



To: Law Society of Nunavut Members

From: Legal Ethics and Practice Committee

Nikolai Sittmann, Chair, and Gloria Song, Vice-Chair

Re: Report for the 2022-2023 Annual General Meeting

Date: June 5, 2023

The Law Society of Nunavut (“LSN”) must ensure that Nunavummiut are served by lawyers who meet high standards of competence and professional conduct. In line with this mandate, the LSN’s Legal Ethics and Practice Committee (“LEPC”) has a trifold responsibility: (1) to ensure that the Nunavut Code of Professional Conduct (“Nunavut Code”) responds to relevant and emerging ethical issues in the profession; (2) to review Nunavut Bar membership requirements for lawyers seeking admission under the Territorial Mobility Agreement (“TMA”); and (3) to address formal complaints of unauthorized practice in the territory.

The LEPC convened regularly throughout the 2022-2023 reporting period to make substantive progress on all agenda items for the year.

I. The Nunavut Code of Conduct

The Nunavut Code of Conduct is a living document that should reflect high standards of ethical conduct. The LEPC reviews the Code annually and recommends updates as needed. As part of this work, the LEPC liaises quarterly with the Federation of Law Societies of Canada (“FLSC”).

The FLSC, in order to harmonize the rules of professional conduct across Canada, collaborated with law societies to develop the Model Code of Professional Conduct (“Model Code”). The FLSC regularly reviews Model Code rules to ensure they respond to best practices and emerging issues in legal practice and ethics. The Nunavut Code largely mirrors the Model Code.

a. *Discrimination and Harassment*

The FLSC recently made significant amendments to the Model Code provisions on discrimination and harassment. These amendments are designed to address ongoing problems of harassment and discrimination in the workplace by providing more substantive guidance to members.

In 2020-2021, the LEPC provided feedback during the FLSC's consultation phase for these amendments. Following the FLSC's adoption of the amendments into the Model Code in October 2022, the LEPC met regularly throughout this reporting year to consider their application in Nunavut. External counsel on behalf of the LEPC analyzed the Model Code amendments and concluded that they do not conflict with current Nunavut legislation.

The LEPC recently solicited a final round of feedback on the amendments from all members of the Nunavut Bar. Going forward, following review of this feedback, the LEPC expects to make a recommendation to the LSN Executive to adopt the amendments into the Nunavut Code.

The LEPC will host a Continuing Legal Education ("CLE") event on the Discrimination and Harassment provisions this Fall. With external counsel assistance, the LSN hosted a [CLE event in November 2022](#) on updates made to the [Nunavut Code](#) in the 2021-2022 reporting year.

b. Ex Parte Communications

The FLSC has also recently updated the Model Code with new rules addressing *ex parte* proceedings and single-party communications with a tribunal. These *ex parte* amendments are designed to note the exceptional nature of *ex parte* proceedings and to highlight the care lawyers should take when engaging in routine, single-party correspondence with a tribunal.

In the same manner as the discrimination and harassment amendments, the LSN provided feedback during the FLSC's consultation phase and the LEPC recently solicited feedback from Nunavut Bar members. The LEPC expects to recommend the adoption of these provisions into the Nunavut Code. The Code currently contains no provisions concerning *ex parte* proceedings.

II. Admission Requirements under the Territorial Mobility Agreement

a. Mandatory Reading List

The LSN's [mandatory reading list](#) is a requirement for admission to the Nunavut Bar pursuant to the Territorial Mobility Agreement. This reading list is subject to yearly review by the LEPC. The LEPC has met throughout this reporting year to discuss the status and contents of the reading list and intends to unveil a revamped approach to the reading list in 2023-2024.

b. Cultural Competency Training

Cultural competency materials are an essential component of the mandatory reading list requirement under the TMA. The LSN and LEPC are considering further cultural competency training requirements for lawyers seeking Nunavut Bar membership under the TMA.

In line with the Truth and Reconciliation Commission's Call to Action 27, which calls for all law societies in Canada to ensure that lawyers receive indigenous cultural competency training, the

LSN and LEPC are exploring ways for lawyers seeking Nunavut Bar membership under the TMA to engage in Nunavut-specific, Inuit-designed and Inuit-led cultural competency training.

Currently at a preliminary stage, this work is a high priority agenda item going forward. The LEPC expects to make progress and share more details about this initiative in the next reporting year.

III. COMPLAINTS

The LEPC continues to proactively address complaints of unauthorized practice referred to the committee by conferring with the LSN CEO and making recommendations to the LSN Executive as required. Complaints resolve by way of granting full memberships or restricted appearance certificates, or by withdrawal of services.

Continued efforts to raise awareness across Canada and within the territory about the requirements to practice law in Nunavut remains a priority for the LEPC. In addition to providing general information about what constitutes the practice of law in Nunavut, the LEPC will provide further guidance by working with external counsel to issue [notices to the profession](#).

Related Reading:

[Model Code of Professional Conduct Consultation Report \(January 2020\) — Discrimination and Harassment and ex parte communications](#)

[Model Code of Professional Conduct \(amended October 2022\)](#)