# COUNCIL MEETING AGENDA

**SCHULICH SCHOOL OF LAW, DALHOUSIE UNIVERSITY**

**Date** Friday, January 18, 2019  
**Time** 9:30 am  
**Chair** Frank E. DeMont QC, President

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<td>1. <strong>INTRODUCTORY MATTERS/CALL TO ORDER</strong></td>
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<td>F. DeMont</td>
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<td>2. <strong>DISCUSSION OF BIG ISSUE (EDI &amp; TRC)</strong></td>
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| 2.1 | Equity Lens Training  
Equity & Access Manager, Angela Simmonds, and Jane Willwerth, Strategy & Engagement Officer, will provide Council and attendees with equity lens education and training. | 30 | A. Simmonds and J. Willwerth | | Presentation; discussion |
| 2.2 | TRC Working Group – Update  
Angelina Amaral, Chair of the TRC Working Group, will provide an update to Council on the Group’s work and present their drafted terms of reference for Council’s approval. | 45 | A. Amaral and A. Simmonds | | Presentation; approval |
| | There will be a 10 minute break | | | | |
| 2.3 | Schulich’s response to the TRC | 10 | Dean Cameron | | Presentation |
| 2.4 | Access to Justice Institute – Update  
Jane Willwerth will provide an update on the Access to Justice Institute. | 10 | J. Willwerth | | Presentation |
| 2.4 | Presentations from the GEC & REC  
Members of the Society’s Gender Equity and Racial Equity Committees will present to Council and attendees to discuss their initiatives and projects that involve law students. | 15 | Members of the GEC and REC | | Presentation |
| 2.5 | Student Presentations & Question Period  
Students from various Schulich societies and groups will make presentations to Council and have the opportunity to pose questions to members of Council and the Officers. | 30 | Student Presenters | | Presentation |
| | Lunch will begin between 12:00-12:30PM in the Atrium outside the Library | | | | |
| 3. **POLICIES/PROCESSES** | | | | | |
| 3.1 | Trust Account Regulations Working Group (TARWG) – Report and Regulation Amendments | 15 | S. Walker | | Discussion; approval |
Sean Walker, Director of Finance & Administration, will present the Group’s report and recommended amendments to the Regulations.

| 3.2 | Legislative Name Change – Update | 10 | F. DeMont | Update; discussion |
|     | President DeMont will provide an update on the memberships’ feedback regarding a name change for the Society. |

| 3.3 | 2019 Council Elections | 5 | F. DeMont | Update |
|     | The President will briefly remind Council members of the upcoming Council district elections. |

| 3.4 | February Council Meeting and Strategic Planning Sessions | 5 | F. DeMont | Update |
|     | The President will provide an update on the status of the February Council meeting as well as the Strategic Planning sessions scheduled for May 2019. |

| 3.5 | Assigning work in the Activity Plan to Committees | 30 | T. Pillay | Discussion |
|     | Pending the approval of the 2019 Activity Plan, Council will discuss the steps to be taken to better connect the Plan to Committees’ work. |

### 4. APPROVALS

| 4.1 | Process for External Body Appointments | 15 | T. Pillay | Discussion; approval |
|     | Council will consider and, if appropriate, will approve the drafted process and procedures to be used for future NSBS appointments to external bodies. |

| 4.2 | 2019 Activity Plan | 15 | T. Pillay | Discussion; approval |
|     | Council will consider and, if appropriate, approve the 2019 Activity Plan. |

### 5. FOR INFORMATION

| 5.1 | 2018-2019 Council Calendar | Information |
| 5.2 | President’s Report | Information |
| 5.3 | Executive Director Report | Information |
| 5.4 | November 30, 2018 Summary Financial Reports | Information |
| 5.5 | Accessibility Considerations at the Society | Information |

### 6. CONSENT AGENDA

The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Council members may seek clarification or ask questions without removing a matter from the consent agenda. Any Member may request that a consent agenda item be moved to the regular agenda by notifying the President or the Governance Officer (Julia Schabas) prior to the meeting.
6.1 Minutes of November 23, 2018 meeting

6.2 Resignations: Ms. Danielle Renee Fostey; Ms. Daniela Morgana Loggia; Mr. Cyril Randall; Ms. Goldie Trager (all effective 01/18/2019)

6.3 Committee appointments: Mark Scott QC (Vice-Chair) – Complaints Investigation Committee; Graham Dennis – Lawyers Fund for Client Compensation Committee; Denise Smith QC – Code of Professional Conduct Committee

6.4 Establishment of Line of Credit

6.5 Committee Resignation: Kelly Mittelstadt – Finance Committee

7. IN CAMERA

7.1-7.3 There will be three items in camera

8. The 2 Minute Evaluation

Council members are asked to complete the evaluation.

9. MEETINGS

- February 15, 2019
- March 15, 2019
- April 26, 2019 – 9:00 am to 11:00 am
- Strategic Planning: May 9–10, 2019
- May 17, 2019
Implementing the Equity Lens at NSBS

Angela Simmonds, Equity & Access Manager
What does it mean to be principled, proactive, and proportionate in matters of equity?
What is a lens?

A lens describes a way of looking at policies and practices to see how they address certain issues – a series of questions.
What is an equity lens?

A series of questions to guide us as we consider how our decisions either break down or reinforce the barriers that prohibit equal participation and benefit in the legal profession and the justice system.
What does an equity lens look like?

Two examples:

- City of Toronto
- City of Ottawa
A practical example
What are the results of this decision?

What could be the consequences of taking the opposite decision?
Discussion questions

With this previous example in mind, what assumptions do we make as we carry out our work, and what equity implications do those assumptions have?
Discussion questions

With the previous discussion in mind, what further education does Council require?
“Promote equity, diversity and inclusion in the legal profession”

• Engage with justice sector players and equity-seeking communities to enhance access to legal services and the justice system

• Respond to the Calls to Action of the Truth and Reconciliation Commission

• Advance cultural competence and inclusiveness in the legal profession and the justice system
**GOAL**

Equity lens tool approved for beta use by end of calendar year 2019

**MEASURE**

- Test tool formally adopted
- [Certain rate] of self-reported use and understanding via survey?

**STRATEGY**

- Clear commitment/expectations from organizational leadership
- "Nothing about us without us" mindset (consultation)
- Financial needs are considered and budgeted for

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**PLAN**

the integration of equity lens thinking throughout all Society processes

**DEVELOP**

resources for learning and reference

**BUILD**

an appropriate equity lens tool

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**OUTCOMES**

- Staff and volunteers have clear expectations of what they're supposed to do and when
- Relevant education and analysis reflected in operational and committee work plans
- Educational needs are identified, planned and budgeted for

**OUTCOMES**

- NSBS has identified existing competence levels among staff and volunteers
- NSBS has established baseline required knowledge for staff and volunteers
- Relevant reference and learning material provided by Library & Information Services is accessed by staff and volunteers

**OUTCOMES**

Stand-alone? What's the indicator?
**Equity Lens**

**What is equity?**
Equity means equitable outcomes for all. It requires identifying and removing barriers and accommodating differences. Different treatment, rather than treating everyone the same, is necessary to obtain equal results.

**What is the Equity Lens?**
The Equity Lens is a practical tool that helps to ensure City policies and programs result in equitable outcomes for all residents. It is a tool that helps the Toronto Public Service to consider equitable treatment of Toronto's diverse communities and workforce when planning, developing and evaluating City policies, programs and services.

**How do I use the Equity Lens?**
The Equity Lens is a set of questions that you can ask yourself when you are planning, developing and evaluating a policy, program or service. These questions will help all of us diagnose barriers and identify, measure, and evaluate best practices within access, equity and diversity.

**Equity Lens questions:**
1. **Have you determined if there are barriers faced by diverse groups? Which groups or populations? What is the impact of the policy/program on diverse groups?**
   You can give examples such as consultation, research, collection of data on gender, race, sexual orientation, language, ability and so on.
2. **How did you reduce or remove the barriers? What changes have you made to the policy/program/service so that diverse groups will benefit from it? What human and budgetary resources have been identified or allocated?**
   You can give examples such as language translation, accessible location, diversity training,
hiring and retention of diverse staff, designated accessibility planner, designated community
input into policy/program/service, special program, advocacy, and so on.

3. **How will you measure the results of the policy/program to see if it works to
   successfully remove barriers or create opportunities for diverse groups/populations?**
   You can give examples such as statistics on the distribution of resources, analysis of
disaggregate data, improvement of specific areas, satisfaction with policy/program/service
results, and so on.

**How is the Equity Lens used in reports to Council?**
All significant policy and program reports to Council are required to include an Equity
Impact Statement, a statement that summarizes an equity analysis based on the Equity
Lens questions. In addition, the reports’ analysis and text should demonstrate that
equity issues have been considered.

**Contact Info:**

[Contact List - Equity, Diversity & Human Rights - Diversity](#)

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This Handbook is part of a toolkit that includes Snapshots about specific groups of people who risk exclusion, and other materials to assist you. To access them in an electronic version, visit the City of Ottawa internal site (Ozone) or ottawa.ca.

City of Ottawa and City for All Women Initiative (CAWI)

With funding from Status of Women Canada

We invite you to reproduce or adapt any part of this Equity and Inclusion Lens for the purpose of furthering equity and inclusion while citing City of Ottawa and CAWI as the source.

We welcome your feedback and comments on this Handbook and the Snapshots. Please feel free to contact us at EILens@ottawa.ca
Equity & Inclusion Lens Handbook

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A Message from the City Manager

The Equity and Inclusion Lens is an important tool to support the work of City staff, management and Council. This tool was developed in partnership with the City for All Women Initiative with the generous contributions of the community and through a partnership grant between the City of Ottawa and Status of Women Canada.

The Equity and Inclusion Lens helps us to be consistent and coherent in our efforts to move equity and inclusion forward in our services, through our people and to the benefit of our city. By applying the lens to our work we can:

• generate better solutions by incorporating diverse perspectives
• take positive steps to remove systemic barriers and promote inclusion
• create a more positive and respectful work environment
• achieve improved client satisfaction

The City believes in a city for everyone – not because it is required through federal, provincial and municipal legislation and policies – but because we all benefit when people are included. Our community is becoming more and more diverse and so are the needs and aspirations of its residents. For this reason, we need to incorporate this reality into how we plan and deliver programs and services so we can remain relevant, meaningful and effective.

I urge you all to make the lens part of your daily work and reflect it in your goals and outcomes. In doing so, we will demonstrate that Ottawa is a city for everyone.

Steve Kanellakos
City Manager
Founded on the unceded traditional territory of the Algonquin people, Ottawa has become a city of rural, suburban and urban communities with rich and distinct histories.

People from a diversity of ancestries, abilities, ages, countries of origin, cultures, genders, incomes, languages, races and sexual orientations make this a vibrant city and contribute to creating a city for everyone.

Visit the Snapshots to see what a city for everyone means for specific communities of people.
Why an Equity and Inclusion Lens?

The Equity and Inclusion Lens is like a pair of glasses. It helps you see things from a new perspective. It helps you be more effective in your everyday work by getting a clearer focus and more complete view. This way, you can contribute to the full inclusion and participation of all residents and employees so that everyone can benefit from a vibrant city.

Who is the Lens for?

The Lens is for everyone.

- Councillors and their staff
- City management and staff
- Community partners, consultants and businesses providing services in conjunction with or on behalf of the City
- External bodies or community agencies that choose to use the Lens

Even though I have a background in this area, it doesn’t mean that when doing my work, I will always remember to consider equity and inclusion. This tool helps me to be consistent.

Program Manager, City of Ottawa

You can use the Equity and Inclusion Lens to:

- Become more aware of diversity around you
- Incorporate a diversity of perspectives to strengthen the capacity of work teams
- Create a positive and respectful work environment
- Create a workforce and services representative of the community
- Address systemic barriers and inequities people face
Resources

This Handbook is one of many resources available to help you apply the Equity and Inclusion Lens. Others include:

- **Snapshots, pp. 16**
  Quick reference documents on people who are at risk of exclusion.

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- **Training**
- **Diversity Cafés, pp. 18**
- **Diverse-City Calendar and other tools available on Ozone, pp. 18**
- **Support Systems, Appendix**
The Equity and Inclusion Lens Handbook is an interactive tool that will help you to learn about equity and inclusion and to apply it to your work. Change takes place in different ways and is on-going. We all are learning. It is a lifelong process.

When we consider our own diversity, check our assumptions, ask about inclusion and apply our insights to our work, we can create change.

The end result is that we become an ally and take action.

Who is not included in the work you do?

What could contribute to this exclusion?

What can you do differently to ensure inclusion?
**Consider Your Diversity**

Recognizing diversity within ourselves and others can help us understand how multiple factors influence the way we provide services, design policies and programs, or interact with staff and residents.

**Check Assumptions**

When we question our own ideas, we can open up to new ways of understanding. Visit the Snapshots which provide a short overview about people who risk exclusion. Keep in mind that each of us could identify with more than one group, and that individual personalities make each person unique.

**Ask about Inclusion**

By always asking three simple questions, we can thread equity and inclusion throughout our work.

- **Who is not included in the work you do?**
- **What could contribute to this exclusion?**
- **What can you do differently to ensure inclusion?**

**Apply to Your Work**

To help us apply equity and inclusion to a specific area of work, we can ask some practical questions and learn from examples (Promising Practices) of how others have applied the Lens.

- Communications
- Engaging Community and Staff
- Gathering Information / Research
- Leading and Supervising
- Monitoring and Evaluation
- Planning: Services, Projects/Programs, Events
- Policy Development
- Recruiting and Hiring
- Strategic Planning
- Training
- Working with People

**Be an Ally, Take Action**

When we are an ally, we commit ourselves to using the information we learn to stand beside and advocate for those we are working with and for. It is not a one-time action. Being an ally is a lifelong learning process of asking questions so as to apply (and re-apply) insights to action.
Terms to Get Started

**Equity**

What is the difference between the three cartoons?

In the first image, three boys of different heights are standing on boxes of the same height to help them look over a wooden fence to watch a ball game, but the shortest boy cannot see over the fence. It is assumed that everyone will benefit from the same supports.

*They are being treated equally.*

In the second image, the tallest boy has no box, the second tallest boy has one box and the shortest boy has two boxes to stand on, so that they all are able to see over the fence at the same height. They are given different supports to make it possible for them to have equal access to the game.

*They are being treated equitably.*

In the third image, the fence has been changed to a see-through fence. All three can see the game without any supports or accommodations because the cause of the inequity was addressed.

*The systemic barrier has been removed.*

**Equity** is treating everyone fairly by acknowledging their unique situation and addressing systemic barriers. The aim of equity is to ensure that everyone has access to equal results and benefits.
Terms to Get Started

When we see people treating each other unfairly, we may think that just by changing the behaviour, the problem is addressed. However, we need to look below the surface to see what is really going on.

It is like an iceberg, in that 90% of what is happening is under the water.

It is the barriers below the surface that reinforce the behaviours and need to be addressed to create lasting change. These are systemic barriers.

**Systemic Barriers**

Obstacles that exclude groups or communities of people from full participation and benefits in social, economic and political life. They may be hidden or unintentional but built into the way society works. Our assumptions and stereotypes, along with policies, practices and procedures, reinforce them.

