





**Both Treasurer Minor and FLSC President stopped by the Qayuqtuvik Society (Iqaluit Food Centre) to help out.**

Below: FLSC President Thomas Conway with volunteer Don.

Above: **LSUC Treasurer, Janet Minor,** exploring the beauty of the tundra in Apex ( near Iqaluit).



## **Journey of Reflection and Community Engagement**

Law Society Leaders make inaugural visit to Nunavut

Long-time colleagues, Federation of Law Societies of Canada (Federation) President Thomas Conway and The Law Society of Upper Canada's (LSUC) Treasurer Janet Minor, made their first visit to Nunavut's capital in early November to engage with the territory's membership and immerse themselves in Northern life.

For Conway, his last official visit as Federation President was one of reflection. A former treasurer and bencher for LSUC, he found Nunavut to be the ideal place for contemplation as his career as a regulator of the legal profession was coming to an end.

At a reception following the launch of the LSN's *Understanding the Nunavut Court Process* video, he described his arrival into the territory.

"As the plane dropped below the clouds and I started to see the landscape, I had no point of reference – just this immense breathtaking landscape," he said. "It really did make me reflect on what, for me, has been the centre of my life for the last 10 years."

*Continued from page 2*

For Minor, the trip was an opportunity to connect with the local membership and deepen her understanding of those issues faced by Canada's indigenous population, a pursuit that has already taken her to aboriginal communities across Ontario in an effort to engage political leaders and residents in an open discussion on justice.

"Engagement is the foundation of what we're trying to do," she said. "We don't have all the answers – of course not. But we need to learn, we need to understand what is needed both by the licensees and by the public.

"It's really important to listen and to develop the confidence you get from having some kind of dialogue and the kind of relationship that evolves."

### *"Engagement is the foundation of what we're trying to do."*

In the spirit of community engagement, the two visitors made the most of their few days in Iqaluit, volunteering at the Iqaluit Food Centre, meeting with local artists and sitting in on the Legislative Assembly during the Leadership Review. Conway and Minor also had the opportunity to meet with the local law society membership and to talk about their interests and experiences living in the high arctic. They were audience to the launch of the court process video and heard firsthand from Inuit residents about some of the challenges they face in terms of access to justice.

#### **Career highlights**

Conway's professional journey in the law society and the Federation was an unexpected turn for his career. It began when he ran for a position in his local county law association and spiraled from there.

"I'm going to miss it," he said. "It was really a satisfying, fulfilling time for me."

The Federation President reflected on some of the challenges of his career and the major changes that the legal profession has undergone.

"One of the major things that occurred when I was coming up through the ranks, so to speak, was we had an oversupply of lawyers seeking...articling positions and there weren't enough articling positions," explained Conway.

He noted that at one time, 10 to 20 per cent of graduates weren't finding articling positions.

"We really had to come up with a way of addressing that problem, but at the same time, ensuring that lawyers got adequate and sufficient practical training, which is a big part of the education of a lawyer," he said.

"And it was a big political challenge," Minor added. "There was no consensus in the profession. Everyone agreed that there should be transition between law school and working, but there was no real consensus on the best way to do it."

In an effort to address this challenge, both Conway and Minor were involved in the creation of law practice programs as an option for those unable to get articling positions.

"We were at this reception the other night and we met a guy who is working in Nunavut as a lawyer now, but he immigrated from Zimbabwe and he went through the accreditation process, did this law practice program, which he thought was great, introduced him to how to practice in Canada, basically, and then got a job up here," said Conway. "He's an active contributing member to the legal profession doing good work here in Nunavut... For me, that's a very gratifying personal story."



Conway and Minor attended a social gathering on November 5, 2015 following the launch of the Access to Justice Video.

Left to Right: Rimpal Hinduja, LSUC; Yvonne Niego, ADM, GN Dept. of Justice; Elizabeth Sanderson, DM, GN Dept. of Justice; Treasurer Minor; Tamara Fairchild, LSN Vice-President; Tom Conway, FLSC President; Henny Harmsen, LSUC and LSN President, Scott Wheildon.

