



- The Executive has begun to consider housing allowance for all staff, including part-time.
  - It continues to be important to the LSN to have someone who is always available to speak to the public in Inuktitut.
- **Discipline Committee ( Delivered on behalf of)**
  - The LSN does not have a mandate to second guess litigation decisions unless there is either incompetence or negligence.
  - The LSN is looking to review the intake and triage process and also consider a Fitness to Practice Program.
  - Acknowledgement and thanks given to TA for taking on the role of chairperson from Kimberly Gilson who chaired the Discipline for over 4 years.
  - In 2017 there were 8 complaints all of which had varying degrees of complexity.
  - There are some language barriers with the French community.
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- **Acknowledgements**
  - The LSN relies on the commitment of dedicated volunteers. The LSN is thankful for all of the support given by the volunteers.
  - The LSN has or will be making donations to the Embrace Life Council, Kids helpline, food banks and the men’s shelter here in Iqaluit.
- **Announcement of Election Results**
  - Congratulations to new members of Executive: Tracy Buffalo and Sandhya Chari.

#### 4. Chief Executive Officer’s Report

- See attached report by Nalini Vaddapalli.

#### 5. Treasurer’s Report

##### a. Presentation of Audited 2017 Financial Statements by Nalini Vaddapalli

###### General Remarks

- This is a surplus year which will allow us to undertake special projects for fiscal 2018.
- Revenues went down but a conservative budget is always put forward as membership revenues are not necessarily consistent from one year to another. If the majority of the activities are done by early fall, we can reduce member activities to make sure we are on track with revenues by the end of the fiscal year.
- Two years ago we received \$100,000.00 from the Law Foundation of Ontario for Access to Justice related projects.
- The Nunavut Law Foundation also provided the LSN with a grant to support CPD as we continue to offer CPD free of charge at this point in time.

###### Questions

- Thomas Ahlfors (“TA”), liability fund is not bringing enough to cover the premiums.
  - **Answer:** Nalini Vaddapalli (“NV”) We offer the option, on demand, of instalment payments for members where the \$2000 insurance levy paying upfront could be a challenge. Some members change their status from active to inactive and unfortunately don’t end up paying the final instalment due to the insurance company, CLIA. This is something we need to revisit because it impacts the LSN’s liability fund which is for negligence-related matters (errors and omissions). We will be increasing our communications with insured members at the time of renewals for the insurance levy.
- TA: What is the travel associated liability fund?
  - **Answer:** NV, the travel insurance liability fund is to cover the cost to attend the general meeting which is regularly coincides with the insurance directors meeting. It’s an opportunity to focus on insurance generally and related insurance-matters including spot audits, trust accounts, risk prevention.

**Motion to adopt the 2017 financial statements. Moved by John MacLean and Seconded by Norman Tarnow. Motion Carried.**

**b. Appointment of Auditor for 2018**

- **Motion to appoint Lester Landau as the Auditor for fiscal 2018. Moved by John MacLean and Seconded by Norman Tarnow. Motion Carried.**

**6. Federation of Law Societies of Canada, Council Report**

- One important matter to note was the purchase of Lexis Nexus by CanLII where the LSN will provide its share of the investment that will be reflected in the 2018 financial statements.
- See attached report by Tamara Fairchild.

**7. Nunavut Legal Services Board, Law Society of Representative Report**

- Report delivered by Marsha Gay.
- Financial eligibility policy:
  - Application from now on has five questions regarding ownership. Board also considers the cost of living in various locations and the large discrepancy in the territory.
- Inuit employment plan: The board is very committed to the implementation of the plan to increase the number of Inuit employed with the LSBN .
- Access to justice work and staff position to be held by a legally trained Inuktitut speaking individual, with a coordination role.

## 8. Nunavut Law Foundation Report

- Report delivered by Marie Belleau.
- The board is currently running at full capacity with a public representative and Kyle DeYoung as a new director.
- Cindy Kieu served three terms on the foundation, two years each, which amounts to many years of volunteering. A huge thank you goes to Cindy for her dedication and contributions.
- One of our main grants, the Lucien Ukaliannuk Award, is to support individuals studying Inuit law or law-related studies who have a connection to Nunavut. In 2017, six individuals received this Award and a total amount given was of \$17,500.00. Happy to support those studying in law school, some of whom were enrolled in the Nunavut law program.
- Generally there is new money coming in in the range of 30 – 35 thousand. In Nunavut there is not a lot of money coming in through private trust accounts.
- **Question: TA:** Has there been any consideration on how to get trust accounts outside of Nunavut that relate to Nunavut matters?
  - **Answer:** That is something that that is a priority, there is a huge amount of legal work happening in Nunavut but a lot of the members are not residing in Nunavut but meanwhile all of that money from different legal work isn't accessible by the foundation.
  - **TA:** There is an obligation on the member to transfer that money back but the problem of mixed trust accounts. Perhaps the LSN needs to look at having a provision that speaks to a secondary account because there is an obligation to omit that interest.
  - **Alison Crowe ("AC"):** If there is a positive duty then they need to maintain a separate trust account.
  - **TA:** It says they have to transfer interest over.
  - **AC:** You never see that money, it goes directly to the law foundation so a practical approach would be to have a separate account.
- MB confirms that the foundation will be actively looking into this matter in the next year or so.