**What are systemic barriers experienced by people in your workplace or by the people that you serve?**
Terms to Get Started

**Diversity**
A wide range of qualities and attributes within a person, group or community. When we celebrate diversity, communities and workplaces become richer as they draw upon the variety of experiences, perspectives and skills that people can contribute.

**Assumptions**
Something we presuppose or take for granted without questioning it. We accept these beliefs to be true and use them to interpret the world around us.

**Stereotypes**
Making assumptions about an entire group of people. We generalize all people in a group to be the same, without considering individual differences. We often base our stereotypes on misconceptions or incomplete information.

**Inclusion**
Acknowledging and valuing people’s differences so as to enrich social planning, decision making and quality of life for everyone. In an inclusive city, we all have a sense of belonging, acceptance and recognition as valued and contributing members of society.

**Privilege**
The experience of freedoms, rights, benefits, advantages, access and/or opportunities afforded to members of a dominant group in a society or in a given context.

**Ally**
A person who supports an individual or group to be treated equitably and fairly. This often grows out of the self-awareness of inequities or privileges we have experienced. Action is taken individually or collectively to create conditions that enable everyone to have equal access to resources and benefits.

**Champion**
A person who assumes leadership by working with others to create and influence change in the organization or the wider community.
As a consequence of systemic barriers and inequities, we all have experienced exclusion in some areas of our life, but inclusion in others. Each of us has multiple factors at play in our lives. For example, a middle-age francophone female manager with a disability has different life experiences from a recently hired Aboriginal male university student.

Who we are could contain a variety of life experiences, multiple social factors, and crossovers with many groups. It is this intersection, or crossover of identities of who we are that affects how we experience the city.

This is called **intersectionality**.

**This is made visible on the Diversity Wheel on the following page.**

THE **first circle** represents your **LIFE EXPERIENCES**.

THE **second circle** are the **SOCIAL FACTORS** that influence your life experiences:- sexual orientation, aboriginal ancestry, age, education, social class, education, sex, race/ethnicity, gender identity, religion/spirituality, length of time in the community, geographic location, marital/family status, disabilities, place of origin, language, income, immigration status, and other factors.

THE **third circle** are the **ORGANIZATIONAL FACTORS** that might add a layer of how you experience the city: your participation on council/board, your position as a manager, supervisor, staff, student, your occupation and profession, your length of service, your union affiliation, whether you are full-time, part-time, contract, casual or volunteer, and your department/unit.

THE **most outer circle** are the “**ISMS**” or overarching systems of power that indirectly and directly impact your life such as: racism, discrimination, heterosexism, sexism, classism, ethnocentricism, transphobia, ageism, homophobia, and ableism.
When we reflect on our own experiences, we can go the next step to ask to what extent this relates to the degree to which we will experience inclusion or exclusion (privilege or marginalization) in a given situation or context. Sometimes we experience both.

Take a few moments to identify areas in your life where you have had advantages or disadvantages. In some areas of your life, you may find it has been both an advantage and disadvantage at different times in your life.

- Underline advantages
- Circle disadvantages

How can you use your experiences to understand and become an ally for people experiencing exclusion in your work?
Check Assumptions

The Equity and Inclusion Lens offers several ways to check our assumptions: Snapshots, Diversity Cafes and Diversity Calendar, among others.

What are the assumptions taking place here?

Does this happen in our workplace?

Does this happen in the services we provide?

Considering a situation from the perspective of those who risk exclusion is a key step in promoting equity and inclusion. It is an on-going learning process for everyone.

Check assumptions! • Be Curious! • Stay Curious!
SNAPSHOTS

The Snapshots are short booklets developed by community leaders to help you learn more about the people in our workforce and in the community who risk exclusion. Each snapshot is about a specific group, but there is diversity within each one of these groups. These are not all the groups who risk exclusion. You may identify other people who risk exclusion in a given context or in the work you are doing.

Nor are these Snapshots all-encompassing. How a group of people identify themselves can expand beyond what we mention here.

Each of us could identify with more than one group. It is this intersection of who we are that affects how we experience the city. This is called intersectionality.

To visit the Snapshots, click below, visit Ozone/ottawa.ca contact us at EILens@ottawa.ca.

Aboriginal Peoples (First Nations, Inuit, Métis)

We are a culturally rich and diverse community of First Nations, Inuit and Métis peoples. We have distinct cultures, traditions and histories; we have more than 50 language groups and belong to more than 630 nations. Many of us grew up here, while others are new to Ottawa, which has the third fastest growing urban Aboriginal population in Canada and the largest Inuit population outside the North. Cultural-based programs and services are key to the health of our community.

Francophones

We are a distinct community in Ottawa, while also being part of all the other communities. Among us, there are Francophones with disabilities, Francophones living in poverty, young and senior Francophones, racialized Francophones, Francophone immigrants, and Aboriginal Francophones.

LGBTQ (lesbian, gay, bi-sexual, trans, queer)

We are fabulous! We are gay, lesbian, bi-sexual, trans and two-spirited. We are parents, grandparents, professionals, workers and students. The percentage or number of LGBT people in Ottawa is difficult to determine, partly because people’s sexuality evolves over time or people self-identify differently. We are part of every aspect of our city, contributing every day – even if you may not know it.

Immigrants

We are from all over the world and have chosen to make Canada our home. Our diverse cultures enrich the city. We wish to contribute our many skills and experiences to strengthening our neighbourhoods, workplaces and the city. In Ottawa, we are growing at twice the rate of the general population and will be key in replacing the aging workforce.
Older Adults
By the year 2020, more than one in six Ottawa residents will be over the age of 65, as more of us will be entering the later years of our lives. Many seniors today remain physically fit, active, and continue to overcome countless challenges in our daily lives; and we experience our senior years differently if we are women, immigrants, racialized, LGBTQ, or Aboriginal.

People Living in Poverty
Anyone could live in poverty. Some of us were born into poverty where others experience it later in life. It is our life circumstances combined with systemic barriers that have deepened our experiences of poverty. We contribute to the economy and quality of life in the city as we care for family members, support each other and volunteer in the community.

People With Disabilities
We are parents, professionals, workers, students and volunteers. The challenges we face may be physical or mental; from birth or acquired later in life. We are from different life circumstances. We wish to participate fully in the life of our city. Our accessibility gets limited not because of our disability, but as a result of the physical and social barriers. We help make the city more accessible for everyone.

Racialized People
One third of us are Canadians by birth and our families have been part of building Ottawa for more than a century. Racialized is the process through which we come to be considered different and on that basis subjected to differential and unequal treatment. As racialized groups, we may experience differential treatment on the basis of race, ethnicity, language, religion, culture, etc. While visible minority is the term used in Canada’s human rights legislation, the term racialized is preferred.

Rural Residents
Ottawa has the largest rural area of any city in Canada. Eighty per cent of the city is made up of rural area, with ten per cent of Ottawa’s population living there. Some of us live in densely populated villages, while others choose to live in isolated communities and a small number of us live on farms.
**Women**

We are women from many different backgrounds, lifestyles, sexual and gender orientations, making contributions and facing specific barriers. While gains have been made toward gender equality, many of us still struggle to live free of violence, earn a fair wage, have our work and leadership valued, and our voices heard. As a result, many of us experience the city differently from men.

**Youth**

We are leaders today, and pioneers of our future. Growing up in a rapidly changing world, we are faced with more choices than previous generations. Our experiences as youth vary because there is diversity within our population. We wish to be able to access services and actively participate in decisions that affect us.

**Want to learn more?**

**Participate in a Diversity Café**

Diversity Cafés present a unique opportunity for staff to become allies and champions by hearing first-person accounts about real-life experiences of diversity, in a casual and conversational forum. Subject matter experts with rich lived experience, and groups of participants who are interested in learning and asking questions, come together to engage in a dialogue that ultimately raises awareness about important issues that impact us all. The Café is a safe environment to express opinions, share views and experiences, and respectfully ask questions. Information about Diversity Cafes is advertised through internal newsletters (e.g. In the Loop) and email.

**Consult the Diverse-City Calendar**

“The Diverse-City Calendar” is part of the Equity and Inclusion Lens toolkit. This calendar sets out religious, historical, cultural and international days and provides links to external sites with information about the celebrations. The Calendar is a wonderful tool for staff and managers to use on daily activities, to raise awareness about diversity and inclusion, and to use in daily interactions with co-workers and the community we serve.

To help you in scheduling events or projects that are in tune with dates that are important to specific cultures or people, consult the City of Ottawa Diverse-City Calendar on Ozone.

**Now that you have checked your assumptions, how can you use this knowledge to become an ally or champion for diversity in your work?**
Ask About Inclusion

By always asking three simple questions, we can thread equity and inclusion in all the work we do. We can apply them to a given moment or to a large planning process.

To help answer these questions, you may find that you need to go to the other parts of this Handbook: Consider your Diversity, Check Assumptions or Apply to Your Work where you can get ideas on how to ensure inclusion.

Who is not included in the work you do?

What could contribute to this exclusion?

What can you do differently to ensure inclusion?
I am an Ally when...

- I listen.
- I am aware of my own advantages and disadvantages and how I can use them to make a difference.
- I check my assumptions so as to unlearn biases and stereotypes.
- I stand beside and walk with others.
- I speak up against hurtful comments or insulting action, rather than wait for others to point it out.
- I take steps to make the workplace and services inclusive, safe and welcoming.
- I help others to understand discrimination and exclusion.
- I avoid the trap of “knowing what is good for them” and instead encourage their leadership.
- I share power.
- I realize that being an ally requires on-going learning.
- I listen some more.

It is not enough to say I did not intend to be hurtful; it is the actual impact that matters regardless of my intentions.

I am an Ally, I take Action

- ✅ Listen
- ✅ Learn
- ✅ Support
- ✅ Take action

I am a champion when...

I take the initiative to join with others in creating change in the organization or wider community.

What steps can you take to become an ally or champion?
Apply to Your Work
Apply to Your Work

After asking yourself three questions about inclusion, start to apply these answers to your work.

Who is not included in the work you do?
What could contribute to this exclusion?
What can you do differently to ensure inclusion?

one
Read through the questions to consider which ones can inform your work.

two
Consult the Promising Practices provided to learn from the experience of others.

three
Consider what you are already doing and what you can do differently to ensure inclusion. Note your ideas on the worksheet pp.23.

When diversity, equity and inclusion is reflected throughout the organization, we benefit from a diversity of insights and are better prepared to address the needs of the populations we serve. From strategic planning to managing human resources to direct service, equity and inclusion matters.

Select the area or areas of work that best relate to the work you are doing now. This includes both internal and external work.

• Communications (pp. 24)
• Engaging Community and Staff (pp. 26)
• Gathering Information / Research (pp. 28)
• Leading and Supervising (pp. 30)
• Monitoring and Evaluation (pp. 32)
• Planning: Services, Projects, Events (pp. 34)
• Policy Development (pp. 36)
• Recruiting and Hiring (pp. 38)
• Strategic Planning (pp. 40)
• Training (pp. 42)
• Working with People (pp. 44)
Apply to Your Work

Equity and Inclusion Worksheet

Who is not included in the work you do?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

What could contribute to this exclusion?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

What are you already doing to promote inclusion?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

What can you do differently to ensure inclusion?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Aboriginal Peoples
Francophones
LGBTQ
Immigrants
Older Adults
Persons with Disabilities
Persons Living in Poverty
Racialized People
Rural Residents
Women
Youth
Who Else?
Consult Snapshots
COMMUNICATIONS

When we apply equity and inclusion to all communications, we take action to ensure that everyone is heard and informed.

1. Have we considered all possible target audiences? Who might be at risk of exclusion?

2. What specific communication strategies are needed to reach them? (e.g., working with community leaders, bulletin boards, community newspapers, social media)

3. Do our communication materials get out to the community organizations and networks that serve the diverse populations we need to reach? Do we check periodically to ensure materials are stocked and being used?

4. How do the messages we are communicating foster inclusion, respect and equity?

5. Are there concepts or terms that may be culturally specific and need to be changed to make them more accessible?

6. Is the medium easily accessible and understood by the full diversity of our target audience? (e.g., plain language, accessible formats, graphics, multiple languages, both online and print, voicemail)

7. Have we considered what populations will be missed by only using certain methods? (e.g., online or social media communications) What other approaches might we use?

8. Have we considered if there is a budget or alternative resources for translation services?

9. Do images represent the full diversity of employees or residents?
   - Do they capture the diversity within specific communities of people?
   - Will the people portrayed in the images relate to and feel included in the way they are represented?
   - Is everyone portrayed in positive images that promote equity and break stereotypes? Consider: who is active and passive, who is at the centre, who is serving and being served.

ASK ABOUT INCLUSION

Who is not included in the work you do?
What could contribute to this exclusion?
What can you do differently to ensure inclusion?
Communications

LEAD PIPE REPLACEMENT

The Lead Pipe Replacement Program is offered by the City to assist property owners to replace lead drinking water services on a cost-sharing basis. Owners within areas of the City suspected of having lead services were notified of the process for service replacement, and families with children under the age of six and/or expectant mothers were given priority.

Staff assessed who was at risk of not being reached in their communications. They then reviewed their communications strategy, on an on-going basis, so that staff became aware of the need to:

- communicate with residents in clear, plain language;
- reach out to the public through other means than direct mail, such as brochures placed in key locations; and
- consider other means of communicating the program to the public.

A list of community agencies and organizations was prepared to intentionally reach out to targeted populations. The letter and brochure were written in plain language and distributed to these agencies and organizations who could assist their clients in accessing and understanding LRP program information.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Assessed who was at risk of not being reached in current communications
- Identified ways to reach specific populations
- Used a range of methods to get the word out
- Realized importance of using plain language, elimination of the passive voice in text
- Plan to apply the principles learned in other programs
ENGAGING COMMUNITY AND STAFF

When we welcome the diversity of perspectives of staff and community, we take action to ensure everyone benefits.

1. What approaches and outreach will help to ensure that everyone is able to fully participate? How can we create opportunities for people least likely to be heard to ensure they share their specific concerns? (e.g., use of multiple techniques such as online surveys and focus groups, kinds of questions asked, simultaneous interpretation, sign language, anonymous feedback)

2. Is our team representative of the diversity of the population we are engaging? What steps can we take to ensure we are inclusive of the diversity of perspectives?

3. Which employees, department or community agencies with experience in these specific communities can help us do outreach?

4. Is there a history – between city and community, or between communities – that you need to consider? How will we ensure everyone is heard?

5. Is the language we use in our promotion materials and communication strategy plain and easily understood by diverse audiences?

6. What steps can we take to remove barriers to people’s full participation? (e.g., dependent care, transportation, safety, language, accessible location, time, multiple formats, avoid religious and cultural holidays, culturally appropriate)

7. Is the environment welcoming to participants who may be reluctant to share their views? If not, what can we do to change this? (e.g., pair up a new participant with an experienced one to help those new to the process feel encouraged to participate). Does the pace, format and language of the engagement accommodate everyone including participants who are least likely to speak up and for whom the information may be new?

8. Are the insights from groups who face systemic barriers and inequities reflected in the report and the final product?

9. How will we report back the findings to the full diversity of people who were involved in the engagement activity?
Promising Practice

Engaging Community

PRESTO IMPLEMENTATION

In 2012 Transit Services began planning for the Presto card implementation as this was a significant change for our customers and staff. Employees recognized that particular segments of the population may have more questions and unique needs in order for them to successfully embrace the Presto card. Community consultations were held with community agencies, City employees who work with target groups and members of diverse communities to ensure that their concerns were addressed from the beginning.