## November 5<sup>th</sup> Launch of *Understanding the Nunavut Court Process* Video

The Law Society of Nunavut's Access to Justice Program in collaboration with Community Justice with the support of the Nunavut Law Foundation is pleased to announce the



**Hon. Madame Justice Sue Cooper**

launch of the video *Understanding the Nunavut Court Process*.

The video is a first step to aid Nunavummiut in understanding the criminal court process and for

complainants and other witnesses who may be called to court to testify. The video is an educational tool to learn how the criminal justice system works from their perspective.

It provides knowledge in all four official languages about what to expect in court and help complainants and other witnesses participate fully in the criminal court process.

Collaborations and projects such as this one are very important to Access to Justice as we are committed to meeting the needs of the members of the public. This often involves providing accessible and relevant legal knowledge.

This video is only the beginning of future Access to Justice collaborations and partnerships demonstrating that we came together to ensure the needs of our territory and Nunavummiut are being met.

We acknowledge the support of the Nunavut Court of Justice, Law Society members and many volunteers who took part in making this project possible at all stages, including development and filming along with the legal organizations which have supported this project.



**Mary Piercy-Lewis, (far left) directs the Inuksuk High School Drum Dancers (back)**



## A Conversation with the Nunavut Law Foundation's new Chair

### Cindy Kieu shares her vision for the upcoming year

By Gloria Song

On August 25, 2015, Cindy Kieu was appointed as the Chair of the Board of Directors serving the Nunavut Law Foundation (Foundation). Ms. Kieu brings with her years of experience, having served as a director of the Foundation since 2012. Ms. Kieu worked as legal counsel for the Government of Nunavut's Department of Justice before her current position as an associate for Edmonton-based Shores Jardine LLP. Last year, she successfully co-chaired the massively successful Canadian Bar Association's (CBA) National Aboriginal Law Conference held in Iqaluit.

Other Directors of the Foundation Board include legal counsel for the Kivalliq Inuit Association, Mandy Sammurtok, Public Prosecution Service of Canada, Tom Lemon, and legal counsel for Nunavut Tunngavik Inc., Marie Belleau. Nalini Vaddapalli serves as the Foundation's administrator.

"Individually, each Board Member brings to the table different perspectives, backgrounds, knowledge, skills, and expertise," Ms. Kieu commented. "Our diversity in perspectives and backgrounds has contributed to the Board's collective knowledge and deep insights in the legal needs of the Nunavummiut and the territory."

### A broad mandate

The Foundation's statutory mandates are broad, including contributing to research and recommendations on the reform of law and the administration of justice, contributing to the establishment, maintenance and operation of law libraries, contributing to the legal education and knowledge of members and Nunavummiut, and providing assistances to legal aid programs, restorative justice programs and programs of a similar nature.

In addition, the Foundation offers grants, including in the Lucien Ukaliannuk Awards for students pursuing law-related studies who can demonstrate financial need and a commitment to Nunavut, and the Upinnatuq Awards for youth in Nunavut communities to reward their commitment to leadership, peacemaking or rehabilitation, in honour of Justice Beverley Browne. The Foundation also gives out other general grants, including to a PhD candidate's research on mental health in Nunavut.

### Small budget, broad mandate

Ms. Kieu noted that in other jurisdictions, law foundations receive funding through interest accrued on monies held in trust by lawyers carrying on the practice of law, which can add up to millions of dollars. Conversely, this has not been an available source of funding in Nunavut. Since the creation of the Nunavut Law Foundation in 2001, the Foundation has received remittance of interest earned from a trust fund from less than five Nunavut practitioners. Consequently, the Foundation relies on funding that comes from a levy of a minimal amount that is collected from all members (except members with a trust account in Nunavut) of the Law Society of Nunavut (LSN). That means that the Foundation has a significantly smaller budget than law foundations in all other jurisdictions.

Despite this limitation, the Foundation has worked hard and carried out its broad mandate proactively by providing support for numerous community-based initiatives and projects, such as professional development programs provided by the CBA NU Branch and the LSN. Other examples include supporting access to justice community-based events in Pangnirtung and Iqaluit this past year. The Foundation provided grants to support public legal education initiatives including the development of materials by the LSN and community organizations as the Qullit Nunavut Status of Women and the Nunavummi Disabilities Makinnasuaqtiit Society.