## 9. 2017 Volunteer Award

- Kimberly Gilson has been the Chair of the Discipline Committee for over four years.
- There will be a donation made in the name of Kimberly Gilson to the Ikkuraq Food Bank in Rankin Inlet.
- See attached 2017 Neil Sharkey Volunteer Recipient Announcement.

## 10. Nunavut Lawyers Assistance Program (NuLAP) Presentation

- Counseling plan to promote health and wellness.
- **AC:** who accesses this program?

- **JM:** We have 5 – 6 per year, we have a peer support volunteer in every office in the territory. There is also an option to talk to someone in Alberta. The cost is \$1500/year covered by the Nunavut Branch of the CBA.

## 11. Standing Committees' Report

### a. Truth and Reconciliation – Co-Chair, Joseph Murdoch-Flowers

- Have met five times since forming and have looked at the TRC calls to action. There will be a focus on call 27.
- There is a focus on indigenous cultural competency training and insuring that lawyers have that training in cultural competency and that lawyers working with indigenous clients have this.
- We have put together a list of proposed actions that we look to propose for consideration at a later time but those actions are around implementing training in indigenous cultural competency such as: speaker series, mandatory reading lists that build on knowledge of lawyers, Inuktitut training in CPD, and there is an online module being developed that will include a language component.
- The committee is also looking to include Elder representation.
- **Question: TA:** The Legal Profession Act does not allow committee to have full members that are not members of the Law Society.
  - **Answer:** We would have to change the term to “Elder Advisor” rather than being a full member.

### b. Access to Justice – Co-Chair, Gloria Song

- Thanks to funding from the Law Foundation of Ontario’s Access to Justice, the Access to Justice Committee has produced public legal education materials, including a comic poster on eviction and a brochure on human rights, which have been translated to Inuktitut and will be available for distribution shortly. Please feel free to let us know if you would like copies of these publications to distribute to your own networks.
- A Committee meeting was held last year with Committee members to discuss future directions for the committee, and also invited the Legal Services Board of Nunavut to share access to justice plans in Nunavut.
- The LSN has been represented regularly in national discussions on access to justice, including through quarterly meetings of Federation of Law Societies of Canada’s Access Exchange group, and the annual symposium on National Action Committee on Access to Justice in Civil and Family Matters, which happened in Ottawa this year, focusing on Indigenous child welfare issues, tracking progress towards Justice Development Goals, and international efforts on access to justice (see attached report).
- Some Inuit/northern Indigenous-focused public legal education efforts outside of Nunavut include the delivery of legal rights workshops on employment law for the Northern Youth Abroad Next program at

Algonquin College in Ottawa, provided for two years in a row and continuing this year for a third year

▪ ***Future plans:***

- This Committee's activities will mainly be going dormant, as the Law Society of Nunavut's access to justice efforts will be taking on a more supportive role for public legal education and information
- The LSN has also submitted a joint project proposal in collaboration with Pauktuutit Inuit Women of Canada for an access to justice research project and awareness campaign on family violence prevention in Nunavut, through the Law Foundation of Ontario's Family Law Access to Justice call.
- The LSN will continue to have a representative participate in national level access to justice exchange activities, such as the Federation of Law Societies of Canada's Access Exchange group and the National Action Committee on Access to Justice in Civil and Family Matters

**c. Ethics and Unauthorized Practice – Chair, Shelley Miller**

- Successful awareness campaign and discussions in 2014 about matters of unauthorized practice.
- Members of the public are better protected by being served by licensed lawyers.
- Reports of any instance of non-compliance.

**d. Membership and Admissions – Chair, Benjamin Flight**

- See attached MAC Report and related Annual Statistics.
- No questions from the floor.

