehensive communication strategy to ensure all Nunavummiut are aware of the available information is being developed with the support of our A2J Committee members and our community-based partners all of which have been instrumental in increasing our understanding of the needs and challenges faced by members of the public. We are grateful for their time and commitment. The PLE materials will be available in various formats including social media tools, radio announcements, visual flow charts, and through the LSN's general phone line and Inuktitut hotline. Summaries will be made available in all 4 official languages.

At this point in time, the LSN is finalizing its funding proposals for this Access to Knowledge Initiative and has targeted, after meeting with the A2J Committee and lengthy discussions with various community organizations, 6 priority areas of the law or law related areas that will become the focus of the Access to Knowledge action plan for 2014-15. They include: Foreclosures; Rights of the Disabled; Consent & Confidentiality; Domestic Abuse; Housing and Court Process.

The Initiative will be successful because of the commitment and collaboration from many organizations. We are grateful to them.

We are now looking to our members to share their knowledge and contribute to the Access to Knowledge Initiative by working with our students over the next year to review public legal education materials on these 6 areas of the law. Please look out for the invitation shortly!



## Meet Our Newest Members, cont'd

By Gloria Song

### Robert Bailey

For thirty-two years, Robert practiced real estate, corporate/commercial, wills and estates in Ontario, mostly as a sole practitioner. At age sixty, he considered the possibility of early retirement, but decided along with his wife to go on one more adventure. Robert has now set up shop in Iqaluit, as the only active resident private practitioner taking referrals from the public in Nunavut. "I became a standing joke that when I had a stressful day at work, I would go home and announce that we were selling everything and moving to Iqaluit," Robert explains.



Robert was born in Galt, Ontario, and moved to Windsor at age 10. At age 18, Robert moved to London and obtained his Bachelor of Arts in Economics at the University of Western Ontario, followed by his LLB at the same university.

As the only active resident private practitioner taking public referrals, Robert does face unique challenges. When asked about differences he's noticed now that he is practicing in a different territory, Robert offers a thoughtful reply. "Starting up here presents a special challenge as there are no books of precedents to work from to adapt to your practice. In the south you can always take a seminar or CLE and walk away with invaluable precedents, from the experts, for everyday use. I suppose after a few years here, my precedent may be the ones used by new private practitioners." He also notes the biggest challenge to opening a private practice in Nunavut is that the choice work gets shipped south.

Despite this, Robert is well on his way on his new adventure in Nunavut. "We hope to get out on the tundra and experience the north for what it is," Robert concludes, "so [we] should be embarking on a few tours while here."

### Gloria Song



Gloria Song was born in Waterloo, Ontario, but grew up in a small town in upstate New York until she was eight years old, when her family moved to Ottawa. She attended the University of Ottawa for her Bachelor of Arts degree in communication and political science, followed by her law degree at Osgoode Hall Law School. She clerked at the Federal Court for the Honourable Mr. Justice Mandamin for her articling year. She then worked in human rights law in the southern African country of Namibia. After living in the African heat, she returned to Ottawa for a short stay before moving to Nunavut, because it would appear that she enjoys extreme weather.

Gloria is now based in Cambridge Bay as the poverty and civil law counsel for the Legal Services Board of Nunavut in the Kitikmeot region.

In her spare time, Gloria enjoys all types of writing, including articles for the Law Society of Nunavut newsletter. She is passionate about hiking, kayaking, and board games. She is also a musician and collects vintage guitar amps with her husband (so far they have two). She is the front woman of the indie pop band Scary Bear Soundtrack.

Continued on Page 17

# NOTICE TO THE PROFESSION

## Discipline Procedures

**NUNAVUMI MALIGALIUQTIT  
LAW SOCIETY OF NUNAVUT  
BARREAU DU NUNAVUT**



The following serves as a notice to the profession to update Law Society of Nunavut (“LSN”) members on current discipline procedures and planned policy changes.

## National Discipline Standards Pilot Project

The LSN on April 1, 2012 implemented the *National Discipline Standards Pilot Project* (“NDSP”), created by the Federation of Law Societies of Canada to standardize the legal profession’s regulatory framework related to discipline complaints.

The project establishes appropriate timelines for investigations, citations and hearings; to provide for greater transparency, public participation and accessibility to information in the discipline process.

From the date of implementation, the LSN has developed a timeline grid sheet used in each new discipline file to ensure the application of the Standards.

The NDSP mandate is executed by the LSN in accordance with the distinctive nature of the legal profession in Nunavut, and in agreement with the *Legal Profession Act* (“LPA”) and the *Rules of the Law Society of Nunavut* (“Rules”).