## SPOTLIGHT on LSN MEMBER

### NORMAN TARNOW

Nunavut Department of Justice's

Longest Serving Lawyer

By Gloria Song

Norman Tarnow is the longest serving and the most senior legal advisor in the Government of Nunavut's Department of Justice. Currently serving as the Director of the Legislation Division and Registrar of Regulations in Nunavut's Department of Justice, Norman has held an impressive number of positions within the Government of Nunavut, including Director of the Legal and Constitutional Law Division, Assistant Deputy Minister of Justice, and Deputy Minister of Justice. He has spent fourteen years north of the 60<sup>th</sup> parallel, working almost eleven years in Iqaluit and three years in Yellowknife as an Assistant Aboriginal Self-Government Negotiator for the Government of Northwest Territories.

Mr. Tarnow had already established a prolific career before moving up north. After attending Osgoode Hall Law School, Mr. Tarnow was called to the Bar in British Columbia in 1974. With the Government of British Columbia, he worked as Legislative Counsel then Legal Counsel in the Constitutional and Administrative Law Section of the B.C. Ministry of the Attorney General and as Director of Constitutional Affairs for the Ministry of Intergovernmental Relations. He also worked in private practice and served as the member of the Arbitration Review Panel hearing appeals from the decisions of Residential Tenancy Arbitrators.

With such an impressive background, I asked Mr. Tarnow about some of his favorite projects in the past. He mentioned a few projects, including the Georgia Strait case regarding the ownership of the lands covered with water between Vancouver Island and the Mainland of British Columbia and more generally, the issue of British Columbia's offshore resource ownership and control; the reform of the Constitution of Canada leading up to the amending formula, the Charter, aboriginal and treaty rights, and the Patriation of the Constitution and possible reform of the institution of Federalism, such as the Upper House; devolution in the Northwest Territories and Nunavut; and revisiting the issue of the interpretation of the Constitution's amending formula in the previous Federal government's Senate Reference case. Regarding the latter case, Mr. Tarnow appeared before the Supreme Court of Canada in the Senate Reference in November 2013 and made oral submissions regarding the amendment of the Constitution as Deputy Attorney General on behalf of the Government of Nunavut.

One particularly memorable project that Mr. Tarnow mentioned was assisting the Minister and Department of Culture, Language, Elders and Youth in putting forward the *Official Languages Act* and the unique *Inuit Language Protection Act* for passage by the Nunavut Legislative Assembly. Mr. Tarnow's involvement included speaking before the Legislative Assembly to answer questions about the Constitutionality and legal impact of the legislation.

I was interested to know what keeps him up North – what are his reasons for staying here? “The work is interesting and intellectually challenging,” Mr. Tarnow explained. “The people in the North are friendly and one feels like they are part of the community and not an ant in an ant hill as in the larger centres in the South.”

To younger and newer Lawyers starting their careers in Nunavut, he offers his words of encouragement: “You can gain experience working on more interesting and challenging matters as a Lawyer in the North than you might have the opportunity to do in the early stages of your legal career in the South.”

Of course, Mr. Tarnow has his own personal interests outside of the law. “Most people know that I sing at Karaoke in Iqaluit from time to time,” he commented.

*NTR: Originally written in fall 2014 and updated in December 2015.*



## Volunteers & Standing Committee Members

The LSN could not meet its mandate without the support and contributions made by our membership, its various Committee Members and leadership of the Chairs.

We look forward to showcasing our members in this *Spotlight on LSN Member column* and *Q + A interviews* ( See p.12).

## Maliiganik Tukisiniavik Legal Services celebrates 40<sup>th</sup> anniversary

By Gloria Song

This year marks the 40<sup>th</sup> anniversary of Maliiganik Tukisiniavik Legal Services (MTLS), the Iqaluit-based organization established to provide legal aid services for the Baffin region as part of the Legal Services Board of Nunavut.