The Presto implementation team outreached to Aboriginal Peoples, women, older adults, youth, people living on low-income, people with disabilities, and immigrants.

The consultation was conducted through stakeholder group meetings, focus groups and meetings with target groups. Whenever possible, consultations were conducted at existing meetings or in the community to allow for higher turnout. Suggestions were received about communications, outreach, and design.

The feedback received from these sessions directly influenced the outcome of the roll out of the Presto card. The Presto roll out was extremely successful due to the consultation and considerations given to these particular segments. All groups were appreciative of the extra efforts made to reach out to them to ensure that they understood the new technology and were given the opportunity to learn and ask questions in an environment that they were comfortable with.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Considered diversity within the population from the onset of the project
- Developed an outreach plan that specifically targeted diverse groups and stakeholders
- Used multiple methods to obtain information from target groups
- Went to the community and used existing meetings to consult with diverse groups
- Took into consideration the findings of the targeted consultations in the Presto implementation plan
- Tailored the community outreach to specific target groups
GATHERING INFORMATION / RESEARCH

When we consider diversity in conducting environmental scans, needs assessments or collecting data, we take action to be inclusive of everyone.

1. Will our data gathering plan identify specific areas where we may unintentionally limit equity and inclusion? (e.g., safety, accessibility, affordability, cultural specificity, family responsibilities, access to decision making, racial profiling)

2. What current statistics or demographic data would help us understand the people or communities that face systemic barriers and inequities in relation to the issue in question?

3. Will data gathered capture the diversity of the population? (i.e. broken down to make differences visible e.g. - “disaggregated”)

4. When using gender-neutral language (people, head of household, the homeless, sole-support parent, immigrants), are we also distinguishing differences between women and men in that specific group? (e.g. female heads of household versus male heads of household)

5. Do the research questions help us identify who may be excluded and what is needed to ensure they will benefit?

6. Are we making any assumptions that we need to verify? (e.g., all parents in a program will be heterosexual)

7. How might you consult with the people most affected by this issue to ensure the reliability of your data, approach and findings? (e.g. ask community leaders about the cultural appropriateness of the data or approach)

8. Have we consulted with other staff, departments or community leaders with experience in this area? If not, how will we do this?

9. Does our final report include the findings on the specific equity and inclusion concerns we identified?

10. How will we report back the findings to people who were involved in the research?

ASK ABOUT INCLUSION

Who is not included in the work you do?

What could contribute to this exclusion?

What can you do differently to ensure inclusion?
Promising Practice

Gathering Information and Research

OLDER ADULT PLAN

In October 2012, the City of Ottawa adopted the Older Adult Plan (OAP); an action plan containing 74 concrete actions to enhance municipal infrastructure, policies and services for older adults across 8 age-friendly domains.

Staff consulted the Equity and Inclusion Lens to identify groups of older adults that may have unique needs that should be considered and integrated at every step of the project. Eight groups were identified including: Franco-phones, immigrants, Aboriginal people, rural residents, persons with disabilities, gay and lesbian residents, isolated residents, and residents living on low income.

When acquiring the information on demographic trends and projections, the 8 groups were considered for their potential unique situations that may require varying courses of action. Statistics and trends were determined for each group, considering gender differences, to help guide the focus of the Older Adult Plan influence the design and outreach for the extensive consultations conducted in 2011.

Consultations were conducted to identify older adult issues and priorities under each of the 8 age-friendly domains. In addition to general sessions held across the city, the consultation plan included focus groups with each of the sub-groups of older adults with unique needs organized with partner community agencies. The exercise yielded rich information on the specific needs and priorities of these older adults which was then considered by staff during the development of the OAP.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Considered diversity within the older adult population from the beginning of the project
- Gathered information and statistics on diverse groups to help paint a comprehensive picture of the community
- Decided to identify the unique needs of older adults belonging to diverse groups across 8 age-friendly domains (from infrastructure to programs and services)
- Developed a consultation plan that specifically targeted a number of sub-groups within the older adult population
- Engaged community agencies serving each of the sub-groups of older adults to host focus groups
- Took into consideration the findings of the research and consultations in the development of the final plan
LEADING AND SUPERVISING

When we become champions for equity and inclusion in the way we lead, we take action to model a city that utilizes everyone’s diverse talents and skills.

1. What steps do I take to create a respectful and inclusive environment?
   - Do I clearly communicate to staff and volunteers that inappropriate behaviour such as offensive jokes, and negative comments are not acceptable?
   - How can I actively gather input and ideas from staff or volunteers from diverse perspectives?
   - How can I encourage staff to contribute positively in creating an inclusive workplace?

2. Do I utilize support systems for employees that have been harassed, treated in a disrespectful manner or discriminated against by co-workers, supervisors or clients? (See Appendix B: Support Systems)

3. Are there policies, procedures and/or practices and attitudes that unintentionally prevent some people from fully engaging in our work? (e.g., schedules conflicting with religious holidays, workload or schedule conflicting with family responsibilities) What alternatives are possible?

4. Am I aware of our commitments to inclusion and accommodation and do I ensure that staff are equally informed? (See Appendix A: City of Ottawa Commitments)
   - Do I engage our departmental Diversity Champions to assist?

5. Is equity and inclusion incorporated into criteria for evaluating candidates for promotions or management positions? If not, how might we include it?

6. What opportunities could I create to enable people from under-represented groups to bring new perspectives to our team, acquire experience and move into higher-level positions? (i.e. internships, job shadowing, secondment, students)

7. Is equity and inclusion incorporated into our staff performance review?

ASK ABOUT INCLUSION

Who is not included in the work you do?
What could contribute to this exclusion?
What can you do differently to ensure inclusion?
**Promising Practice**

**Leading and Supervising**

**EMERGENCY AND PROTECTIVE SERVICES**

As the General Manager of Emergency and Protective Services, Susan Jones is responsible for overseeing Fire, Paramedic, Security and Emergency Management and By-law and Regulatory Services. She began her career as a municipal law enforcement officer then rose through the ranks. She is a strategic manager who is able to engage staff, politicians and the community to work together in support of a respectful and inclusive environment.

In 2011, and due in large part to Susan’s commitment, the department’s diversity champion program was recognized with the E.A. Danby Award for Excellence in Municipal Administration. This program explores innovative and effective ways to reach out to diverse communities and designated groups (e.g. women, racialized people, Aboriginal people, persons with disabilities and lesbian, gay, queer & trans). The outreach program is committed to improving mutual trust, providing a safe and inclusive work environment; while providing equitable and inclusive services to the community. Two specific initiatives were Camp FFIT (Female Firefighters in Training) and the paramedic camp for youth in the Muslim Community.

Susan was instrumental in the launch of Fire Service Women Ontario (FSWO). Susan not only supports FSWO’s mission but also lives it - to encourage, promote, and advance women as well as inspire positive change; encourage the development of a diverse workforce; develop potential through effective networking and foster supportive professional and personal relationships.

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**WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?**

- Took steps to create a welcoming environment
- Identified practices that unintentionally excluded some people
- Was pro-active in developing staff teams representative of the population
- Created opportunities for under-represented people to acquire experience
When we consider equity and inclusion in how we measure success, we take action to ensure that all benefit from the process and its outcomes.

1. Have we considered what populations will be missed by only using certain methods? (e.g., online surveys, general public consultations) What other approaches might we use?

2. Are those designing and implementing the evaluation representative of the target groups who will participate in the evaluation? How can we ensure their perspectives are included?

3. Do the evaluation questions allow for consideration of the experiences of a diversity of residents?

4. Would it be useful to include those who stopped using the service and potential clients who never used it, in order to assess any unknown biases?

5. Can we hold interviews or focus groups at a location where the target population is most comfortable? (e.g., Aboriginal women at an Aboriginal women’s centre)

6. Can we make it easier for respondents to participate by using interviewers from the same population, providing transportation and childcare, and/or offering an honorarium for focus groups?

7. Can we interview in the language in which the people are most comfortable or have a cultural interpreter available? (i.e. spoken language, braille, sign language)

8. When analyzing our data, did we maintain a diversity of perspectives in the findings?

9. Have we validated the findings with the community so as to minimize any biases?

10. How can we report back to the people who participated in the evaluation process?
Promising Practice

Monitoring and Evaluation

FIELD TESTING ENGLISH AS A SECOND LANGUAGE

The involvement of OPH and ESL staff from diverse ethno cultural origins guaranteed the inclusion of a variety of perspectives on lesson plans content and format.

All lesson plans were field tested prior to dissemination with over 200 adult learners from 45 countries participating. Multiple methods were used to ensure participation, including validation with partners, classroom observation and targeted surveys of learners, ESL instructors, and OPH staff.

Language proficiency, cultural appropriateness, ease of use and learner engagement were all considered and reviewed. To ensure broad applicability while reaching low-income immigrants where they live and learn, the field tests were conducted in a variety of school and community settings (e.g., adult high schools, community centres). There were no costs incurred by partners or learners as the field test was conducted with them in their real life settings.

All points of view and comments were considered. Lessons plans were reviewed to reflect this input, such as enhancing tips and images to further reflect cultural diversity.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Involved partners and staff in the design
- Drew upon the perspectives of staff from diverse backgrounds
- Used multiple methods to ensure participation
- Reached people in their own setting
- Ensured informants did not assume costs
- All perspectives were considered in the revised lesson plans
PLANNING — Services, Projects/Programs, Events

When we consider the range of equity issues, we take action to eliminate barriers so that everyone can benefit.

1. Do the expected outcomes of the service, project/program, or event reflect equity and inclusion goals?

2. How will the service or project/program build upon the strengths of the people it serves?

3. Will the service or program contribute to more equitable access to resources and benefits in the wider community?

4. Have the primary target groups been consulted (See Engaging Community and Staff).

5. How is the proposed service, project/program or event designed to ensure that a full diversity of people can participate and benefit with dignity? (i.e., accessibility for mobility devices, visual and hearing impairments, child or dependent care, transportation, safety concerns, language).

6. Does the time of the event or hours of the service consider potential demands on people’s time? (i.e. religious and cultural holidays, harvest time, family responsibilities)

7. Have we considered and made note of equity and inclusion considerations in our business plans and project management plans?

8. Are the long term needs of residents from different equity groups considered in our long term planning?

9. Are there good equity and inclusion practices in other cities, departments or community organizations that can inform the implementation?

10. What human and financial resources are required to address equity and inclusion in the implementation of this service, project/program or event?
Promising Practice

Planning: Services, Projects, Events

YOUTH CITY CONNECT

The Youth Summit Action Plan is made up 34 actions over eight categories. The action plan is based on feedback received at the Mayor’s Youth Summit and other inputs. One of identified actions was the development of a program that exposes Ottawa youth to a career options in municipal government by shadowing City staff. Parks, Recreation and Cultural Services Department employees gathered a working group to plan the program from inception to implementation.

As part of the planning, the working group considered the sub-groups of youth who may be interested in the program, such as Aboriginal youth, immigrant youth, youth in existing City programming, youth living on low income, homeless youth, rural youth, and youth with disabilities, as well as youth of different age groups (i.e. high school versus post-secondary or out of school). Each group presented unique needs and considerations that had to be taken into account during the planning.

The working group looked at removing as many barriers as possible, for example, using plain language and making applications as simple as possible. To further ensure that all barriers or concerns were addressed, the working group asked youth for their feedback and integrated it into the materials.

The working group has set outreach targets in order to attract diverse groups of youth, such as Aboriginal youth, immigrant youth and youth living on low income. The working group will continue to evaluate the program to ensure broad participation.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Considered diversity from the onset of the project
- Considered barriers and address them upfront. Were clear about what could or could not be done
- Used plain language
- Consulted with the target population to ensure nothing has been overlooked and to make sure that all materials are understood
When we make policies equitable and accessible, we take action to ensure that everyone is included in city life.

1. What are the equity and inclusion concerns related to this policy issue? (e.g., accessibility, affordability, safety, culture, gender identity)

2. Have we checked existing policies that may inform how we address equity and inclusion in this new policy? (See Appendix A: City of Ottawa commitments)

3. Have we considered and made note of equity and inclusion considerations when developing the business case for the policy?

4. Are the groups most affected by the policy consulted from the early stages of the policy development? How can we ensure their perspectives are included? (See Engaging Community and Staff)

5. What background information can aid in addressing equity and inclusion? (See Gathering information/research)

6. What human and financial resources are required to address equity and inclusion in the implementation of this policy?

7. Can we develop innovative policy solutions that draw upon the contributions and assets of those people most affected?

8. If new resources are required in the policy implementation, how can we build that in from the beginning? (e.g., partner with community groups, collaborate across branches, seek matching funds)

9. How can we communicate the policy so as to reach the full diversity of people affected? (See Communications)

10. How will we measure the extent to which the policy contributes to removing barriers or creating opportunities for people who risk exclusion? (See Monitoring and Evaluation)
Promising Practice

Policy Development

EQUITY AND DIVERSITY POLICY

In 2002, the City of Ottawa’s Equity and Diversity Policy was approved by City Council. This Policy prohibits discrimination in the workplace, in the provision of goods, services, and facilities to the public and the administration of contracts as defined by human rights legislation.

The policy applies to women, Aboriginal peoples, persons with disabilities, members of visible minority groups and people who are Lesbian, Gay, Bi-sexual, Trans (LGBT). The City also made a decision to add immigrants in its data analysis as a result of the City’s Municipal Immigration Strategy.

In the development of this policy, it was important to gather a variety of perspectives and information to ensure that we were addressing any potential systematic barriers experienced by staff and members of the community. The Equity and Diversity Advisory Committee played a key role in the development and implementation of the policy.

This corporate policy impacts all staff and as such it had to be communicated in a variety of ways. The policy is posted on Ozone, taught as part of mandatory new employee orientation and various other training offerings.

As a result of using inclusive practices when developing the policy and in promoting its ongoing use, we have a policy that reflects an awareness of how to be inclusive. It has assisted to create a work environment that is welcoming of a diverse population. As a result of the policy and related initiatives (i.e. diversity training and awareness), we have increased representation of the diversity groups where there is under representation in the City’s workforce.

WHAT ABOUT THIS
IS AN EQUITY AND INCLUSION PRACTICE?

✓ Considered the needs of multiple groups
✓ Consulted with the people most affected by the policy
✓ Adjusted the policy to address emerging needs
✓ Policy communicated to staff and community through a variety of means
RECRUITING AND HIRING
Staff and Volunteers

When we integrate equity and inclusion in our hiring practices and policies, we take action to increase diverse skills and perspectives in the workplace.

1. Do staff and volunteers in our work area reflect the diversity of the community we serve? Who is under-represented?

2. What knowledge, skills, experience and diversity would enhance our team’s capacity to serve the diversity of clients?

3. Do job requirements and selection criteria unnecessarily limit who would qualify?

4. Are we open to considering what new perspectives people from different backgrounds could bring to the position?

5. Have we considered where best to post this employment opportunity to ensure that the widest diversity of people are able to access it? Do we encourage agencies and community partners to access the City’s career site so that we can broaden the applicant pool from the diversity groups?