The LSN adopted policies or reaffirmed statutory obligations in light of the NDSP pertaining to:

1. Publication of a Notice of Hearing
2. Use of electronic means for conducting hearings and mandatory in-person participation
3. Public Access to a Member's Discipline History
4. Member Compliance with the Disciplinary Process

**To learn more about the LSN Discipline Procedures and new policies, please visit the Discipline Committee Page on the LSN website at <http://lawsociety.nu.ca/discipline-committee/>**

## Taking advantage of waiting for the plane ...

While waiting for a flight out of Qikiqtarjuaq following the October Court Circuit, court interpreter Maaki Kakkik, court clerk David Romanyk, and prosecutor Priscilla Christie give a talk to middle and high school students at Inuksuit School in Qikiqtarjuaq about career opportunities in the justice system in Nunavut.



### Notice to Profession, Renewals, etc. cont'd from Page 15 Failure to Submit

#### **Suspension**

The LSN will enforce Ss. 48.1. (1) of the LPA and suspend a member who does not comply with the requirements from the practice of law until the member has complied fully with the requirements of the Act or the directions of the Executive.

#### **Notification of Clerk**

Pursuant to Ss.48.1. (2) The Secretary shall notify the Clerk of the Nunavut Court of Justice of a Suspension made under subsection 48.1. (1).

### Request for Information in a Discipline Complaint Process

The LSN would like to impart on its members the duty to respond within the deadline provided on letters requesting for information from the Chairperson or the designated Vice-chair investigator as it is mandated by the *Legal Profession Act*:

#### 24. Requirement to answer questions or furnish records

(2) In the course of an investigation the chairperson of the Discipline Committee may require the member or student-at-law concerned or the complainant, if any, to answer any questions or to furnish any records that the chairperson considers relevant to the investigation, and the member or student-at-law or the complainant shall answer the questions or furnish the records. R.S.N.W.T. 1988,c.40(Supp.),s.10; S.N.W.T. 1995,c.7,s.6.

# Meet Our Newest Members, cont'd

## Marie Belleau

By Gloria Song

Iqaluit-born Marie Belleau moved to Quebec City when she was 9, but it seems her heart remained in the North, as she returned to Iqaluit every summer. "When I decided to go to law school," she says, "I knew I'd be in the South temporarily, and then I'd move back. I knew that's how it would go." She attended L'Université Laval for her Bachelor of Arts in International Studies and Modern Languages, as well as for her LLB. She then received her juris doctor degree in the National Program at the University of Ottawa.

Marie was recently called to the Nunavut bar in a ceremony that was very different from her call to the bar ceremony in Ontario earlier this summer. For one thing, she wore an amauti and kamiks, and the judge wore a sealskin jacket. The ceremony also involved a traditional lighting ceremony conducted by her mom's aunt. "It was like day and night," Marie explains. "Here, it was just me, where in Ontario there was maybe 200 people [being called]...It was super emotional for me, especially having to say my speech and say the oath in three different languages. I didn't think I would have problems saying the oath, but I got choked up."

"It was very special to be in my home community and to be surrounded by a lot of family and friends," Marie concludes. "The court room was packed. I know a lot of people were proud of me and were happy to be there."

Marie is now legal counsel at Nunavut Tunngavik Inc., and has enjoyed her experience there so far. The very next day after she was called to the bar, she had the opportunity to appear as (non-speaking) counsel at the Court of Appeal, which is not an accomplishment many junior lawyers can say they've had. "I find it very interesting to be right in the middle of the action," Marie says. "Being a student in the south, you hear what's going on in Nunavut and all the issues and the hot topics. But now through my work, I'm actually able to be part of it with an insider's view of what's going on at a pretty high political level."

Marie has always been interested in indigenous rights. "The reason why I decided to become a lawyer was because I was interested in Aboriginal and indigenous rights, working with and for Inuit. That was my only motivation....I thought that the way I could contribute towards advancing Inuit rights was by being a lawyer. So working here at NTI is perfect for me."



## A View From...the Rankin Inlet Legal Aid Office

By Morna Boyle

My name is Morna Boyle, and I am currently the articling student at the Legal Services Board of Nunavut. This August, my partner and I moved to Rankin Inlet from Ottawa, and have been loving our experience here ever since. When I was in high school, and Nunavut was just a year old, I went on an exchange to Sanikiluaq. I often think of that trip as pivotal in many ways. I ate seal, I tried carving and throat singing (both of which I did very badly) and was introduced to the beauty of the North.

Last summer, I was lucky enough to obtain a summer position with the Kivalliq office of LSB through Canadian Lawyers Abroad, an Ottawa-based not-for-profit organization that seeks to promote human rights. I had an incredible experience both in the office and in the community, and was very excited to be offered articles here this year.