### Beginnings

Legal aid in the Baffin region began as an initiative of the Inuit Tapirisat of Canada (ITC), developed with the assistance of ITC lawyer Constance Hunt, now a member of the Alberta Court of Appeal. The proposal involved establishing resident lawyers who would live in the communities year-round, providing legal services under the supervision of a local board of directors, with Inuit paralegals as court workers.

Previous to the establishment of MTLS, private lawyers had been flying from Yellowknife to the Baffin region as criminal counsel. As they were present in the communities for only a few days at a time, there were a number of concerns, such as not having enough time to spend with their clients.

MTLS was established in 1974, funded on a pilot basis by the federal Department of Justice and the Government of the Northwest Territories, with a mandate to provide legal services as well as legal reform and education to the Baffin region. Its first location was in the old Butler Building in Iqaluit, the area that is now the jewelry workshop next to the post office. Dennis Patterson, now a senator, became the first director of MTLS.

“I don’t think any of us involved in those early years were in that job for the money,” Senator Patterson reminisced in his speaking notes for the 40<sup>th</sup> anniversary celebration. “There was no housing or other benefit for the staff. Staff either lived with their families or in public housing. I was allocated a Butler unit as the Director.”

### The early days

Transportation was a feat in the early days of legal aid. Senator Patterson recalled one particular incident where he defended a respected hunter in Coral Harbour.

“The only way I could get to Coral Harbour was to hitch a ride on a Bell Canada Twin Otter which was flying there to install phones,” he explained. “I was billeted with a young newlywed couple Cathy and Harry Towtoongie.”

The hunter, whose daughter kept a pet hawk, was being charged by a wildlife officer for the illegal capture of a bird and with obstruction of justice when his client protested the capture of the bird.



“Madeline Inuluk Napayok, a court worker originally from Coral Harbor, worked with me to interview elders to establish that adopting pet birds was a cultural tradition and make the case that this was a situation of custom law colliding with white man’s law,” Patterson recalled.

“To my surprise, and some disappointment, the court party flew into Coral Harbour from Yellowknife and the Crown Prosecutor, seeing the impressive lineup of witnesses I was prepared to call to dispute the charge, promptly dropped the charge, to the great relief of my client and the community, which had crowded into the courtroom.”

Patterson was subsequently stranded in Coral Harbour for another couple of weeks, waiting for a plane to take him home.

“I stayed there for another couple of weeks, waiting for Bell Canada to take me back (and) went hunting polar bears with Leo Kaludjak, getting to know Toma Netser and Jackie Nakoolak and Mr. Simon Killalogalik, the respected Inuit elder,” he said.

### A success

Although MTLS was originally started on the condition that the model would only continue after monitoring and evaluation, it was deemed to be a success. MTLS developed into a mixed model with full-time resident lawyers and Inuit court workers working out of

Photo above: Lawyers serve the public at a pancake breakfast and 1<sup>st</sup> Access to Knowledge event, hosted in partnership with MTLS in February 2015



regional offices, along with private lawyers serving a complementary role, retained on a fixed-fee basis.

With the establishment of MTLS, any Inuit in Iqaluit would now be able to access free legal advice in person. Besides providing legal services, MTLS also carried out its legal reform and legal education mandates, recording short ads in Inuktitut and English for CBC Radio about legal rights of people in conflict with the law and distributing booklets about legal rights to Inuit households.

Since Dennis Patterson as the founding director, MTLS directors have included Joe Bovard, Neil Sharkey (now a judge at the Nunavut Court of Justice), Lynn Wheatley, Brad McIsaac, Chris Debicki and Jonathan Ellsworth, with Mark Mossey as the current director.

After Nunavut became a territory on April 1, 1999, the Nunavut Implementation Commission published a report on the establishment of the new government. It was decided that the legal aid system that had developed in the Northwest Territories should continue in Nunavut as the Legal Services Board (LSB) of Nunavut, established by the Nunavut Legal Services Act. The LSB would oversee the establishment of regional legal aid clinics as well as the delivery of legal aid services in the territory. Similar to MTLS' original mandate, the LSB's responsibilities would be to provide legal aid services and public legal education as well as to manage the court worker program.

### Meeting the demand and tackling challenges

As demands for legal aid services increased steadily, a Nunavut Legal Services Study was commissioned by the Department of Justice as part of its legal aid research series, with the final report published in October 2002.