**e. Rules – Chair, Merrilee Rasmussen**

- The Committee has met 3 times since the Members were appointed in April.
- The Committee understands the priority task at hand is to provide a clean version of the Rules of the LSN (Rules) for consideration and adoption by the membership. This version will be, on one hand, consistent in terminology, formatting and numbering; and on the other hand and more importantly, in line with the Legal Profession Act (LPA) meaning certain provisions of the Rules will no longer be ultra vires in comparison with the LPA.
- The Committee is currently working with the November 7, 2016 version of the Rules that were adopted at the Special General Meeting and is the version that currently available on the LSN website.
- Every rule that exists needs to point to an authority; we are updating the rules so they are valid rules.

## 12. Nunavut Law School Program – Stephen Mansell, Northern Director

- The first year of the law program is done; this is a partnership between the University of Saskatchewan, the Government of Nunavut and the Nunavut Arctic College to aiming to have 25 students graduate with a J.D.
- This is a four year program, the first year is a foundational year with the purpose of building skills that students would need going into core law. These are skills such as research, academic writing and introduction into the concepts which will be explored next year.
- All 25 classmates are entering the second year.
- The mentorship program is going well.
- Students have created public legal education materials in their writing and research course. They had to determine what legal issues the people of Nunavut come into contact with and what public legal education might already be available on the issue. Generally there was none on anything that was identified.
- There was a mock trial supported by the local Bar and it went very well.
- Next year's faculty are all experts in their field.
- We had a two day land trip
- We are looking into Moot Competitions.
- One of the students was elected as Vice-President in their student association for the Indigenous Bar Association.
- **Question MB:** The Law Foundation of Nunavut will be reporting on this next year.
- **Question AC:** What kind of further assistance would you like to see from the Law Society or members?
  - **Answer:** It is difficult because the curriculum is set; any law school upper courses would be helpful and could involve the local Bar running electives. There is also the possibility of having an LLM due to an interest from local members of the bar but this wouldn't be until September 2019 at the earliest.

## 13. 2016-17 AGM Member motion re Inuit Representation

- **Commentary on Motion**
  - **Anne Crawford ("AC")** This Motion's goal is to advance an increase of Inuit lawyers and being proactive to work towards Inuit being involved in the process. The new group of lawyers coming out of the Nunavut law school will be a good contribution and the Society is in a unique position, considering the TRC. We have to do a good job recognizing and supporting the careers of the students and recognizing all that is in front of us.
  - **Joey Murdoch-Flowers ("JF")** Discussion of this Motion came to the TRC Committee but the TRC Committee has a different mandate and focus than this Motion. This Motion is a very specific discussion which requires its own focus and the proper place would not be within the TRC Committee.

- **Tamara Fairchild (“TF”):** Looking at what the role of the LSN is in terms of this Motion can be problematic. What is the LSN’s role in ensuring the Nunavut Bar is primarily Inuit. We should be looking at barriers into the profession such as: is the exam inappropriate and evaluating those barriers. The LSN should look within its mandate to see what could be done with respect to aiding the achievement of the objectives in this Motion. There is much outside of the scope of the LSN’s mandate involved in this Motion such as education and funding. The idea itself makes sense but it is not realistic, we need to focus on what the LSN can do. Number 4 and Number 3 are both problematic.
- **Alison Crowe:** A major concern is the actual mandate of the LSN. When we get into quotas, when if they are for the best it becomes questionable since the LSN does not have the authority to deny anyone who meets the requirements of admission. The thought that 80% of the Bar be Inuit in ten years is challenging. There are not enough Inuit trained lawyers right now to meet this quota. The LSN is open to the community and to learn from it and to make it clear we are here to serve. Our ears are open and we’re doing what we can with the resources we have. The LSN does have specific mandates and this resolution [motion] goes beyond those mandates.
- **MB:** I appreciate this Motion being brought forward, it is obvious there are not a lot of Inuit Members. If you do not acknowledge something then you don’t face the reality and nothing changes. So the principle of this Motion is good, we’re in an Inuit territory where members of the profession are grossly underrepresented of the population and that is a reality we have to acknowledge. Recognizing the principle wouldn’t cost anything, you would just have to agree there is an issue. The Law Society of Ontario conducted a survey on racial discrimination and now there is an acknowledgement included in their renewal. We could have a first action item like a study to compile statistics, and deliver a report looking at diversity which is something being looked at everywhere. The principle of this Motion is commendable and it is necessary. Any bit we can do we should do, even if it is just a principle.
- **Alison Crowe:** Excellent comments, but it does back to our mandate as a Society and our budget and how many committees we can take on as a small Society. Also, what our responsibility is. Much of the structure to support those wishing to attend law school begins in elementary school.
- **TA:** I agree about the report that is the minimum the Society can do, an internal retrospect about internal barriers. Look at everything we do and ask if there an unreasonable barrier to entry the profession. But to what extent should we undertake these steps...do we have the money to have a report on

some of the more broader issues looking into what is preventing Inuit from becoming lawyers before they get into law school? To what extent could we commission a systemic report?