6. Are interview panels composed of individuals who bring diverse backgrounds and experiences relevant to the position?

7. Have we considered ways to reduce barriers in the interview process so as to make it more welcoming and friendly (i.e. physically accessible, provide a copy of the questions)

8. Are candidates given the choice to be interviewed in French or English?

9. Do we consider that people from specific backgrounds may present interview behaviours that are different from what we expect, but still have the skills to do the job?

10. If a candidate’s references are from abroad, what strategies can we use? (e.g., if an English speaking reference is not available then seek translation support)
Promising Practice

Recruiting and Hiring

SUMMER STUDENT EMPLOYMENT

The City of Ottawa’s Summer Student Employment Program makes possible a large number of external hires each year. The Recruitment and Staffing Unit, that coordinates the program, is mindful of the City’s goal of building a diverse and talented workforce reflective of the population when planning recruitment. Since applicants may also progress to future employment with the City, it is important to attract a diverse candidate pool, with a special focus on groups that are under-represented.

With awareness of the guiding principles in the Equity and Inclusion Lens, possible barriers to diversity in recruiting were identified, including awareness of the opportunity, knowledge of the application process, and access to a personal computer.

To address these potential barriers the following steps were taken:

- Extended posting period to provide more time to promote the program and accept applications
- Distributed bilingual posters to organizations serving youth
- Shared information about the program with community organizations via groups such as the Aboriginal Working Committee and the Employment Access Resource Network (EARN)
- Promoted the program at career events such as fairs, networking and information sessions at local post-secondary schools.
- Held information sessions for students in English and French.
- Provided information about publicly available computers

These targeted outreach practices increased general awareness of the City’s employment opportunities for those who are traditionally under-represented in the workforce, removing potential obstacles to broader participation.
When we apply a vision of equity and inclusion to our planning, we take action to create a city for everyone.

1. How does your strategic planning process promote equity and inclusion?

2. Do the long-term goals you are defining reflect this?

3. What are the current demographic trends which the city or departmental strategic plans need to align with or address?

4. What equity issues are currently being raised by residents and employees in relation to your plan?

5. What are the costs of not taking demographic trends and equity issues into account? What are the benefits?

6. Do City and departmental strategic objectives and initiatives reflect a broad vision of equity and inclusion? How can it be strengthened?

7. What human and financial resources are required to achieve equity and inclusion in this plan?

8. How do the performance measures in the City and departmental strategic plans capture the impact on people who are the most at risk of exclusion? How do they measure whether inclusion is increasing or decreasing?

9. Does the collection of data enable us to measure benchmarks and targets for increasing equity and inclusion?

10. When undertaking strategic review, what improvement opportunities are there to enhance achievement of equity and inclusion?
Promising Practice

Strategic Planning

COMMUNITY AND SOCIAL SERVICES

For the 2011 – 2014 Term of Council Strategic Priorities, the Community and Social Service Department used the Equity and Inclusion Lens to review demographic information, concerns raised by the community, trending statistical information and the needs of diverse communities when developing proposed strategic priorities for inclusion in Council’s Strategic Plan.

As a result, several priorities which consider the needs of specific and diverse groups were included in the 2011 – 2014 Strategic Plan. The Older Adult Plan, the Housing and Homelessness Initiative, the Equity and Inclusion Lens implementation, and the Municipal Immigration Strategy are all examples of initiatives that were approved as Strategic Initiatives.

The vision set by City Council and the Equity and Inclusion Lens used as a planning tool for researching and analyzing information contributed to a Strategic Plan that directly addresses the needs of diverse groups.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Considered demographic information, trends and research from other levels government and academia, that spoke to the needs of the 11 diversity groups
- Reviewed consultation and evaluation information
- Paid special attention to the equity claims of diverse groups
- Explicitly considered diverse populations in the overarching vision and priorities
When we apply equity and inclusion to all stages of the training process, we take action to create an environment where everyone can contribute.

1. Have we included sensitivity to equity and inclusion issues when staffing for internal trainers and hiring external consultants? (i.e. able to reduce biases and work respectfully with people across diversity)

2. Have we included this sensitivity to equity and inclusion in our procurement documents when sourcing external trainers?

3. Can we recruit trainers from diverse backgrounds so they reflect the population we serve?

4. Will the learning objectives be designed to influence participants’ awareness and consideration of individuals and communities from diverse backgrounds?

5. Will participants develop competency and skills to work sensitively and effectively with individuals from diverse backgrounds?

6. Is everyone able to fully participate in the training? Is specific outreach required to include them? Are barriers addressed? (e.g., safety, language, accessible location, time, avoid religious and cultural holidays, culturally appropriate, accommodation needs)

7. Have we welcomed the diverse perspectives of people who have specific equity concerns or needs, even if they may not be obvious? (e.g., Aboriginal ancestry, LGBTQ identities, dietary, auditory, language needs or preferences)

8. Is the content sensitive to the experience of participants who may experience systemic barriers?

9. Does it include the perspectives of residents or staff who will be accessing the service?

10. In the evaluation of the training, do we ask whether there were any barriers to participation or whether they found the facilitator to be inclusive of the diversity of participants?

**ASK ABOUT INCLUSION**

Who is not included in the work you do?
What could contribute to this exclusion?
What can you do differently to ensure inclusion?
Promising Practice

Training Staff and Volunteers

TRAINING ON ACCESSIBILITY

Under the Accessibility for Ontarians with Disabilities Act (AODA) and Council direction, the City of Ottawa is required to train all of its 17,000 staff and volunteers on accessible customer service and other aspects of the legislation. The Corporate Accessibility Office was responsible for developing and implementing a training program to meet the compliance requirements.

To ensure the training met the requirements and was meaningful for all those involved, the following steps were taken:

- Training was offered in a variety of formats including online and facilitated sessions.
- The suggested activities could be adjusted to suit the needs, learning styles and experiences of both groups and individuals. The development of the training also took the needs of the trainers into account and allowed for adjustments to be made in the delivery to accommodate various training styles and abilities.
- Community co-facilitators, people with disabilities, were also trained and invited to be part of the training process, to share their experiences, as those most directly impacted by accessibility and their interactions with City staff.
- All feedback was reviewed and adjustments were made to ensure that any identified barriers in training or follow up questions were addressed.

As a result of using equitable and inclusive practices in the training, participants were engaged and able to apply information learned in the training, ensuring accessible practices and positive interactions with both the public and internal clients.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Offered training in a variety of formats
- Training design was flexible and customized to meet specific needs
- Took into account differing abilities
- Created opportunity for people with disabilities to bring their expertise to the training
- Set out to address barriers to training
WORKING WITH PEOPLE

When we treat people with respect, we are taking action to create a welcoming workplace and quality service.

1. When I interact with people, do I check assumptions?
   - Do I hold assumptions about people that get in the way of how I work with them?
   - Do I avoid stereotypes so I can see the individual for who they really are?
   - Am I able to respect our differences and yet recognize what we have in common?
   - Do I recognize their contributions?

2. Am I paying attention to those who are not expressing their ideas?

3. How do I encourage feedback and full participation from everyone present?

4. Am I raising issues in a way that encourages dialogue?

5. Do I consider potential barriers in each situation, and work to minimize them? (e.g., language, prejudice, sexual or racial discrimination)

6. If I am not sure what barriers may exist, do I ask my colleagues or the people I serve?

7. Do I discourage jokes, insults and negative comments that are offensive to people?

8. Do I recognize and build on the strengths and assets of all individuals?

9. Are there procedures, policies and practices in place that limit my capacity to be inclusive? Are there others that support my capacity to be inclusive?

10. What action can I take to address this or to bring awareness to the supportive policies?

ASK ABOUT INCLUSION

Who is not included in the work you do?
What could contribute to this exclusion?
What can you do differently to ensure inclusion?
Promising Practice

Working with People

LEARNING CENTRE

The Learning Centre delivers training and development support to thousands of employees each year so as to assist them in various aspects of their employment including: orientation, training courses, career development tools and intact team training delivery. With the focus on working with people, the Learning Centre creates a supportive learning environment by applying equity and inclusion in the following ways:

- Consideration of religious holidays and observances in scheduling of training and activities.
- Registration confirmation that invites participants to share any supports needed.
- Meeting accommodation requests in order to remove barriers for participants.
- Work with contract vendors at start of their contract period to ensure:
  - Course materials are AODA compliant and vendors complete the online AODA training.
  - They understand the need and approach to accommodating participants such as ensuring space for mobility devices, translators etc.
  - Expectations are reviewed regarding use of techniques that support different learning styles and respect for participants.
  - Vendors are informed about the Equity and Inclusion Lens, asked to read it and incorporate relevant information to their courses.

Through these and other processes the inclusive environment is developed and the experience is positive and respectful for the people we are working with in the City.

WHAT ABOUT THIS IS AN EQUITY AND INCLUSION PRACTICE?

- Asked the client as to supports needed
- Considered potential barriers and worked to minimize them
- Directed contract vendors to comply with AODA and apply Equity and Inclusion Lens
- Used techniques that encourage everyone to participate
Appendix A:  
CITY OF OTTAWA COMMITMENTS

Accessibility for Ontarians with Disabilities Act (AODA)

The Accessibility for Ontarians with Disabilities Act is a provincial law that requires the development, implementation and enforcement of accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025.

Accessibility Policy

Provides the overarching framework to guide the review and development of other City of Ottawa policies, standards, procedures, By-laws and guidelines to comply with the standards developed under the Accessibility for Ontarians with Disabilities Act 2005, S.O. 2005, c. 11. (the AODA).

Bilingualism Policy

The Bilingualism policy’s specific provisions govern several features of civic activity, notably communications, the proactive delivery of services in both languages to citizens and staff, work organization, including designation of positions, language training, and cultural program management.

Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms is a bill of rights that is entrenched in the Constitution of Canada. It guarantees rights and freedoms such as the freedom of expression and of association, the right to vote and equality rights.

Canadian Human Rights Act

The Canadian Human Rights Act is a statute that prohibits discrimination and harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.
Employment Equity Act

The Employment Equity Act ensures that federally regulated employers provide equal opportunities for employment to the four groups that are designated within the Act: women; Aboriginal peoples; persons with disabilities; and members of visible minorities groups.

Equity and Diversity Policy

It is a City policy to foster an environment that respects people’s dignity, ideas and beliefs, thereby ensuring equity and diversity in employment and ensuring customers and others have access to City facilities, products, services, and grants as defined by human rights legislation.

Harassment in the Workplace Policy

The purpose of this policy is to foster a respectful workplace through the prevention and prompt resolution of harassment.

Ontario Human Rights Code

The Ontario Human Rights Code is a provincial law that gives all citizens equal rights and opportunities without discrimination and harassment on the basis of race, gender, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

Violence in the Workplace Policy

The City of Ottawa considers any incident of workplace violence to be serious and will promptly investigate all reported incidents and take appropriate action.

Workplace Accommodation Policy

The City of Ottawa is committed to providing equal treatment with respect to employment without discrimination and accommodating employees and potential employees in a manner which respects their dignity, is equitable, and which enhances their ability to compete for jobs, perform their work and fully participate in employment at the City.
Appendix B: SUPPORT SYSTEMS

STRATEGIC COMMUNITY INITIATIVES BRANCH (SCIB), (Community and Social Services Department)

- SCIB is responsible for developing and monitoring the implementation of corporate-wide initiatives, programs and projects such as, the Older Adult Plan, the Youth Action Plan, the Aboriginal Working Committee, the Immigration Strategy and the implementation of the Equity and Inclusion Lens.
- SCIB maintains relationships with many community organization and groups. To learn more or to access assistance, please contact SCIB through the Equity and Inclusion Lens inbox at EILens@ottawa.ca

DIVERSITY AND INCLUSION (D&I) BRANCH, (Human and Resources Department)

The D&I Branch creates and sustains a diverse and inclusive workplace by

- Providing support to managers and employees to resolve issues based on the prohibited grounds of discrimination.
- Providing training such as Respectful Workplace, Leading a Diverse Workforce, and Learning My Way.
- Support departmental diversity and inclusion planning initiatives.
- Create and support programs that promote a respectful, inclusive and diverse workplace.

EMPLOYEE ASSISTANCE PROGRAM (EAP), (Human Resources Department)

- EAP offers confidential, voluntary counseling to all City staff and their family members.
- EAP also offers Facilitated Discussion Service (conflict mediation and coaching services to City staff to help them resolve interpersonal conflicts in the workplace).

EMPLOYEE HEALTH AND WELLNESS (EHW), (Human Resources Department)

- The mandate of the EHW unit is to protect and enhance the health of employees by educating and supporting employees in achieving and maintaining good health.
- EHW is also responsible for supporting and facilitating an employee’s rehabilitation and return to work following an injury or illness and, when required, to support the placement of employees in positions suited to their physiological and psychological health status.

CITY OF OTTAWA POLICE SERVICES

- In severe cases of harassment, it may be necessary to contact the police.
Appendix C: ACKNOWLEDGEMENTS

This handbook is based on the original Equity and Inclusion Lens Guide (2010). Revisions were inspired by an evaluation conducted by the University of Ottawa and Carleton University.

The Equity and Inclusion Lens is the product of a collaborative partnership between City for All Women Initiative (CAWI) and City of Ottawa.

The original Equity and Inclusion Lens Guide and Snapshots were developed from 2008-2010 by an Equity and Inclusion Reference Group and working groups focusing on each of the 11 equity seeking groups profiled in the Snapshots.

We deeply thank the community leaders, city staff, community organizations and city advisory committees who contributed their time, energy and knowledge in the development of the first edition of the Equity and Inclusion Lens and this subsequent revision.

COMMUNITY LEADERS AND CITY STAFF CONTRIBUTORS:


COMMUNITY ORGANIZATIONS CONTRIBUTORS TO ORIGINAL E I LENS GUIDE

Carleton University, School of Social Work; Catholic Immigration Centre; Canadian Union of Postal Workers; Centre of Governance, University of Ottawa; Centertown Community Health Centre, Board; Child and Youth Friendly Ottawa (CAYFO); City of Ottawa (Aboriginal Working Committee; Accessibility Advisory Committee; Equity and Diversity Advisory Committee (EDAC); French Language Services Advisory Committee; French Language Services; Poverty Issues Advisory Committee (PIAC); Rural Affairs Office; Rural Issues Advisory Committee; Senior Advisory Committee); City for All Women Initiative (CAWI); Coalition of Community
Health and Resource Centres; Council of Aging; Immigrant Impact Council, United Way Ottawa; Métis Nation of Ontario; Minwaashin Lodge, Aboriginal Women’s Support Centre; Ottawa Coalition to End Violence Against Women (OCTEVAW); Ottawa Community Immigrant Services Organization (OCISO); Immigrant Women Services Ottawa (IWSO); Ottawa Independent Living Resource Centre; Ottawa Inuit Children’s Centre; Ottawa Police Services; Ottawa Rape Crisis Centre; Ottawa Youth Commission; Social Planning Council of Canada; Tungasuvvingat Inuit (TI); Wabano Centre for Aboriginal Health; Women’s Initiatives for Safer Environments (WISE).

We thank the City staff and community leaders who contributed to this revision.