Some of the challenges facing the legal aid system included large dockets, resulting in heavy workloads and concerns about the quality of service. There were also difficulties in gaining access to

clients, issues of geography making it difficult for counsel to meet with clients in their communities beforehand, the high cost of travel, language and cultural barriers, and a chronic lack of human resources. In addition, the study found that there was an unmet need for legal services, particularly in civil law matters. The study proposed a number of solutions, including the increase of funding towards various areas of need.

In 2005, a pilot program was funded for the expansion of legal aid coverage to areas in civil and poverty law, including human rights, landlord/tenant, and employment law.

#### *Some of MTLS' notable accomplishments over the years*

- MTLS' founding director Dennis Patterson is now a Senator.
- MTLS is the first legal clinic in Canada to have court workers representing clients and arguing cases in court
- MTLS lobbied for an amendment to the Northwest Territories Jury Act to allow unilingual Inuit to be a juror
- The first lawyer from Nunavut and the first Inuk to be called to the Nunavut bar, Paul Okalik, articulated at MTLS. He later became the premier of Nunavut and is currently the Minister of Justice, the Minister of Health, and the Minister responsible for Immigration.
- MTLS currently has a court worker in every community in the Baffin region except Grise Fjord

“When the doors first opened, absent policy, we were assisting many people with many different issues,” explained Jonathan Ellsworth, former director of MTLS and current chief operations officer for LSB. “After the first couple of rocky years we had enough information and data to inform policy on the issues. There was a lot of transiency in the position until Mark (Mossey) came on board in 2010. Mark's skill, experience, ability and tenure shaped the practice into what it is today.”

Today, MTLS continues to provide legal aid services for the entire Baffin region in the areas of criminal, family and poverty law, with a court worker in every community in the Baffin region, with the exception of Grise Fjord. It also continues to fulfill its public legal education mandate, taking part in an Access to Knowledge Initiative in partnership with the Law Society of Nunavut. Following the success of MTLS, two more clinics, the Kitikmeot Law Centre and Kivalliq Legal Services, have been established in the other regions of Nunavut.

Mr. Ellsworth believes that many of the issues highlighted in the 2002 Nunavut Legal Services Study have been addressed by meaningful relations with the LSB's funders.

“Legal aid in Nunavut, like anywhere, is constantly finding ways to bring about a more efficient delivery of its service, ways to maximize value for dollars while ensuring the highest level of services are available to its users,” he commented.

*MTLS 40<sup>th</sup> anniversary – Continued from p. 9*

## Next steps for the future

Now that MTLs has been running successfully for forty years, where should it go in the next forty years?

“I don’t know what more we can do than to grow and fluctuate with the needs, and identify newer or additional needs as they become relevant,” remarked Mr. Ellsworth. “It helps that we have points of contact on the front line in each community and lawyers going into each community. That really informs the policy decisions of the boards, the regional boards and the territorial board as well.”

Budgets are always a concern. Mr. Ellsworth explained, “If you think of budgets in the context of our southern partners, usually the first thing that tends to get cut is legal aid when there’s a budget crisis. So I’m hoping that at the very least, Maliiganik maintains its current status and grows with the needs, and that it’ll maintain a role in the access to justice initiatives.”

## 40<sup>th</sup> anniversary celebration

MLTS celebrated its 40<sup>th</sup> anniversary in style at the Frobisher Inn

on November 15, 2014. Many of the original employees of MTLs were in attendance, along with the Deputy Minister of Justice and judges of the Nunavut Court of Justice.

The event featured a keynote speech from Senator Dennis Patterson, who spoke about the history of MTLs, and how the project began. He described the various challenges that lawyers faced in the early days, while also telling stories about particularly interesting cases. Senator Patterson explained how his role as the founding director of MTLs helped shape the rest of his career in the north, as a Member of the Legislative Assembly as well as the Minister of Justice, and how other lawyers who worked at MTLs moved on to become judges.

“The story of Maliiganik Tukisiiniakvik is the story of a demonstration model, a pilot project, which proved itself indispensable in bringing justice to Nunavummiut,” Senator Patterson’s speaking notes concluded. “And look what we have done over forty years.”