- **Kyle DeYoung** : Members should be thinking of this as their responsibility. As a membership Committee, we put up barriers and walls to becoming a Member in Nunavut and I do not see why we couldn't develop a separate committee or another function where we look at how we could support people becoming members and reduce barriers. We are a small Society so increasing members is fiscally responsible and the focus should be on Inuit, we should all take this on as Members.
- **Adrienne Silk** : Barriers are in place for the protection of the public; it does not hurt to be self-reflective and see whether or not we are creating barriers. Generating a report might duplicate work that has already been done. NILFA is coming out in September and LMDA agreements with the federal government. But in principle, I agree and we should support Inuit representation.
- **Barry McLaren**: This is a significant Motion and there are only 15 people in the room, this should be the focus of a particular meeting. There was a public comment made that the legal community was not supportive of the first cohort from the law school when they embarked on their legal career. We need to be supportive but we also need to be aware of difficulties. The current proposal is too specific.
- **Stephen Mansell proposes** amendments to the motion:
  - **Para 1:** add "." after "population it serves" delete the rest.
  - **Para 2:** remain the same
  - **Para 3:** add "." After "composed of Inuit" delete the rest.
  - **Para 4:** add "the" after "Members" in the first line and delete "it is professional obligation" and delete the word "to" and add the word "should"
- **Commentary on proposed amendment**
  - **Alison Crowe:** The Law Society of Ontario's decision to implement a statement of principles is under review and currently before the courts, for everyone's information.
  - **Denford Madekufumba:** Ontario's context is different than Nunavut's context and we must keep that in mind.
  - **TA:** This would be an improvement but it doesn't go far enough. Paragraph 1 has grammatical issues. What is being called for in paragraph 2 is unclear. The MAC could look at part of the question but because they're only focused

on admission into the profession they're not looking at why Inuit are leaving. We need to decide what we're looking to do here, is it broad or very specific and can be done within the year.

- **MB:** We could create another committee. The Executive is busy but if there was a budget, it could be outsourced. We would develop a survey and ask other Inuit lawyers. We could ask people who are legally trained why they're in the profession or why they're not.
  - **GS:** It is possible to make a committee or get a volunteer, we could look into funding.
  - **MB:** When it comes to looking at the current situation and how it can be improved it is about talking to the Inuit and looking at the bigger picture, you have to have conversations and broader picture questions, anything that would bring direction could help.
- **Stephen Mansell proposes amendments to the Motion**
    - After the therefore in paragraph 1 add a period after "population it serves" and delete the rest.
    - Paragraph 2 stays the same.
    - In paragraph 3, add a period after "be largely composed of Inuit" and delete the rest.
    - In paragraph 4, delete the "it is the professional obligation of each" add "the"
  - **Motion to amend adopted.** 2 abstained, none opposed.
  - **TA moves for further amendments**
    - Delete the 3<sup>rd</sup> paragraph
    - In the first paragraph, after the "therefore" in the third line, delete the first "will" then in the second paragraph after the therefore replace with "a plan on the law societies role in effective this role".
    - Number 3 under the therefore to be deleted.
  - **Commentary by Alison Crowe on further amendment:**
    - Cannot adopt that, the goal is not to chase people out of jobs and positions. It is not a negative suggestion. The LSN can say to those people through a statement or in another way that it is important to us that we consider the need. This is the role of the LSN that is why we are invited to participate in these committees. Supportive of SM's suggestions and don't agree with the current set of amendments proposed.
    - **TA response to further amendments:**
      - Only delete the words "with few exceptions" in the third recital.
      - **Seconded by Norman.**
      - **TA calls for a four point vote.**
  - **Four point vote**
    - 1<sup>st</sup> third whereas "with few exceptions", JF consents.
    - Second "will" in first "therefore", JF consents.

- 3<sup>rd</sup> second “therefore” replaces a plan to effect this goal with “a place on the LSN role in effecting this goal”
  - I’s have it
- 4<sup>th</sup>, deleting the third “therefore”.
  - Nay’s have it, motion is defeated
- **All in favour of amended resolution – Motion carried.**
- **Copy of the Motion is attached to this report.**

#### **14. Approval of 2016-17 AGM Minutes**

- **Motion to approve the 2016-17 AGM Minutes. Moved by Alison Crowe and Seconded by Jessi Casebeer. Motion Carried.**

#### **15. Other Business**

- No other business

#### **16. Adjournment**

- **Motion to adjourn Moved by Alison Crowe and Seconded by Norman Tarnow. Motion Carried.**