Design and layout: [www.jwalkerdesign.ca](http://www.jwalkerdesign.ca)

All this was made possible thanks to a partnership grant between Status of Women Canada and the City of Ottawa which funded the City for All Women Initiative (CAWI) to engage in this important work.
January 30, 2018

Ms. Karen Wilford
Chair, Truth and Reconciliation Commission Calls to Action Advisory Committee
Federation of Law Societies of Canada
World Exchange Plaza
45 O’Connor St., Suite 1810
Ottawa, ON
K1P 1A4

Dear Ms. Wilford:

Further to our discussion in November, I am pleased to enclose summaries of initiatives Canadian law schools have in place to respond to the Truth and Reconciliation Calls to Action. We asked people to keep their summaries to approximately one page. This means that not every initiative is identified, but these summaries do provide a very good picture of the key initiatives in place.

As these summaries indicate, the responses of Canadian law schools are varied, with curricular and co-curricular initiatives. These include new courses, integration of relevant material across the law school curriculum, and increased exposure to Indigenous culture and practices through blanket exercises, interactions with Indigenous elders, and camps and other similar events that give students, faculty and staff opportunities to spend time in, and to learn from, Indigenous communities.

The enclosed summaries also indicate that in responding to the TRC Calls to Action, Canadian law schools are building on various initiatives already in place, many longstanding. Canadian law schools have curricular and co-curricular initiatives in place that pre-date the TRC Report and that are intended to address and provide formal and informal education about the issues of racism, assimilation and reconciliation identified in the TRC report. These initiatives include courses on Indigenous law, justice and legal traditions; integration of Indigenous elders into the daily life of law schools; admissions policies and programmes that promote access to law
school for Indigenous students and support them once they arrive and after they graduate; hiring Indigenous faculty and staff, and introducing students and the broader law school community to Indigenous ceremonies and traditions.

In your letter of 13 October 2017, you stated that you and your committee “would like to build on the momentum and initiative taken by the academy to address Call to Action 28, and ensure that any future requirements developed by the Federation both complement and support that work.” We would welcome the opportunity to engage with you and your committee to achieve this goal, a goal which we are firmly of the view would not be achieved by adding another mandatory course to the National Requirement. Many Canadian law schools made very carefully considered pedagogical choices against this option, choosing instead integration of material across the curriculum, complemented by a number of other curricular, co-curricular, hiring and program changes, as the way to respond most effectively to Call to Action 28.

We are proud of the work we have done thus far. We also realize, however, that there is more to do, and that the cultural, systemic and structural change required for true and lasting reconciliation of the kind called for in the TRC Report requires constant and ongoing attention. Canadian law schools are committed to continue and improve on their efforts.

Sincerely,

Camille Cameron
President, Canadian Council of Law Deans
Dean, Schulich School of Law
Canadian law schools have put in place a variety of initiatives to ensure meaningful and effective engagement with the Truth and Reconciliation Commission Calls to Action. The attached summaries were prepared by Canadian law deans with a view to sharing information about these initiatives. As these summaries indicate, the responses of Canadian law schools are varied, with curricular and co-curricular initiatives. These include new courses, integration of relevant material across the law school curriculum, and increased exposure to Indigenous culture and practices through blanket exercises, interactions with Indigenous elders, and camps and other similar events that give students, faculty and staff opportunities to spend time in, and to learn from, Indigenous communities.

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The attached documents are summaries. For more information about Canadian law school responses to the TRC Calls to Action, please contact law schools or the Canadian Council of Law Deans.
Reconciliation Initiatives & Responses to the TRC Report

Our efforts date back to establishing the Indigenous Blacks and Mi’kmaq Initiative in 1989 at Dalhousie Law School. This initiative was in part a response to issues identified in the Royal Commission on the Donald Marshall Jr. Prosecution report. Many recommendations in that report address issues of systemic racism and inequality similar to those identified in the TRC report. In 2018, our 200th student admitted through the IB&M Initiative will graduate. Our IB&M graduates are working as lawyers throughout Canada, changing the face of the justice system and legal profession in a variety of roles. In 2017, the Schulich School of Law was one of 4 Canadian law schools, with UBC, University of Saskatchewan, and Lakehead, to win an award ($25,000 each) for leadership in aboriginal and indigenous education. It has also been the recipient of several other similar awards.

In response to the TRC Report, we established a committee (faculty and students) to consider how best to take up the TRC recommendations. We considered various options, including a stand-alone course and integrating relevant themes across our curriculum. We settled on a combination of the two approaches. To assist integration throughout the curriculum, we have committed new resources to build a collection of materials that instructors can use to integrate indigenous and aboriginal subject matter in their teaching.

We also introduced a new first year intensive course in 2017, Aboriginal and Indigenous Law in Context. The objective of the first part of this course in the fall term is to expose students to Mi’kmaq people and to teach them about things that are important to Mi’kmaq people – places, language, culture, spiritual practices, traditions, stories, art, historical and contemporary issues. This is accomplished through class time, a blanket exercise and a field trip to Mi’kmaq communities and places of historical significance to the Mi’kmaq. The aim is for students to gain an appreciation that Indigenous communities are living, thriving communities with many aspirations for the future, while also dealing with the legacy of past assimilation policies. The second part of this course in the winter term explores how law applies to, and is applied by, Indigenous people. The aim is to demonstrate that areas of intersection pervade many areas of law. Students are introduced to these themes in classes and, in groups, are assigned to present on an Aboriginal or Indigenous Law topic. Topics for this year include: development and implementation of the UN Declaration on the Rights of Indigenous Peoples; tort law and loss of language and culture at residential schools; Indigenous restorative justice initiatives; the implications of the First Nation Caring Society decision, and self-government and land claims negotiation processes in Canada.

These curriculum efforts will build on the already considerable integration of aboriginal and indigenous material in our mandatory and optional curriculum, and on existing optional courses such as Aboriginal Peoples; Indigenous Governance; Dealing with the Past: The Indian Residential Schools Settlement, and the Kawaskimhon Aboriginal Rights Moot.

Other initiatives include: our Elder In Residence (in place since 2015); Professor Naiomi Metallic, from the Listuguj Mi’gmaq First Nation, became our inaugural Chancellor’s Chair in Aboriginal Law in 2016; working with the University Art Gallery, we have placed aboriginal and indigenous art in the Law School; the Ku’TawTinu: Mi’kmaw Shared Articling Initiative, a collaboration between our IB&M Initiative and the Nova Scotia Barristers’ Society, that enables graduates to construct an individualized articling experience focusing on Mi’kmaw legal issues and Aboriginal and Indigenous law.

Office of the Dean
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DAL.CA
Truth and Reconciliation Call to Action No. 28 Response: Bora Laskin Faculty of Law

The Bora Laskin Faculty of Law at Lakehead University was established with three mandates to serve the legal needs of Northern Ontario: 1) Aboriginal and Indigenous Law; 2) Natural Resources and Environmental Law; and 3) Small Town Practice with the Integrated Practice Curriculum.

Since the opening of the doors of the Bora Laskin Faculty of Law in the fall of 2013, first year students have been required to take two courses in Aboriginal and Indigenous Law. The first is LAWS 1530 Indigenous Legal Traditions introducing students to the worldviews and perspectives of Aboriginal peoples in Canada drawing upon cultural, legal and social teachings forming law. It covers the history and legacy of residential schools, treaties understood from an Indigenous perspective, Indigenous law, Aboriginal-Crown relations, and skills-based training in using talking circles as a form of conflict resolution.

The second is LAWS 1535 Aboriginal Perspectives requiring law students to engage in thirty-six (36) hours of activities approved by the Director of Indigenous Relations. The approved activities introduce law students to Aboriginal culture, traditions, and perspectives through speakers, dialog and experience-based opportunities.

In the second year curriculum, all law students are required to complete a full year course, LAWS 2000 Aboriginal Legal Issues examining Aboriginal rights under the common law, the constitution and relevant legislative provisions that affect Aboriginal peoples. This course includes the historical interaction affecting Aboriginal peoples including Aboriginal-Crown relations and treaties and aboriginal rights. The course also introduces the UN Declaration on the Rights of Indigenous Peoples to all of our law students.

The Bora Laskin Faculty of Law is also the only law school in Canada with the position of Director of Indigenous Relations. This position was created at the suggestion of the Aboriginal Advisory Committee to the law school and was viewed as necessary to carry out the mandate of Aboriginal and Indigenous Law. In this role, the Director coordinates the Aboriginal Perspectives course, our Elder in Residence program, serves as the Chair of our Aboriginal Admissions Committee, conducts recruitment events in Northern Ontario, liaises with the Program for Legal Studies for Native Peoples (PLSNP) at the University of Saskatchewan, assists with events in the region, such as our second annual Indigenous High School Law Day to be held on February 5, 2018. Further, we have a newly formed ProBono Students Canada chapter at our law school focused on Aboriginal legal issues.

In our fifth year, the Bora Laskin Faculty of Law continues to build on the mandate of Aboriginal and Indigenous Law. We have many initiatives that have been generously funded by the Law Foundation of Ontario to further our efforts in Aboriginal community outreach and education. Our law students are receiving opportunities, knowledge and skills that fulfill the Truth and Reconciliation Call to Action No. 28.
Response to the TRC “Calls to Actions”
Law Faculty, Université Laval, Quebec City
Anne-Marie Laflamme, Dean

We have carefully read the report of the TRC and have started to implement a series of concrete
measures on different planes to ensure an effective response to the recommendations. Our Faculty
is the most eastern located law faculty in Quebec, relatively close to many French-speaking
aboriginal communities, such as the Huron-Wendat reservation that is located in the vicinity of
Quebec City. Thus, we have had a tradition to admit aboriginal students in our bachelor of law,
whether self-identified as such or not, for quite a long time.

We have recently created an “out of quota” category that will allow us to admit annually 2 to 3
First Nations or Inuit students residing in Quebec who would not have the academic standing
required to be admitted in our bachelor of law. These new aboriginal students will be admitted
starting in fall 2018, without prejudice to aboriginal students that have sufficient standing to be
admitted in our regular categories.

We collaborate with the Education Commission of the Assembly of First Nations Quebec-
Labrador, conveniently located in the Huron-Wendat reservation near Quebec City, in order to
identify the best measure to support our aboriginal students, as well as to develop targeted
recruitment strategies. One of the concrete measures envisaged is to promote our programme at
the Kiuna Institution, located in Odanak, the first aboriginal post-secondary college (cegep) in
Quebec. Another intended measure is to foster mentorship by our aboriginal graduates. We also
envisage organising cultural healing retreats for aboriginal students in nearby aboriginal
communities such as Odanak or Wendake.

Our bachelor of law already includes an optional course on Aboriginal People and the Law (DRT
2557 – Droit et peuples autochtones). An aboriginal practicing lawyer and graduate from our
Faculty is teaching this course. In addition, we plan to integrate aboriginal law issues more clearly
and systematically in a series of compulsory courses, such as introduction to law (DRT 1000 –
Univers du droit), constitutional law (DRT 1002— Droit constitutionnel) and public international
law (DRT 1009 – Droit international public).

We are currently creating a new aboriginal law distance course in our certificate of law degree
(DRT 1XXX – Droit des peuples autochtones), intended to non-law students and the public in
general. This course will contribute to diffuse legal knowledge on aboriginal peoples to a wider
audience, including aboriginal individuals located in more remote areas.

Finally, a committee composed of professors will be set up in January 2018 to advise the Faculty
on all matters related to the continuing implementation of the TRC recommendations.

January 14, 2018
Responses to the Final Report of the Truth and Reconciliation Commission  
(McGill Faculty of Law – January 2018)

Process

- *Final Report on McGill Faculty of Law Initiatives Relevant to the Truth & Reconciliation Commission’s Report and Calls to Action – Phase I of the Faculty’s Response* (February 2016, drafted by then law student Molly Churchill)
- *Moving Forward: A Proposal from the Faculty’s Truth and Reconciliation Commission Taskforce in response to the Truth and Reconciliation Commission’s Calls to Action – Phase II of the Faculty’s Response* (April 2017)

Initiatives

Teaching

- Multi-pronged response to call-to-action no. 28, including a stand-alone mandatory course, a basket of courses, and integrated modules on Indigenous/Aboriginal law in existing mandatory courses. Formal proposal to be put to Faculty Council in winter term 2018
- Indigenous content in mandatory courses: Introduction to Indigenous Legal Traditions as part of Integration Weeks; Criminal Justice course (6 cr.) integrates common law, civil law and Indigenous laws, and explores the impacts of criminal justice on Indigenous communities in Canada; Property course (6 cr.) integrates common law, civil law and Indigenous laws
- Appointment of Indigenous faculty: Aaron Mills, from Couchiching First Nation, appointed Assistant Professor (to start August 1, 2018); John Borrows, Professor at the University of Victoria Law School, and Canada Research Chair in Indigenous Law, appointed Tomlinson Distinguished Visiting Professor for 2017-18; Kerry Sloan, Metis law scholar, appointed Boulton Fellow for 2017-18
- Combined Law (BCL/LLB) program with Minor concentration in Indigenous Studies

Experiential Learning Opportunities for Students

- Field courses: One-month course in collaboration with Social Work, Medicine and Anthropology, which includes one week spent in Kahnawà:ke, Mohawk Territory; Anishiinaabeg Law Class: 3-day intensive land-based course taught by John Borrows on territory of Chippewa of the Nawash First Nation (Ontario)
- Outreach: Participation in the annual Eagle Spirit High Performance Camp run by McGill’s First Peoples’ House (FPH); LEX high school outreach program, which partners with Kahnawà:ke Survival School
- Internships and legal clinics: Maliiganik Tukisiiniakvik Legal Services (Nunavut); Justice Department at the Mohawk Council of Akwesasne Justice Department (Ontario/Qc/NY border); Yukon Human Rights Commission; Native Women’s Shelter of Montreal; Native Friendship Centre of Montreal
- Kawaskimhon Aboriginal Law Moot; Support for other Indigenous initiatives: Indigenous Law Association, events, etc.

Student Support

- Recruitment: annual visit to Kiuna Institution (First Nations CEGEP); Event for Indigenous undergraduate students at FPH
- Indigenous Law Students: New position of Indigenous and Equity Student Advisor; Mentorship program; Dedicated pages on the Faculty website; Inter-tribal welcome for all first-year law students
- Funding: Language training for admitted Indigenous candidates and students who want to improve their abilities in English or French before or during the law program; Registration fees for Indigenous students attending annual IBA conference; Dedicated funding for Indigenous graduate students
Ossegoode Hall Law School, York University is committed to specific actions that it will take to meet the urgent need of Reconciliation with Indigenous peoples envisioned by the report of the Truth and Reconciliation Commission of Canada, as part of the Law School’s 2017-2020 Access Osgoode Strategic Plan, and as part of York University’s overall Indigenous framework.