*We would particularly like to thank Senator Dennis Patterson, Jonathan Ellsworth, and Jesse Gaw for their assistance with this article.*



Stephen Wallick, President of the NN Food Bank (left); Mark Mossey, LSN 2014-15 President (middle) and Susan Aglukark, Juno Award recipient and founder of the Arctic Rose Project (right). Photo taken in Dec. 2014.

*The Canadian Bar Association NU Branch  
&  
The Law Society of Nunavut Members  
support efforts to give back this holiday season!*

Once again this year, while coming together for the annual holiday gathering, the cost of each purchased ticket was donated directly to the **Niqinik Nuatsivik Food Bank** and **Qayuqtuvik Food Centre** in Iqaluit.

Members can donate non-perishable food items and small personal hygiene items (soap, shampoo, toothbrush, etc.) when travelling to Iqaluit. **Want to help?** Call us at the Law Society.



Sarah Huxford, LSN staff & Wade Thorhaug, President QFC. Photo taken Dec. 15, 2015



## Updated Territorial Mobility Agreement Signed

### FEDERATION NEWS |

Canada's law societies have signed an updated agreement that covers permanent mobility rules for Canada's three northern territories, ensuring easier transfers by members of the legal profession between the territories and Quebec. The signing ceremony with representatives of all of Canada's legal regulators was held April 3, 2014 in Saskatchewan's historic Government House. The Territorial Mobility Agreement 2013 follows the signing in October 2013 of a protocol agreed to by the provincial law societies that breaks down remaining barriers to seamless mobility of the legal profession between Canada's two legal traditions, the civil law in the province of Quebec, and the common law in the other parts of Canada.

Three territorial representatives from far left:

Mark Mossey (NU), Karen Wilford (NT) and Susan Dennehy (YK)

Federation Past President (2014-15) Marie-Claude Bélanger-Richard, Q.C., said the signing of the Territorial Mobility Agreement 2013 reinforces what many in the profession have been saying for a long time. "There are more similarities in legal training and in daily practice in these two legal traditions than there are differences. All law societies now acknowledge that crossing provincial and territorial borders should be as easy for a lawyer moving from Montreal to Iqaluit as it is for one who moves from Regina to Winnipeg."

The National Mobility Agreement 2013 covers both permanent and temporary mobility rules and was signed by the provincial law societies in a similar ceremony in October 2013 in St. John's, Newfoundland and Labrador. The Territorial Mobility Agreement 2013 deals with permanent mobility rules only, in keeping with the existing arrangements with the territories that have been in effect since 2006.

## The Law Society Standing Committees *Q + A* with Access to Justice Co-Chairs James Morton and Gloria Song



By Jonathan Park

The Law Society of Nunavut would like to introduce the co-chairs for the Access to Justice Committee, James Morton and Gloria Song. As we all know, access to justice is a critical component in the proper administration of justice and the Law Society is committed to making every effort to increase this access.

I had the opportunity to ask our new co-chairs what access to justice means and what their vision is for how to increase access to justice in Nunavut.

**Access to justice is presently a very popular topic amongst legal professionals, but the specific meaning for the term in a jurisdiction is affected by local context. What does Access to Justice mean to you here in Nunavut?**

**JM:** Nunavut is unique among Canadian jurisdictions in having a majority aboriginal population, a population speaking a localized language, very small practicing bar and a transition to the age of Internet has not been as rapid.

Limited access to the limited available information on principles of Canadian law, requires that Access to Justice efforts should include carefully explaining various concepts. For example, it is necessary to be very clear in regards to who makes decisions on legal matters.

Empowering the individual to do what is best for them is essential.

As a practical matter, this means we need literature and programs in understandable language that both explain the law and empower the individual.