At LSB, I have the benefit of learning from experienced lawyers in the fields of criminal, family and civil law. While living here on Inuit Nunangat, I also hope to learn as much as possible about Inuit laws and traditions. Since I began articling, I have had the opportunity to work on criminal files, employment files, landlord/tenant files, poverty issues, and will be working on some family files in the coming months. I have also been lucky enough to attend two criminal court circuits: one in Rankin Inlet and one in Kugluktuk.

I am very grateful to be working at LSB under the direction of Teena Hartman, a wonderful teacher and mentor.



# Standing Committee Report

## Ethics & Unauthorized Practice

Under the leadership of its newly designated **Chair, Shelley Miller**, the Ethics & Unauthorized Practice Committee has been actively engaged in fruitful discussions with its committee members over the last few months. We are delighted that both the Chair and **Vice Chair, Daniel Albahary**, have accepted a 2 year term to provide sufficient time for the implementation of various initiatives that have been identified in its action plan, the first of its kind.

The **action plan** will aim to raise awareness on the practice of law in Nunavut to increase understanding of the Territorial Mobility Agreement and reduce occurrences of unauthorized practice; provide relevant readings and other communication tools for members and students that relate to ethics and professional responsibility; and to support the LSN in its efforts to provide professional development activities in the territory.

The **mandate** of the Committee as set out in the *Rules of the LSN*, is:

- to report and make recommendations on any questions concerning the ethics of the profession submitted to the Committee;
- to report and make recommendations regarding any complaint of unauthorized practice submitted to the Committee;
- to perform any other duties assigned by the Executive



Shelley L. Miller, Q.C.

The LSN is committed to maintaining high ethical standards. Lawyers in Nunavut are currently obliged to follow the Code of Professional Conduct of the Canadian Bar Association. In this current year, the LSN with the support of its new Chair, will be **holding a consultation on the proposed new Model Code of Professional Conduct**. Ms. Miller will be representing the LSN on the National Model Code Committee.

An update on the Discipline Committee and the Membership & Admissions Committee *will be provided in the next edition!*

### 2013-14 Ethics & Unauthorized Practice Committee Members

*Chairperson*  
Shelley Miller

*Vicechairperson*  
Daniel Albahary

Thomas Ahlfors  
Esmeralda Bautista  
Paul Bychok  
Jean-Benoît Deschamps  
Martin Hak  
Gloria Song  
Gilese Turner



# Court Reports & the Administration of Justice in Nunavut

By Priscilla Ferazzi

On any given day in a Nunavut courtroom, the key actors are apparent: the sapient judge, the posturing lawyers, and the sometimes understated witnesses. Yet, another important actor is far less obvious, quietly typing away and unnoticed by many.

Court reporters are not often thought of for their crucial work until confusion arises or an appeal is launched and the court looks to their record of proceedings to settle the issue. Even less well known is their importance in capturing the complex and sometimes essential cultural and geographic references specific to Nunavut.

The 12 court reporters with the Nunavut Court of Justice, including a specialist French court reporter, come from across Canada--from British Columbia to Newfoundland. They bring years of experience from work in southern courts and northern communities throughout the country. For example, they are skilled at understanding culturally specific patterns of speaking, differences in ways of expression, as well as cultural and geographic references to relationships, community, and the physical environment.

The breadth of their experience is not only valuable in the courtroom, but also serves other purposes of benefit to Nunavummiut. For example, a handful of court reporters recently contributed their expertise to my Queen's University doctoral study. This Nunavut study explores the feasibility of creating specialized mental health criminal court programs that divert offenders with mental illness from the justice system to community treatment in remote Arctic communities affected by scarce resources, geographic isolation, and Inuit cultural considerations.

Among the team of transcribers for this research is Dawna Bilko, a certified court reporter with

21 years of experience in Alberta and 12 years of experience in Nunavut. She is also a sworn Special Examiner and holds an appointment with the Privy Council as a Tax Court Registrar. Dawna joins others such as Linda Potyok, also a certified court reporter with a total of 31 years of experience working in courts in British Columbia, Alberta, Nunavut and internationally. Linda has worked for the Nunavut Court of Justice for two years.

My Nunavut study benefited tremendously from the expertise and experience of these and other court reporters as a result of generous funding from the Nunavut Law Foundation. They were valuable in their ability to grasp the social, cultural, and geographic context in interviews with members of the justice and health sectors, community organizations, and elders.

The contribution of court reporters to the administration of justice and related initiatives in Nunavut is an important one. Their familiarity with Inuit communities brings added value to their work both in and outside the courtroom in Nunavut.



Left: Dawna Bilko, Court Reporter, Above: Lynda Potyok, Court Reporter