Ossegoode’s enhanced commitment to Reconciliation led to the establishment of a Reconciliation Fund in June 2017, with an initial investment of $300,000 over the next three years. The Reconciliation Fund will provide support for the following Indigenous and Reconciliation initiatives at Ossegoode:

- Three years of annual funding for the Anishinaabe Law Camp held each September (since 2014) at Neyaashiinigiingmiing (Cape Croker) in collaboration with the Chippewas of Nawash and the Debewin Summer Internship program in collaboration with the Ontario Ministry of the Attorney General.
- Establishment of Ossegoode’s Office of Indigenous and Reconciliation Initiatives led by the new Coordinator, Indigenous and Reconciliation Initiatives.
- Strengthening and deepening ties with Indigenous communities by bringing Elders in Residence to Ossegoode, as well as other experts and guests from Indigenous communities for Ossegoode events, courses and programs.
- Augmenting available funding sources for Ossegoode Indigenous faculty, including the CRC in Indigenous Environmental Justice, as well as Ossegoode’s Indigenous Students Association (OISA) for community projects and events, and proactive outreach for the recruitment of Indigenous faculty, staff and students.
- Providing support to Reconciliation-focused community events, including collaborating with the Ontario Human Rights Commission on a symposium on Indigeneity in human rights to be held in February 2018 at Ossegoode.
- Enhancing the Indigenization of Ossegoode’s curriculum, as well as research projects, exhibits and collaborations that enrich study and knowledge about Indigenous law and legal issues (this builds on the success of Ossegoode’s Intensive Program in Aboriginal Lands, Resources & Governments as one of North America’s premier experiential programs exploring legal issues relating to Indigenous peoples and Indigenous rights. The program will celebrate its 25th anniversary in 2019).

Ossegoode’s commitment to Reconciliation builds upon our past initiatives and reflects our shared goal for the Law School to play a leadership role among Canadian law schools in engaging with Indigenous communities, students and scholars and ensuring that our curriculum reflects Indigenous legal traditions and Indigenous justice issues.
Our faculty is committed to ensuring that we contribute to the important work of reconciliation. Our approach is comprehensive, taking into account the need to incorporate an understanding of the history, impact and contributions of Indigenous people in Canada across our programming inside and outside of the classroom. Below is a brief list of some of our initiatives.

- In 2015-2016, we undertook a large-scale cyclical review of our curriculum. This resulted in the mandatory inclusion of the rights of Aboriginal peoples in Canada in the first year curriculum.
- We annually administer a faculty survey to assess and improve current curriculum offerings regarding Indigenous people.
- We have added courses taught by Indigenous legal scholars and focused on Indigenous legal issues, these include **First Nations Negotiations**, taught by David Sharpe and **Indigenous Legal Traditions** taught by Mark Dockstator.
- In March 2017, we hosted a special panel lecture by Phil Fontaine, Kathleen Mahoney and John Kingston Phillips entitled “Insights into the Residential Schools Class Action and the Truth and Reconciliation Process.” That same month, we also hosted a talk by Douglas Cardinal in which he articulated the indigenous worldview on the legal and social order, family structure and education.
- In the summer of 2017, we offered a new online undergraduate course in Aboriginal Law as part of our new undergraduate Certificate in Law.
- Last year we hosted the Kawaskimhon Moot on Aboriginal Law and we continue to support students each year participating in this moot.
- We participate in the Debwewin Internship, co-funded by the Aboriginal Justice Division of Ontario’s Ministry of the Attorney General, providing student placements in Indigenous communities.
- We are in the process of developing a proposal to host an Indigenous Scholar in Residence.
- Our QL Speakers’ Series brings Indigenous scholars to our faculty and recently hosted Jeff Corntassel from the University of Victoria.
- In the summer of 2016, we hired an Indigenous Access and Recruitment Coordinator, Ann Deer, a member of the Mohawk Akwesasne community. She recruits new students and provides programming throughout the school year to support our Indigenous students.
- On November 3, 2017, we hosted an Indigenous Law Workshop at the Akwesasne Reserve.
- The Faculty has commenced an Indigenous art project to commission a piece of Indigenous art for the atrium of the law school, with a view to having the work installed in early 2019.
- In 2016, the Queen’s Law Student Society (LSS) established a new permanent position, Aboriginal Student Representative and in 2017, new student organization the Aboriginal Law Students’ Alliance.
- An Inaugural Deans’ Reception for incoming professional Indigenous students was held this fall hosted by the Dean of Law.
- We are currently redesigning our orientation for new students to add programming focused on Indigenous peoples, culture and issues.
- In 2017, we admitted 10 Indigenous students to the law program (5% of the incoming class), the highest number in QL history. We continue our work to improve our intake of Indigenous students through marketing and outreach, including new donor funded scholarships for Indigenous students.
- We actively aim to recruit new faculty who can contribute to teaching and research at the faculty in Aboriginal and Indigenous law.
- This summer, we will launch a new summer school camp for at-risk youth with the theme of Law and Leadership. The summer camp (a week-long camp run in partnership with the Boys and Girls Club and targeted at middle school students) is designed to create a pipeline into law school for traditionally under-represented populations, including Indigenous students.
UAlberta Law Responses to the TRC Calls to Action

The University of Alberta Faculty of Law takes its commitment to fostering reconciliation with Canada’s Indigenous people very seriously, and has taken numerous steps to implement Call to Action 28. In some cases, existing curricula has been augmented or modified in light of this mandate, while in others entirely new courses have been developed and implemented.

An overview of the Faculty’s Indigenous initiatives follows. A web brochure is located at https://issuu.com/lawcomm/docs/ulaw_indigenous_initiatives_finalpr [and is being updated Spring 2018].

Initiatives include:

- **Aboriginal Law Speaker Series**: the Indigenous Law Students Association’s annual speaker series featuring lawyers, legal scholars and other subject matter experts, sponsored by the Alberta Law Foundation and ATCO. The series also includes the presentation of the Aboriginal Justice Award.
- **Foundations of Law**: An introductory course taken by all first-year students at the Faculty of Law, which was expanded to include a concentrated unit on Indigenous legal traditions. This includes the widely acclaimed KAIROS Blanket Exercise, in which students are walked through hundreds of years of Indigenous and Canadian history in less than three hours.
- **Gladue Seminar and Externship**: A first of its kind course launched in the 2016-17 academic year, designed to provide law students with a deeper all-around understanding of the legal principles outlined in the landmark 1999 Gladue Decision.
- **Indigenous Laws: Questions and Methods Seminar**: An interactive seminar that explores some of the current challenges related to the implementation and re-integration of Indigenous legal traditions into modern Canadian law, with a particular focus on traditional Cree law.
- **Indigenous Peoples, Law, Justice and Reconciliation Seminar**: A comprehensive course that covers important legal issues for Indigenous peoples, including land rights, criminal justice, child welfare and the underpinnings of the Truth and Reconciliation Commission.
- **Kawaskimhon National Aboriginal Moot**: Canada’s only national law school forum focused on Indigenous legal issues, which takes the form of a noncompetitive multiparty negotiation process aimed at generating a range of potential solutions to complex issues.
- **Reconciliation: Wahkohtowin Conference**: A landmark academic conference on Indigenous law and reconciliation held in September 2017 by the Centre for Constitutional Studies. In was the third and last of a series of conferences on reconciliation held across Canada during the 150th anniversary year.
- **wahkohtowin Project**: A five-day on-the-land summer course designed to impart students with knowledge and direct experience of the Cree legal and governance concepts of wahkohtowin (interrelatedness) and miyo-wîcêhtowin (building good relations). The course is co-taught by Cree Elders from the Aseniwuche Winewak community near Grande Cache, where the on-the-land component is held.
Peter A. Allard School of Law at UBC – TRC Responses

The Allard School of Law currently has a J.D. cohort of 560 students, of whom 54 have identified themselves as Indigenous. The School has a long-standing Indigenous Legal Studies program focused on admissions and cultural support and we currently aim to admit 20 Indigenous students each year (in a class of 195). For most non-Indigenous students, this is the most Indigenous community they have ever encountered. There are Indigenous students in almost every classroom, student club, or faculty gathering. We learn every day that it is inaccurate to speak of a single ‘indigenous perspective’ on law.

Our faculty includes 4 tenured or tenure track members who are Indigenous. Several Indigenous members of the legal profession in Vancouver regularly teach for us as Adjunct professors. For twenty years, Allard Law students have staffed our Indigenous Community Legal Clinic. The clinic serves hundreds of Indigenous clients every year, including approximately 400 full representation files, with 21 student clinicians in each twelve-month period.

Given all of this, Allard Law has both advantages and disadvantages in terms of responding to the call to action for law schools. The advantage is that we have a lot of people and a great deal of experience. The disadvantage is that it is harder to move the needle when there is already a great deal going on.

The best example of this is the call for a mandatory course. Beginning in 2011-12, all of our first year students have taken a mandatory course in first year on Aboriginal and treaty rights, as a component of their Canadian constitutional law requirement. This is a two-credit course. The course does not cover everything that the TRC called for, but it is a strong point of departure from which to build.

Following the release of the TRC report, we have worked on the following new activities:
- We have constituted an external advisory committee, comprised of eight Indigenous lawyers based in and around Vancouver, to assist us with this project
- We have designed and are currently piloting a cultural competency certificate program that is running in eight modules throughout the academic year this year. We will assess the results of this program over the summer months with the objective of developing two streams of cultural competency training for Allard students: a mandatory stream for all students and an optional stream for students with a motivation to dig a bit deeper
- We are working to strengthen the academic support programming of our Indigenous Legal Studies Program. This need was prioritized last year and new programming began in September 2017. More is planned for the academic year 2018-19.
- We have changed the format of our Indigenous orientation camp held in September every year so that more students can participate.
- We have dedicated class time in our mandatory Public Law class to teaching about this history of Indian residential schools and the TRC itself.
- We are renovating to expand the Indigenous Community Legal Clinic to 30 student positions annually. We are also piloting a travelling component of the Clinic
- As we are currently in a time of significant faculty renewal, we aim to hire additional Indigenous faculty members.

Beyond these goals, we have begun a conversation regarding a curriculum mapping project. It will be valuable for us to articulate how we will meet the TRC’s call to action across the breadth of our curriculum, rather than simply relying on individual instructors to each address the call as appropriate, which is frequently very rewarding, but which also risks repetition and overlap.
THE UNIVERSITY OF CALGARY AND THE CALLS TO ACTION

More than two decades ago, our law school, like most Canadian law schools, began to incorporate Aboriginal content in our program. This began with Constitutional and Criminal Law, but over the years, the breadth and depth of coverage have grown, so that now, no fewer than thirty-four of our courses contain content reflecting issues of Indigenous law. Clearly, Call to Action 28 obliges us to do more, but our beginning point is richer, and broader, than many might appreciate.

Our approach has been to consult with our students and with the Indigenous Communities. We also have taken pains to ensure that our approach dovetails with, and forms part of, ii’ taa’poh’to’p, the University’s recently-adopted Indigenous strategy.

Some of the things that we have done/are doing as elements of our response to the Calls to Action include the following:

- Welcoming each new class with elements of Indigenous ceremony. We want our students to be fully aware from the outset of the significance of the place in which they are studying;
- Continuing to expand the breadth and depth of Aboriginal content in the curriculum generally;
- Identifying ways specifically to incorporate the topics mentioned in Call to Action 28. Some of these are already covered, but not all are;
- Incorporating a visit to a Reserve into the Foundations in Law and Justice course for all first year students;
- Increasing the number of courses focused on First Nations issues. At the moment, we have five: Canadian Law and Indigenous Peoples, Comparative Indigenous Law, seminars on the Residential Schools Litigation and the Land Claims process, and the Kawaskhimon Moot;
- Appointing an Indigenous faculty member (Lee Francoeur, a member of the Taku River Tlingit First Nation);
- Enabling (including funding) students to complete the University of Calgary First Nations Leadership program as part of their law degree;
- Holding our Law Day activities on a Reserve;
- Playing a partnership and hosting role in the “Dare to Dream” Aboriginal high school student program;
- Reinstating our participation in the programs offered by the Native Studies Centre at the University of Saskatchewan;
- Working with the Treaty 7 Nations and other First Nations communities to boost the number of First Nations and Metis students attending law school, and actively raising funds for scholarships and bursaries to support them;
- Other things yet to be ready to announce.
Indigenous Initiatives at Robson Hall Faculty of Law, University of Manitoba

Truth and Reconciliation Commission Calls to Action: The Law Faculty Council is meaningfully implementing Call to Action #28, with attention to the curriculum and the learning environment.

Curriculum: A mandatory unit on Aboriginal-Crown relations, Treaties and Aboriginal Rights is offered in Constitutional Law as well as other topics highlighted by the TRC. A new J.D. curriculum was passed by University Senate in January, 2018 further implementing Action #28. Mandatory courses in the J.D. program including Legal Systems, Constitutional Law, Criminal Law, Property, Evidence, Tax and Family, incorporate Indigenous perspectives and content on Indigenous legal issues. Robson Hall offers our J.D. students a concentration on Aboriginal Law and Policy:

- **Aboriginal Justice and Family Law**, on issues in criminal justice and family law;
- **Aboriginal Peoples and Land Claims**, overview of Land Claims and Treaty Land Entitlement;
- **Aboriginal Peoples and the Law**, laws relating to Aboriginal Peoples: colonial period to the present;
- **Advocating for the Rights of Indigenous People in International Law**, on how Indigenous peoples engage in international law to protect their rights and interests.
- **Current Legal Problems: Interdisciplinary Human Rights Studies: “Truth and Reconciliation”** and **“The Right to Water and Sanitation in First Nation Communities”**
- **Métis People & Canadian Law** rights and protections of Métis people from those of First Nations.

Welcoming & Support: Robson Hall is a welcoming place for Indigenous law students, where all our students can enhance their awareness of the issues facing Indigenous communities. Many Indigenous artistic and cultural representations hang on the walls of our building, and our Welcome week for first-year students includes activities and sharing experiences with University Elders and other Indigenous individuals active in the legal community. We host a blanket ceremony for all first-year students, in addition to an annual presentation by the Treaty Commissioner of Canada, and welcome ceremonies with community Elders. The Manitoba Indigenous Law Students Association actively organizes speaker events, and the Career Development Office works to create connections for Indigenous articling students. We encourage applicants of Métis, First Nations and Inuit heritage includes making available an admissions category with an individualized process. Robson Hall provides Indigenous students with a student advisor as part of an Academic Support program, and Financial Support is available as part of our comprehensive needs-based financial aid and bursary program, including entrance awards for Indigenous students. Students take part in the **Kawaskimhon Moot** (speaking with knowledge) which is a culturally sensitive national forum where Canadian law students debate and negotiate questions on aboriginal legal issues.

Research & Dissemination: Faculty members engage in research in Aboriginal law, with opportunities for students including paid summer work as Research Assistants, including Aboriginal Peoples and the Justice System, Working with Elders in Educational Institutions, and the Right to Water. Faculty organize annual lecture series consistently invite speakers to present on Indigenous law-related matters, such as Jean Teillet, great grand-niece of Louis Riel; Hamar Foster, Q.C., on Indigenous Activism.

The Gladue Project completed by Professor David Milward gathered resources for implementing Supreme Court of Canada decisions on sentencing Indigenous Canadians, who are over-represented in the criminal justice system with a symposium, a handbook, and multiple peer-reviewed journal articles.

UN Declaration on the Rights of Indigenous Peoples Project Professor Brenda Gunn, and the Indigenous Bar Association, resulted in a handbook: Understanding & Implementing the UN Declaration.

Robson Hall’s E.K. Williams Library houses an extensive collection of material related to Indigenous people and the law.
Inventaire des interventions et initiatives relatives aux questions des droits des peuples autochtones à la Faculté de droit de l'Université de Moncton

1. Admissions au programme de J.D.

La Faculté de droit a en place des conditions d'admission spéciales pour les personnes autochtones. Le règlement 1.1.3 prévoit ainsi qu'en reconnaissance de la discrimination systémique subie par les autochtones au Canada, la Faculté tiendra compte de ce facteur dans l'évaluation des candidatures d'autochtones et pourra admettre à titre exceptionnel ces personnes même si elles ne satisfont pas aux exigences minimales d'admission.