Additionally, now fortunately fading, but still existing, *ilirasungniq* makes the imposed authority of law remove much, if not all, voluntariness from at least some Nunavummiut

**GS:** Access to justice means a lot of different things to different people, even amongst the lawyers involved with access to justice initiatives such as these in Nunavut. Some believe that it's about helping Nunavummiut have better access to counsel, while others take the opinion that the justice system needs to be improved to allow Nunavummiut to navigate the court processes on their own. I take a broad view. The main objective should be to help people in Nunavut to be able to access the legal rights to which the law entitles them. Rather than have these legal rights and processes remain theoretical concepts on paper, I would like people to be able to know about them and use them when they have need of them. It is an important component of democracy to have the law be able to deliver what it promises. There may be different paths we can take to achieve this objective, but that is the end goal that I want to have in mind.

**What do you see as the most pressing need in Nunavut with respect to access to justice and how do you plan on addressing that?**

**JM:** Education as to legal rights and the continued insistence on the self-autonomy of the individual is key. That means practically providing information that is understandable and understood together with empowerment of the individual.

### *Ilirasungniq*

Fear or awe inspired by a sense of inferiority to another

For more meanings, visit

<http://www.susanaglukark.com/ilirasungniq>

[http://www.nunatsiaqonline.ca/stories/article/taissumani\\_May\\_7](http://www.nunatsiaqonline.ca/stories/article/taissumani_May_7)

## Good practice management and accounting

*Law Society of Upper Canada professionals offer professional development workshops in Nunavut*

By Carolyn Curtis

Two of the Law Society of Upper Canada's experts brought their expertise to Iqaluit in November, sharing their experience through workshops on practice management and accounting.

"Any kind of practice benefits from good file management practices," said Hendrikus (Henny) Harmsen, who is part of the Professional Development and Competence sector of the LSUC.

For both Harmsen and his colleague Rimpal Hinduja, a spot audit supervisor for the ULSC, it was a unique experience coming to Nunavut for the first time.

"It was the most amazing trip ever," said Hinduja. "It was such a joy to work with [the Iqaluit bar]."

In talking about practice management, Harmsen offered some advice on how to improve client services, particularly with regards to filing and communication.

"If you have 10 lawyers you don't want to have 10 recipes for how to organize a file," he explained.

Harmsen added that many complaints stem from poor communication between lawyers and their clients.

"Use a retainer agreement or engagement letter that sets out the rules you and your client have vis-à-vis communication," he advised.

On the accounting side of things, Hinduja provided lawyers with an information session on operating trust accounts and general accounts.

"No one likes accounting," Hinduja said with a laugh. "I tried to infuse as much energy of my character as I could."



## PRACTICE ADVISORS

**Need Advice? Guidance? Support?**

**Practice Advisers are available to speak with our Members.**

**All contacts are strictly confidential.**

Practice Advisors of the Law Society of Alberta provide assistance and resources to lawyers in relation to strategic planning, practice management, marketing, and technology and systems, with focus on the needs of sole practitioners and lawyers practising in smaller settings.

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### *Henny's Top Tips*

1. **Checklist development:** Both the LSUC and LawPro have shown that the use of checklists to record due diligence steps, not client contact information and provide file status notes is one of the best ways to reduce or eliminate complaints or negligence claims.
2. **Contingency planning:** Irrespective of whether you are a sole practitioner or part of a multi-lawyer firm, steps should be taken to formalize a contingency plan that can be accessed and applied in the event of an unexpected event such as a lawyer or staff member being absent or if some catastrophe effects the physical office and equipment.
3. **Client communication:** Statistics maintained by both the LSUC and LawPro show that the vast majority of complaints and negligence suits involve inadequate client communication. Whether the issue is confirming client instructions or responding in a timely fashion to client inquiries, lawyers should be proactive when dealing with client communication. The use of a retainer agreement or engagement letter is an excellent way early on in the solicitor/client relationship to manage client expectations and clarify the scope of the retainer.
4. **Note taking:** Whether you use detailed docket, hand written notes or memos to file, there must be some evidence of steps taken, communications to client or opposing parties and work product noted in the file. The file, whether paper, electronic or a combination of both, should be the complete repository of all work product, thus enabling you to respond to client inquiries. It can also be used to respond to complaints or negligence claims.



November 5-6, 2015 (left to right): Henny Harmsen and Rimpal Hinduja (Nunavut Tunngavik Inc. Boardroom) delivered, with the support of the LSUC, the very first Practice Management and Books & Records professional development event.

