

Polar



Barristers

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Letter from the President

It has been approximately 5 months since our Annual General Meeting, and 4 months since I became President of the Law Society of Nunavut. During that time I have very much enjoyed working with our Executive Director Harvey Chan, my fellow Executive Members, and the Committee Members who do such excellent work. I would like to take this opportunity to touch upon some of the issues facing our Society at this time.

1. **Trust accounts.** As you know, there was a resolution adopted at our Annual General Meeting that within 3 years, any Nunavut lawyer who does business for Nunavut clients in which trust funds are held, must have a trust account in Nunavut. The primary reason for this resolution is that because most of the legal transactions involving trust funds are completed in other provinces, using the trust accounts which the lawyers maintain as members of other bars, our Law Foundation received virtually no interest revenue, and is basically without funds to do its work.

However, another reason that in my opinion justifies this resolution is that our Society has an obligation to govern its members and in doing so to protect the public. As long as we do not have separate trust accounts for Nunavut business, we cannot properly carry out our duty of supervising members through the usual procedures used by other societies, such as spot audits, or annual trust account reports. (What illustrates this so well is

that in attempting to deal with the Law Foundation issue, we don't even have any idea as to what the interest revenue would be from Nunavut trust fund balances)

As we do maintain a compensation fund, I think that we have an obligation to maintain adequate governance of all members who hold trust funds for Nunavut clients.

As well, the recent Supreme Court of Canada decision in the "Barreau" case confirms that Societies have a duty of care in governing their members.

2. **Federation of Law Societies' Mobility Agreement.**

We recently received a letter from Francis Gervais, Federation President inviting us to consider becoming a signatory to the permanent mobility part of the National Mobility Agreement. Our Executive considered this at our last meeting on July 12th, and decided to hold a Special General Meeting on September 18th [see meeting announcement on page 4] to consider this issue. This would allow us to take advantage of the permanent mobility provisions, while not being exposed to what some might consider the disadvantages of the temporary mobility provisions (which allow up to 100 days of appearances in a signatory jurisdiction in a calendar year without local bar membership). Our concerns about this were that our relatively small society would lose revenue from Restricted Appearance Certificates, and that it would generally interfere with the development of a strong local bar. On the other hand, there is really no down side to the permanent mobility provisions, since new permanent members would not have to article or write the exam, but would still have to pay annual fees. Furthermore, Nunavut lawyers who – See **LETTER** page 2.

LETTER from the President – continued

wish to transfer to other Bars would be able to take advantage of the provisions, and avoid re-articling and exam writing in other jurisdictions.

Many of you may know that the Law Society of the Northwest Territories recently held a Special Meeting and approved a resolution to enter into the permanent mobility agreement. (The agreement, and a summary of its provisions, can be found on the Federation of Canadian Law Societies' website.)

3 **Development of the Nunavut Bar.** Another resolution passed at our AGM was to ask the Government of Nunavut (GN) how much it was spending on legal services from law firms outside Nunavut. We have in fact written to GN requesting this, and are awaiting the reply. Our Society has a large majority of government lawyers, but it is clear that the fostering of a strong private Bar in the Territory must be a priority for us. A strong private Bar is one of the pillars of a democratic society governed by the rule of law. Citizens need to be able to access legal services for a wide variety of issues in their lives, from child support, to injury compensation, education issues, representation in the criminal courts, public participation in environmental and regulatory processes, and in doing business in the modern highly regulated environment. On the other hand, where the economy of the territory is still developing, providing legal services to governments represents an important aspect of the financial stability and viability of a private practice. Therefore it is our hope that by obtaining information about Government expenditures on legal services, our local bar will be better able to assess its ability to meet some of the Government's legal requirements, and take steps to be qualified for the provision of services.

Michael N. Jones, President

Recent Events

Society throws Christmas bash

Dateline: December 4th, Iqaluit. *The Society hosted its first ever Christmas reception at the Frobisher Inn, which was attended by approximately 25 members, as well as members of the Judiciary. The event was a success and we plan to make it an annual event.*

CBA President visits Nunavut



Clockwise from left, Michael Penner, secretary/treasurer and Judith Lemstra, president of the Nunavut section of the CBA, Bill Johnson, President of the CBA, Harvey Chan, Michael Jones and Greg Nearing of the Law Society of Nunavut.

Dateline: June 14th, Iqaluit. *Canadian Bar Association President Bill Johnson visited Nunavut, and our Society along with the CBA Nunavut Section, co-hosted a dinner for Mr. Johnson at the Discovery Inn, following which CBA Section President Judith Lemstra and her husband Ian hosted a reception at their residence for Mr. Johnson, with Chief Judge Browne and a number of Government of Nunavut lawyers in attendance. Mr. Johnson took advantage of these opportunities to ask a lot of questions about the practice of law in Nunavut, and to tell us about the CBA's mandate and programs.*

Mr. Justice Marc Rosenberg gives presentation on Continuing Education.