2. Au sein du programme de Juris Doctor

- Le cours DROI3033, « Droit des peuples autochtones » fait partie du programme du J.D. et est offert sur une base biannuelle. Voici le contenu de ce cours : « L'enseignement comprend trois parties d'importance relativement égales : la première étudie dans quelle mesure l'application des droits des peuples autochtones est actuellement reconnue dans le système juridique canadien; la seconde porte sur une analyse de ces droits en mettant l'accent sur les rapports de droit privé; la troisième, enfin, envisage les problèmes que pose l'extension de l'autonomie des droits des peuples autochtones dans le contexte d'une approche pluraliste du droit. »

- Dans le cadre du cours DROI1221, « Droit constitutionnel », au moins trois heures d'enseignement sont consacrées à l'enchâssement constitutionnel des droits des peuples autochtones au Canada (y compris les droits ancestraux et les droits issus de traités) et, plus précisément, les fondements en common law de la reconnaissance constitutionnelle des droits des peuples autochtones. De plus, il y a eu un survol des conclusions de la Commission de vérité et réconciliation du Canada.

- Au cours « Droit des biens » (DROI 1017), environ six heures d'enseignement sont consacrées à la question du titre ancestral à l'aide de la jurisprudence et des sources de doctrine pertinentes, à l'art. 35 de la Loi constitutionnelle de 1982, à la reconnaissance juridique du titre ancestral, ainsi que l'obligation de la Couronne de consulter et d'accommoder les peuples autochtones en matière des projets de développement économique.

- On aborde dans le cours DROI3120, « Droits linguistiques » la question des droits linguistiques des peuples autochtones.


- DROI3533, « Droit de l'environnement », examine la reconnaissance des droits ancestraux de chasse et de pêche en droit canadien.

- Annuellement, des étudiants de notre programme de J.D. travaillent sur des questions autochtones dans le cadre de leurs mémoires.

- Publication d'articles des membres du corps professoral sur les questions des droits des peuples autochtones.
Responses to the TRC

Responding to the TRC’s call to action represents both a challenge and an opportunity for the Faculty of Law of the Université de Montréal. The challenge lies in the very small number of self-declared Aboriginal students at our Faculty. This situation can partly be explained by the fact that Aboriginal communities in the Montreal area are primarily English-speaking, which reduces the possibility of having students coming from such communities at a French-speaking law school. The opportunity lies in the launching of an extensive review of what we do, don’t do, and can do better.

Currently, there are altogether about 1250 students in our LL.B and/or JD programs, as well as roughly 200 in our second cycle programs, and 15 new students every year in our doctoral program.

As far as teaching is concerned, an optional course « DRT 3011 – Droit des peuples autochtones » has been offered for many years. Even before the release of the TRC report, the course was very popular with our students. We now offer it in two sections, as a result of which more than 130 students are enrolled in the course every year. Discussions of Aboriginal legal orders, rights, or interests also take place in compulsory courses such as Droit des biens/Property, Droit constitutionnel, Fondements du droit, and Droit criminel.

Outreach initiatives to French-speaking Aboriginal communities have also been launched; they involve professors and students, and focus on the development of « rights consciousness » among high school students, as well as on the transfer of information concerning law-related professions. Most students participate in it under the auspices of the Comité de droit autochtone.

Interestingly, Aboriginal concerns have long been part of the research agenda of many professors at the Faculty, particularly those involved in the Centre de recherche en droit public. For many years, they have managed large, pan-Quebec, or pan-Canadian projects involving Aboriginal communities, and elaborated in collaboration with such communities. International research initiatives on Aboriginal rights with a strong comparative dimension have also been launched with partnering institutions from the Americas.

Last, a Dean’s ad hoc committee on the presence of Aboriginal issues at the Faculty has been set up, with a broad mandate to examine how the Faculty can be more proactive and inclusive. More specifically, the committee will examine questions such as the creation an « Aboriginal » category in our admission process, the creation or strenghtening of sustainable partnerships with Aboriginal communities, and the funding of Aboriginal students.
University of New Brunswick

- Pre-TRC, courses with aboriginal content included Aboriginal Law (now Aboriginal Peoples and Law), Land Claims & Self-Government Agreements (now Aboriginal Self-Government & Economic Development), and the Kawaskimhon Moot. These courses continue to be taught post-TRC.
- Foundations of Law, which runs for the first six weeks of first year, includes perspectives on decolonization/anti-racism/cultural competence.
- Criminal Law, which runs for the whole of first year, includes or has included treatment of systemic racism, particularly under the topics of bail, sentencing and wrongful convictions.
- Property Law, which runs for the whole of first year, includes or has included treatment of aboriginal title, aboriginal usufructs, and scholarship on these subjects from aboriginal writers.
- Constitutional Law, which runs for the whole of first year includes discussion of pre-Confederation history and case law under s 35 of the Charter.
- Children’s Law, an upper-year course, includes a class on Aboriginal child welfare.
- Wills and Estates, an upper-year course, includes deals with wills and the Indian Act.
- Trial Practice, an upper-year course, addresses how witnesses may respond differently based on their cultural backgrounds, including Aboriginal backgrounds.
- Dispute Resolution, an upper-year course, considers how culture (particularly high-context versus low-context culture) impacts how we respond to conflict; it also includes a class on restorative justice.
- Human Rights, an upper-year course, includes readings and treatment of both historical and current laws, such as the “Indian Act exception” under the Canadian Human Rights Act and the United Nations Declaration on the Rights of Indigenous Peoples.
- Business Organizations, an upper-year course, includes a discussion of the stakeholder approach to corporate governance (in contrast to the typical shareholder-oriented approach); this in turn is put forth as an alternative model for reconciling the interests of resource development with those of indigenous communities.
- UNB Law has a good relationship with the Mi’kmaq-Wolastoqey Centre. The Director is David Perley and his wife, Imelda Perley, is Elder-in-Residence. Imelda comes to the Law School for first-year orientation to speak to the incoming class and to perform a welcoming ceremony. David and Imelda conducted a Circle of Understanding at the Law School in November 2016 to discuss the TRC report and calls to action.
- David Perley, along with President Eddy Campbell, is heading a working group on a UNB-wide TRC Action Plan that should soon be finalized. The Law School is represented on this working group. David is also on a TRC working group specific to UNB Law.

Implementing the Calls to Action remains a work in progress. There is still lots to be done, but there is lots of willingness to learn and to do what is needed to realize the purpose of the Commission’s work.
À la suite du rapport de la Commission de vérité et réconciliation, la Section de droit civil a mis en place un comité dont le mandat est d’évaluer la meilleure façon d’intégrer un contenu obligatoire, sous un angle interdisciplinaire, à la licence en droit ainsi que d’améliorer notre enseignement et notre offre de cours dans ce domaine. En plus des professeurs et d’un membre du personnel administratif de la Section, deux étudiants autochtones siègent sur ce comité.

Une première mesure mise en place a été un cours intensif de 12 heures destiné aux étudiants de première année afin de les initier et de les sensibiliser aux cultures juridiques autochtones. Ce cours a été offert pour la première fois les 4 et 5 janvier 2018. (Certains de thèmes abordés sont: cultures juridiques autochtones et le territoire; les cultures juridiques autochtones et la famille : l’adoption coutumière; Interactions entre les cultures juridiques autochtones et le droit étatique.)

Le comité poursuit ses travaux et proposera d’autres mesures durant la prochaine année. Les travaux du comité pourront dorénavant être appuyés par le nouveau coordonnateur des affaires autochtones. La Section de Common law, avec notre participation, a en effet embauché cet automne un coordinateur des affaires autochtones (poste partagé). Il est responsable de la coordination des activités reliées à l’intégration et à l’excellence universitaires des étudiants autochtones inscrits à la Faculté de droit. Il est également responsable de l’indigénisation des programmes académiques afin de réaliser les objectifs de la Faculté en matière d’accès, de persévérance et de réussite universitaire. Son rôle comprend aussi l’élaboration, la gestion et la fourniture de services d’appui scolaire (admissions, réussite scolaire, diplomation, relations avec le milieu juridique et accès aux études supérieures) et d’appui culturel (conseils personnalisés et intégration) à l’intention des étudiants autochtones de la Faculté de droit.

Ces initiatives s’ajoutent à l’offre de cours optionnels que nous avions déjà à la Section :

- **Cours d’été en territoire autochtone** : L’ordre juridique innu est un cours optionnel offert depuis 2006 en territoire innu (Sept-Îles) portant sur la vision innue du monde et le rapport avec la terre, la gouvernance innue, les rapports juridiques de types privés, la transformation et la continuation de l’ordre juridique innu. Ce cours est donné trois fois chaque été en collaboration avec des Innus et l’Institut Tshakapesh. Il s’agit d’un cours intensif d’une durée de six jours à raison de six heures par jour qui se tient au musée Shaputuan à Uashat, immédiatement à l’est de Sept-Îles.

- **Droit des Autochtones** : cours optionnel offert chaque année dont les objectifs sont d’étudier la situation juridique des peuples indiens, métis et inuits ainsi que certaines questions particulières aux Autochtones.

La Section de Common law a aussi nommé une aînée en résidence en août 2017, ce qui accroît la présence autochtone à la Faculté de droit. En tant qu’aînée en résidence, elle offrira son savoir et ses conseils aux étudiants, aux professeurs et aux membres du personnel administratif. Elle conduira les protocoles culturels ou les cérémonies de bénédiction lors de circonstances appropriées. Par ailleurs, son point de vue contribuera aux efforts constants de la Faculté pour la réconciliation.
Reconciliation Through Education: uOttawa Law’s Response to the TRC’s Calls to Action.

This academic year, we are continuing our reconciliation effort in a variety of ways. Incoming first-year students had, for the second year in a row, the unique opportunity to actively participate in the process of reconciliation between Indigenous Nations and non-Indigenous Canadians through opting in to small group Mudjimushkeeki/Torts. The course included a substantial component on non-voluntary obligations to others from an Indigenous perspective. This small group forms part of a first-year Indigenous course stream, which incorporates Indigenous legal traditions into common law courses. Additionally, first-year students may opt to take their thematic course in Aboriginal Legal Mechanisms.

For upper-year students, we also offer an option in Aboriginal Law and Indigenous Legal Traditions in both the French Common Law Program and the English Common Law Program. Students in this option take one compulsory course, at least 15 units in optional courses and obtain a transcript notation of the specialization upon completion of their JD.

In order to provide guidance, advice and counselling to our Indigenous students, Claudette Commanda was appointed as the first “Elder in Residence” at the law school. Elder Commanda is Algonquin from Kitigan Zibi Anishinabeg First Nation in Quebec. She is an alumna of the University of Ottawa, Faculty of Law and of the Faculty of Arts. Elder Commanda is also a professor in the University of Ottawa’s Institute of Women’s Studies, as well as the Aboriginal Studies Program, the Faculty of Education and the Faculty of Law.

To further help law Indigenous law students succeed and achieve a balance between school and personal priorities, we hired a Coordinator of Indigenous Affairs in December 2017, who is fluent in Ojibwe, English and French, and works with Elder Commanda, Indigenous and non-Indigenous students, professors and staff. The Coordinator organizes the Kawaskimhon National Aboriginal Moot, a lecture series in which Indigenous speakers from different backgrounds come to share teachings about Indigenous legal mechanisms, and runs special programming for Indigenous law students such as directed tutoring.

The law school continues its well-established pro-active admissions policy for Indigenous students. Each year, a sub-committee of the Admissions team comes together to read each applicant’s file and makes outreach calls once applications are accepted.

In addition to the Indigenous Admissions Committee, we have a Reconciliation Committee, which is charged with implementing the TRC’s calls to action and with matters of pedagogy, and an Indigenous Affairs Committee, charged with administering the option in Aboriginal Law and Indigenous Legal Traditions, as well as internships.
University of Saskatchewan College of Law: Responses to the TRC Calls to Action

The College of Law has a very long history of supporting Indigenous legal education. For over 40 years the Native Law Centre has run the Program of Legal Studies for Native People (PLSNP) which has recently been renamed the Native Law Centre Summer Program. The Program now has over 1000 graduates, and over 75% of all practicing Indigenous lawyers in Canada began their legal education in this Program. In 2017, 48 students attended the Program and had offers from 15 of the 17 English speaking law schools.

In 2017/18 the College had 62 students self-identify as Indigenous enrolled in its J.D. Program, representing over 15% of our total J.D. student enrollment of 402. This total mirrors the percentage of Indigenous people in the Saskatchewan population and it is a long-term goal of the College to maintain enrollment at levels that match the representation of Indigenous people in Saskatchewan. (N.B. Having 62 Indigenous students in the College is a record number, largely achieved by the opening of the Nunavut Law Program with its significant Inuit cohort). The College also has 6 students in its LL.M. Program that self-identify as Indigenous, resulting in an overall Indigenous student population of 68 students or 16.1% of our total student body. The College has responded to the TRC calls to action in many ways:

Structure

1. Native Law Centre 2.0. The College has embarked upon a complete revamp of the Native Law Centre. Prof. Larry Chartrand from the University of Ottawa has been recruited as Academic Director on a 3 year term to produce a new vision and strategic plan for the Centre. The plan will include a significant emphasis on Indigenous traditional law as well as changes to the research and publication missions of the Centre.
2. The College has had a Cultural Advisor since September 2015. Maria Campbell is Metis and based in the Native Law Centre. Maria provides cultural advice to the students, faculty and staff of the College, teaches a course for the College and also performs a similar role at CLASSIC, Saskatoon’s inner city law clinic with which the College has a long-standing partnership.
3. The College is also in the process of completing a search for an additional Indigenous faculty member with a decision to be made in February 2018. The College currently has 3 Indigenous faculty members (approximately 12%) with a long term target of 16%.
4. The College is in the process of creating a position of Assistant Dean (Indigenous Engagement).

Curriculum

1. In September 2018 the College will introduce the first major change to its first year curriculum in decades with the introduction of a compulsory 3 credit unit course called ‘Kwayeskastasowin’ [‘setting things right’ in the Cree language] which will address some of the material noted in Call to Action Number 28. In addition, all students in the College will have to take a 3 credit unit upper year course chosen from a basket of offerings that provide perspectives on Indigenous law and Indigenous perspectives on the law. All students attending the College from the fall of 2018 onwards must complete these 6 credit units to receive our J.D. degree.
2. The College will be also creating programming for Faculty to assist them in incorporating indigenous legal material into their course syllabi. The aim of this initiative is to ensure that this material is weaved throughout the curriculum, and not just reserved for the compulsory courses mentioned above.