### *Rimpal's Top Tips*

1. Keep current Trust & General Books & Records;
2. Reconcile trust records on a timely & monthly basis;
3. Correct all trust bank errors on a timely basis (by the end of the following month);
4. Do not allow client trust ledger accounts to fall into overdraft position; if they do occur, correct them immediately;
5. Maintain trust & general deposit books; ensure they are properly & fully detailed;

*Access to Justice Co-Chairs- Continued from p. 12*

**What sort of grassroots movements do you hope to inspire with your efforts to increase access to justice in Nunavut?**

**JM:** Every legally-trained person must see themselves as a champion for the empowerment of Nunavut. The justice system must become a natural part of Nunavut. Law must cease to be a way that figures in authority exercise their dominance, demanding obedience and respect. This can only be achieved by empowering Nunavummiut to make the law their own.

**GS:** I agree wholeheartedly.

**What can individual lawyers in Nunavut and outside Nunavut do to help increase access to justice in our jurisdiction?**

**JM:** Write clear explanations of the law and make sure they are in the hands of Nunavummiut.

**GS:** I think that it's important for lawyers to recognize that every interaction they have with a client is an important contribution to that client's impression of the justice system. Whether we like it or not, every lawyer represents a part of the justice system to the public. This means they should not only use whatever opportunity they have to make sure clients understand what is happening, but to also be sensitive to their particular needs. This means every lawyer practicing in Nunavut needs to be aware of the unique cultural context in which we practice. Cultural barriers can act as a big obstacle to access to justice, so we need to educate ourselves.

**What changes do you hope to see with your efforts to increase access to justice?**

**JM:** Practically, I would like to see literature in the official Nunavut languages dealing explicitly with the law of Nunavut available online and in community halls and public spaces across the territory. Beyond that, there should be public lectures and discussions in every community that make sure everyone understands their rights and obligations under the law of Nunavut.

**GS:** My background experience in Nunavut is in civil and poverty law, an area that I think still has a lot more potential to grow in terms of meeting Nunavummiut's legal needs. I would like to increase awareness amongst the public that justice is more than criminal law. The law is not only there to put you in jail. Sometimes the law is there to protect you and help you when someone has done something wrong to you, whether in the context of personal injury, housing, work, human rights law, etc.



Follow the [work of the Access to Justice Committee](#) as it oversees the implementation of key initiatives for the coming year : Public legal information materials, youth focused legal education activities, create a website with basic legal information and continue to develop partnerships with organizations and individuals that can help facilitate access to justice related activities around Nunavut.

***Who are James and Gloria?***

**James Morton** became a full time member of the LSN in 2011 after spending a few years doing work on a case-by-case basis with RACs. However, his involvement with Nunavut goes back to 2005 when he visited the territory as the OBA President. Many of the people James met on that first visit remain in Nunavut and have become friends and colleagues.

As a practitioner in Nunavut, James has been to most of the hamlets in the territory as a criminal and a family lawyer. His practice, however, includes work in all areas of the law and he recently completed a civil injunction dealing with commercial issues in Iqaluit. He has also appeared several times before the Court of Appeal for Nunavut and sought leave to the Supreme Court of Canada on a matter arising in Nunavut.

James maintains offices in Nunavut and has a weekly column in Nunatsiaq On-Line and Nunatsiaq News about legal issues.

**Gloria Song** moved to Cambridge Bay in January 2013 and practiced as the civil and poverty law counsel for the Legal Services Board of Nunavut's Kitikmeot Law Centre until February 2015.

She has served on several committees for the Law Society of Nunavut, including the Ethics and Unauthorized Practice Committee as Vice Chair, and the Polar Barrister newsletters.

She is presently working on an LLM at the University of Ottawa, with her research focus on legal issues in Nunavut. She is also part of a multidisciplinary research team ([www.espg.ca](http://www.espg.ca)) studying climate change and economic development in Nunavut.

Before moving to the North, she worked in human rights law in Namibia. Gloria and her husband moved to Nunavut shortly after getting married, and they have always viewed their life in the Arctic as an extended honeymoon of sorts.