Dateline: June 8th, Iqaluit. Mr. Justice Rosenberg of the Ontario Court of Appeal gave a talk on the subject of *Credibility* to members of the Judiciary, Members of the Bar and students of the Akitsiraq Law School, at the Frobisher Inn. Mr. Justice Rosenberg was in Iqaluit for two weeks to teach a section of the Criminal Evidence course at Akitsiraq. Chief Justice Browne initiated the idea of having a presentation from Justice Rosenberg, and the Law Society of Nunavut acted as a co-sponsor with CBA Nunavut Section and Justice Browne. The talk was very well received by the audience, as were the hors d'oeuvres and refreshments, and it is our intention to work with Justice Browne and the CBA to co-sponsor such presentations when qualified speakers are available in Iqaluit.

Society delegates attend Federation of Law Societies' Semi-annual Meeting



Back Row, left to right – Bill Johnston of Manitoba, Noel Sinclair of NWT, Jim Wyatt of PEI, Michael Jones and Harvey Chan of Nunavut. Front Row, left to right – Yvonne MacNeill, Sarah Kay and Linda Whitford of NWT, Sue Cooper of Nunavut

Dateline: April 29 to 30, Fredericton, New Brunswick. This meeting was held on April 29th and 30th and was attended by President Michael Jones, Executive Director Harvey Chan and our Federation Council representative Sue Cooper.

Items on the agenda included Reform of the Process for Appointment of Supreme Court Judges, Interjurisdictional Defalcation Claims and Sexual Harassment of clients by Lawyers. There were also separate business meetings for Executive Directors and Federation Council.

Highlights of the Annual

General Meeting

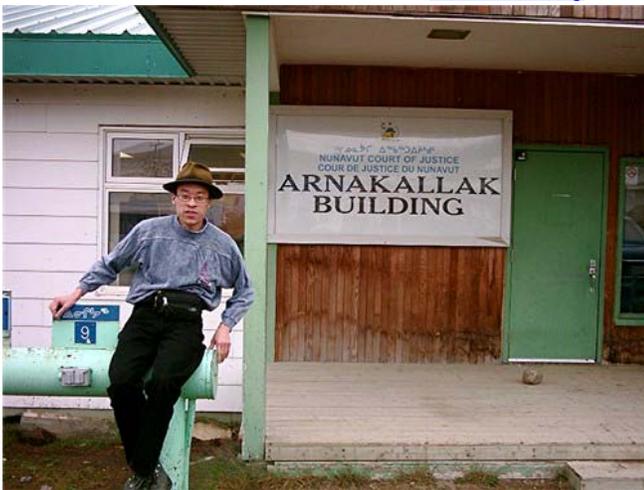
This meeting was held in Iqaluit at the Frobisher Inn's Baffin room on a cloudy Saturday afternoon on March 13th. It was attended by 29 out of a total of 45 of our resident members, including Paul Okalik, active member and Premier of Nunavut. Gary Pon, our court librarian, was a guest attendant. Here are the highlights:

Members voted in favor of a resolution requiring that, in three years, all non-resident members maintain trust accounts in Nunavut for funds held for Nunavut clients. A further resolution was passed requiring that a \$100.00 per year levy will be charged to all resident and non-resident members who do not maintain trust accounts in Nunavut. This levy will be collected on behalf of the Law Foundation for the next three years beginning in 2004.

Another motion was passed requiring the Society to issue a request to the Government of Nunavut to disclose to the Society, the type and volume of the legal work it outsources to non-resident versus resident lawyers.

Susan Hardy, chairperson of the Membership and Admissions Committee, presented a report and proposal to amend rules of the Legal Profession Act concerning articling student admissions and articling requirements. Motions were passed that would effectively remove the obstacles that the current legal framework for articles in Nunavut impose upon articling students and principals. This is a matter that would be of special importance to the 11 Akitsiraq law students expected to graduate in June 2005, the first graduating class in Akitsiraq School history.

Announcements The *Polar Barristers* would like to congratulate **Greg Nearing** and **Patrick Smith** on their election into the 2004/05 annual Society election of the Executive. Patrick Smith, as you may already know, is a Society Executive incumbent as well as President. He has however decided to step down as President to act as Executive member-at-large. Congratulation also goes to the newly elected President, **Michael Jones** of Iqaluit. **Greg Nearing** is the newest member of the Executive but not new to law society matters, having served as Treasurer and President of the Northwest Territories law society prior to the territories' separation. **Sue Cooper**, a long time Society Executive, has decided to retire from her duties as an Executive member, but continues to represent Nunavut on the Council board of the Federation of Canadian Law Societies. Congratulations go to **Eveline Qajaq Robinson**, 3rd year Akitsiraq law student, who received the Lawson and Lundell scholarship for 2003. Administered by the law societies of Nunavut and the Northwest Territories, this \$1000.00 scholarship is awarded annually to one law student in each of the NWT and Nunavut, and reflects the firm of Lawson and Lundell's commitment to professional excellence, and to future of the legal profession in Canada's North. The Society would like to welcome **Gary Pon** who is dedicating some of his time to represent Nunavut on the CanLII, project. Gary, as lawyers in Iqaluit already know, is the Nunavut court librarian. His work for the Society is much appreciated. CanLII (Canadian Legal Information Institute) was formed on August 2001 under the auspices of the Federation of Canadian Law Societies. It is a virtual law library that seeks to provide access to various legal collections maintained across Canada. CanLII's office is located in Montreal with their website at www.canlii.org



Gary Pon in front of the Nunavut courthouse, Iqaluit

Mark your calendar for the Special General Meeting!

The Executive of the Law Society of Nunavut would like to take this occasion to announce that there will be a **Special General Meeting** to be held on **Saturday September 18, 2004 at 1:00 PM ET** at the Conference Facility of the **Frobisher Inn, Iqaluit**. Beverages and snacks will be served. This special meeting is called to discuss the Federation of Canadian Law Societies' proposal to have Nunavut join the National Mobility Agreement [see page 1, *Letter from the President*, for details].

Executive Officers of the Law Society of Nunavut

Michael N. Jones of Iqaluit.....President
 Marian E. Bryant of Iqaluit.....Vice-President
 Greg C. Nearing of Iqaluit.....Treasurer
 Mina Meeko of Sanikiluaq.....Lay-Member
 Patrick T. Smith of Gjoa Haven..... Member-at-Large



View of Frobisher Bay from the law Society office.

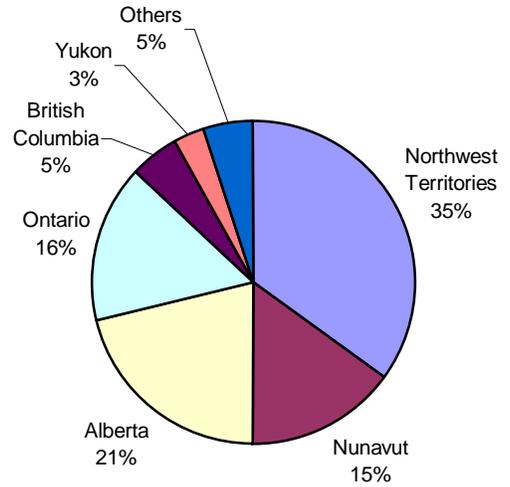
This is the *Polar Barristers'* first on-line edition distributed through email. This, along with past editions, can also be accessed through the Law Society of Nunavut website at www.lawsociety.nu.ca. To request a hard-copy of this edition, or if you want to contact any of the Society's Executive officers, call or write to:

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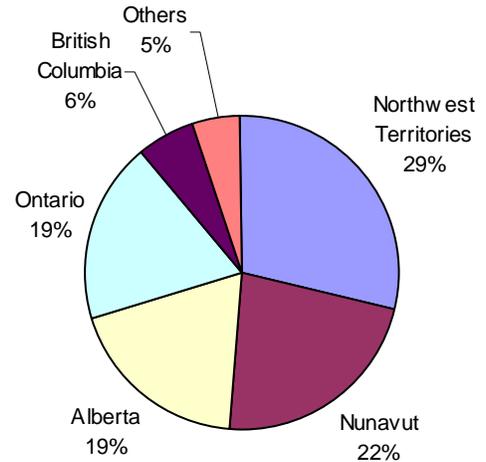
Membership Statistics Despite the modest growth during the past 3 years, the most substantial gain in membership had come from Nunavut itself with an increase of 47% of resident members over 2001. Ten out of the 14 new members who had settled into Nunavut over the past 3 years had arrived just last year. This increase, however, was offset by a loss of members from the Northwest Territories. A net total of 10 more lawyers from Ontario and British Columbia have joined along with 2 from Newfoundland since 2001.

JURISDICTION	2001	2004	differential
Northwest Territories	71	58	-13
Nunavut	30	44	+14
Alberta	41	38	-3
Ontario	31	38	+7
British Columbia	10	13	+3
Yukon Territories	5	3	-2
Others			
Saskatchewan	2	2	0
Newfoundland	0	2	+2
Manitoba	1	1	0
Nova Scotia	1	1	0
Quebec	1	0	-1
New Brunswick	1	0	-1
Tanzania	1	1	0
United States	2	1	-1
TOTALS	197	202	+5

Distribution as at August 2001



Distribution as at August 2004



Membership Status as at August 2004