Other Initiatives

The College is currently running the Nunavut Law Program in partnership with Nunavut Arctic College and the Government of Nunavut. 25 students based in Iqaluit are working towards a University of Saskatchewan J.D. degree and approximately 80% of the class are Inuit. Those who successfully complete the Program will receive a U of S J.D. degree in 2021. The College views it as a privilege to run this program and sees it as part of our Reconciliation initiatives.
Mesures prises par la Faculté de droit de l’Université de Sherbrooke suite au dépôt du rapport de la Commission vérité et réconciliation

La Faculté de droit a posé une série de gestes qui visent à attirer et retenir des étudiants autochtones, à sensibiliser la communauté facultaire aux enjeux autochtones ainsi qu’à mieux préparer nos étudiants aux défis et opportunités liés au droit autochtone dans leur future pratique. Voici sommairement les mesures prises :

1. Refonte en 2015 des cours obligatoires de droit constitutionnel pour introduire un important bloc obligatoire sur les droits des peuples autochtones (équivalent à environ 2 crédits);
2. Introduction en 2011 d’un cours optionnel dédié au droit des autochtones;
3. Création en 2016 d’une comité droit autochtone au sein de notre association étudiante de premier cycle;
4. Développement, par ce comité, d’une riche programmation annuelle incluant conférences et autres activités visant une meilleure compréhension des enjeux autochtones;
5. Première participation en 2017-2018 de la Faculté au concours Kawaskimhon, concours national de plaidoirie en droit autochtone;
8. Développement d’une série de mesures visant à soutenir nos étudiants autochtones (dont certaines sont encore en développement):
   a. Formation d’un comité conseil comprenant des partenaires autochtones ou proches des réalités autochtones;
   b. Création de bourses d’études destinées à nos étudiante autochtones;
   c. Tutorat spécialisé;
   d. Adaptation particulière du programme Coach-recrue et du centre d’entraide à l’étude pour offrir un accompagnement personnalisé;
   e. Mise en place d’un programme de mentorat par des juristes autochtones;
   f. Création d’une association regroupant les étudiants autochtones de l’Université de Sherbrooke;
   g. Aide au logement (résidences et autres) et appui pour les garderies;
Brief Summary of Faculty of Law, University of Toronto Responses to the TRC

In Fall 2015 the Faculty established a TRC Committee to examine the Faculty’s response to the TRC’s Calls to Action. The Committee is co-chaired by former Dean Mayo Moran and Professor Douglas Sanderson. The Committee has since become a standing committee that provides ongoing recommendations in respect of Indigenous matters. The following provides examples of the Faculty’s approaches to Indigenous curricular and co-curricular programming.

Curricular Responses
The TRC Committee recommended that the Faculty not create a mandatory, standalone course on Indigenous/Aboriginal Law, but rather infuse the broader JD curriculum with Indigenous/Aboriginal content. The objective is to avoid ring-fencing important content in a single course; rather, there is tremendous value in discussing Indigenous matters in a wide range of courses. There are mandatory elements of the curriculum – for example, Legal Methods, our intensive foundational course for first-year students, now includes lectures on Indigenous history and its connection to law and Reconciliation. And there is essentially mandatory content in certain courses – for example, Aboriginal Rights are a key pillar of Constitutional Law. Our general approach, however, is to strive to incorporate Indigenous content throughout the teaching program. The Faculty hired student research assistants to work with professors and adjunct instructors to assist in Indigenizing the curriculum.

Additionally, we have introduced new courses on Indigenous legal issues. For example, in September 2016, we offered Indigenous Law in Context at Cape Croker Indian Reserve. The program for students, faculty and staff was led by Professor John Borrows (University of Victoria). The students learned about Anishinaabe law and legal tradition by on-site reference to treaties, and stories about how to interact with the water, rocks, plants and animals. The feedback on the course was overwhelmingly positive, and we were delighted to offer it again in September 2017, this time with double the number of participants, including a number of benchers and staff members from the Law Society of Ontario.

In addition to the above curricular additions, we continue to offer the Faculty’s Certificate in Aboriginal Legal Studies (completed in conjunction with the University’s Centre for Indigenous Studies). Students manage the Indigenous Law Journal, some of them for credit. We are also continuing to offer experiential Aboriginal law courses, including the Aboriginal Peoples and Canadian Law Practicum, and Gladue Court Practicum. As we have done for many years, we continue to admit Indigenous JD students in a separate stream from non-Indigenous students.

Co-curricular Activities
Since September 2010, our Faculty has had an Indigenous Initiatives Office (IIO), which operates under the leadership of Amanda Carling, Manager, Indigenous Initiatives. While the Office continues to fulfil its mandate of supporting our Indigenous students, the roles of the IIO and Manager have expanded in response to the TRC’s Calls to Action. One of the IIO’s initiatives is its Speaker Series, which is open to the public and features prominent Indigenous lawyers and scholars, including Justices Murray Sinclair and Harry LaForme, and Phil Fontaine. The IIO has promoted the KAIROS Blanket Exercise, an interactive workshop that educates participants on the historic and contemporary relationship between Indigenous and non-Indigenous peoples in Canada. To date, over 300 students, faculty and staff have participated in the exercise, and we are considering making participation mandatory for JD students.

We recently sought to begin building a relationship with the Mississaugas of the New Credit First Nation, on whose traditional lands we are located. Recent efforts to develop this partnership have included organizing a Faculty trip to their August Pow Wow; connecting them with U of T Libraries to assist in archiving historical materials; and hosting Indigenous high school students for a day, with the objective of introducing them to a legal education and the law school environment.

Our Physical Space
The new Jackman Law Building was outfitted with the necessary mechanisms to safely accommodate smudging in certain spaces. We have actively sought ways to showcase more Indigenous art, including the recently commissioned piece by Indigenous artist Jay Bell Redbird, member of the Wikwemikong First Nation. We also have on display wampum belts, which are used by Professor Sanderson to teach about early diplomacy with settlers on Turtle Island.

1 Professor Sanderson is the Decanal Advisor on Indigenous Issues and member of the Beaver Clan of the Opaskwayak Cree First Nation.
TRC Implementation at University of Victoria Faculty of Law

- UVic Law was the first law school in Canada to respond publicly to the TRC’s Calls to Action: http://www.uvic.ca/law/home/news/current/TRC%20recommendations.php.
- Shortly after the TRC’s release two faculty members created a national blog to share reflections on implementing the Calls: https://reconciliationsyllabus.wordpress.com.
- The Faculty is currently engaged in a curricular and pedagogical review. The treatment of Indigenous issues and responding to the TRC Calls are crucial features of this review.
- Faculty members meet regularly in a TRC Reading group to discuss the Report and responding to the Calls.
- The Faculty’s Equity and Diversity Committee is engaged with the equity and diversity dimensions of responding to the TRC Calls to Action in the law school.

Curriculum and Student Support

- On the first day of the program, students are welcomed to the territory by local Elders.
- The compulsory, full-time, two-week introductory Legal Process class includes a half-day introduction to Indigenous legal traditions, and two mornings devoted to the history and legacy of residential schools and the TRC Calls to Action. In 2017, all first-year students participated in the KAIROS Blanket Exercise (https://www.kairosblanketexercise.org/about/) adapted for law students.
- 1/3 to ½ of all first-year students participate in the Aboriginal Cultural Awareness Camp, a 3 to 4 day residential camp held within and delivered in collaboration with a local First Nation.
- Substantial Indigenous content including Indigenous legal traditions, the history and legacy of residential schools, Treaties and Aboriginal rights, and Aboriginal-Crown relations is incorporated into compulsory courses in Constitutional Law, Criminal Law, Law, Legislation & Policy, Legal Research & Writing, Property, Torts, Administrative Law, Business Associations and Legal Ethics & Professionalism, and elective courses such as Family Law, Intellectual Property, International Human Rights and Dispute Resolution and Taxation.
- Courses specifically focused on Aboriginal peoples and the laws include (but are not limited to) Indigenous Lands, Rights and Governance, new courses in Critical Issues in Restorative Justice and First Nations Taxation, and a ground-breaking intensive summer course in Indigenous Legal Methodologies.
- The Faculty’s Academic and Cultural Support Program (“Amicus Program”) provides direct support for Indigenous students, and organizes seminars and workshops on matters bearing on intercultural competency, conflict resolution, human rights, and anti-racism.
- The Faculty’s Indigenous Law Research Unit works with Indigenous communities researching those peoples’ legal traditions. This work develops curricula for teaching Indigenous law and trains students in how to work with Indigenous communities in the development of their law.

New Initiatives

- We are working with the WSÁNEĆ School Board to offer a pilot semester-long intensive field course in the Re-emergence of WSÁNEĆ law in the fall 2018 term.
- The JD/JID transystemic dual degree program in Canadian Common Law and Indigenous Legal Orders has been approved by the university’s Senate and Board of Governors. Inseparable from the JD/JID program is the Indigenous Legal Lodge, a national forum for critical engagement, debate, learning, public education, and partnership on Indigenous legal traditions and their refinement, and reconstruction. The JD/JID program and the Indigenous Legal Lodge directly respond to TRC Calls 28 and 50. Their establishment is a faculty and university priority.
Windsor Law’s response to the TRC

The single most important thing we have done to respond to the TRC Report is to hire Indigenous colleagues. We recognize that without these colleagues our efforts would be superficial at best. In 2016 we hired two Indigenous professors, Dr. Valarie Waboose (former General Counsel to Walpole Island First Nation and an expert on the residential schools’ legacy) and Professor Jeffery Hewitt (former Indigenous Bar Association President and General Counsel for the Rama First Nation). In 2017, Professor Beverley Jacobs, who is a Windsor Law grad, former President of the Native Women’s Association of Canada and author of Amnesty’s “Stolen Sisters” Report, joined our faculty as well. The hiring of these professors not only allows us to offer a range of courses related to Indigenous peoples, but will also help us to Indigenize the Law School and improve the experience for Indigenous students. In addition to full-time faculty, we have also recently hired an Indigenous Legal Studies Coordinator. Our clinics have also been active on the Indigenization front, including through hiring an Indigenous Support Worker and conducting cultural competence training for clinicians, students and community partners.

With respect to curriculum, we currently offer courses on Aboriginal Law, Indigenous Legal Traditions and Residential Schools. In the summer of 2017 we decided to make the Indigenous Legal Traditions course mandatory for all Windsor Law students and are currently working towards implementing that decision for the incoming class of 2018. We also participate in the Kawaskimhon Law Moot and have made Indigenous Concepts of Justice a mandatory part of our first year Access to Justice course. We set the stage for these curricular offerings through a mandatory introduction to Indigenous Traditions during Orientation. We begin Orientation itself by acknowledging the territory and having an elder from one of our local First Nations give a reflection. We also have an elder-in-residence throughout the year to support Indigenous (and non-Indigenous) students.

Another important step for us as a Faculty has been participating in an Anishinaabe Law camp held on Walpole Island First Nation for professors and staff. We were joined by Indigenous law experts as well as local elders and residential school survivors. We have also taken groups of students to an Indigenous law camp on Walpole Island to study Indigenous legal traditions – most recently for credit - though it is an ongoing challenge to determine how we can replicate this experience for larger groups of students. We are also participating in the Debwewin program of Ontario’s Attorney General, which places interns in First Nations communities during the summer months.

Many of our responses to the TRC are being channeled through a TRC Steering Committee at the Faculty. The Steering Committee is comprised of faculty members, students, an elder (and residential school survivor) and staff from the University of Windsor’s Turtle Island Aboriginal Education Centre. Student clubs, such as Indigenous Initiatives, have also responded to the TRC.

C. Waters, 18 December 2017
Our Faculty’s approach to implementing Call to Action #28 of the Truth and Reconciliation Commission is grounded in Secwepemcul’ecw (the territory of the Secwepemc Nation that includes Kamloops), with efforts to incorporate Secwepemc knowledge and history into our program since our first year of operation in 2011. The Faculty adopted a statement committing ourselves to implementing Call to Action #28 in July 2015. Initial work included surveying existing content across the curriculum and has since focused on specific efforts to address the biggest gaps and to take students out of the classroom to learn about Indigenous history, rights, culture, and law as well as the residential experience from Secwepemc partners.

The annual 1L class visit to the former Kamloops Indian Residential School (KIRS) and Secwepemc Museum and Heritage Park has become an important feature of our program. The former KIRS is located across the South Thompson River from downtown. The Tk’emlúps te Secwepemc (TtS) offices are now located in this building along with the First Nations Tax Commission and other local services. The program has evolved from a contextual introduction to the Aboriginal rights and title portions of the 1st year Constitutional and Property Law courses, to a stand-alone program focusing on the residential school experience. It is integrated into the program with introductory and debriefing classes as part of the mandatory Legal Perspectives course. Learning objectives include knowledge of residential schools as an intergenerational experience, ongoing relevance and impacts of the experience, empathy to practicing law and reconciliation, and the knowledge foundations for anti-racism and cross-cultural skills. The one-day visit has become a full partnership with TtS, with leadership from Councillor Viola Thomas, who carries the education portfolio and worked with the TRC. The day involves speakers, tours of the building, and a visit to the Secwepemc Museum, which houses artefacts from Secwepemc culture and the residential school. Students have the opportunity to learn from survivors directly. Feedback from our past visits has indicated that this has been a unique and eye-opening learning experience for our students.

We plan to build the site-visits into the second and third year programs on a permanent basis, with learning objectives that focus on other aspects of Call to Action #28 that are not already covered in other mandatory courses. In Fall 2017, we held the first 2nd year site visit to Pipsell/Jacko Lake with a focus on Indigenous law, anti-racism and cross-cultural skills. Through this 3-year program, we are aiming to equip our students with the knowledge, skills and disposition required to contribute to reconciliation in their legal careers.

Individual faculty members have also worked to increase and incorporate Indigenous perspectives, Aboriginal and Indigenous law content into their individual courses some of which are mandatory. Efforts include guest speakers, student presentations, Indigenous Law Students’ Association events, site visits to Tk’emlúps reserve and salmon fisheries in Secwepemc territory, working with Kamloops-based experts from the First Nations Tax Commission and regular visits to the First Nations Court sitting in Kamloops. The Faculty has also hired a local Indigenous lawyer and TRU Alumna to work with and support Indigenous students in our program as well as to advise the Faculty on future efforts in this regard.
Summary of TRC Implementation to December 2017

Western Law formed a Working Group in early 2016 to implement the TRC Calls to Action and other reconciliation projects. Chaired by the Associate Dean (Academic), the Working Group is comprised of the Assistant Dean (Student Services), four faculty members, and our Law Foundation Community Leadership in Justice Fellow, Brenda Young, who is currently the Community Justice Director for the Chippewas of the Thames First Nation (COTTFN), a local community. On average, the Working Group meets monthly, and members have spent considerable time outside of meeting hours to review curriculum proposals and plan events. The Group’s main activities to date are outlined below.

We have adopted the approach that Indigenous content and perspectives should be embedded throughout the curriculum, rather than isolated in special courses. We want our students to be aware of Indigenous rights and perspectives, regardless of and, perhaps, tailored to the practice areas they plan to pursue. We have also developed a number of co-curricular activities so that Indigenous issues are highlighted to the student body throughout the academic year.

Curriculum

- Conducted inventory of Indigenous content embedded in existing courses
- Reviewed and amended official (Senate-approved) course descriptions to make Indigenous content explicit (e.g., Sentencing, International Human Rights, Constitutional Law)
- Developed a module on “Indigenous Difference and Canadian Law” in our first-year mandatory course, “Orientation to Law and the Legal System.” In 2017, the “Perspectives” module in the course dealt with legal responses to mass injustice, using the Residential Schools as an example.
- Introduced a module on Indigenous Conceptions of Property in our Property Law course (beginning spring 2018)
- Currently developing proposals to make Indigenous content/perspectives mandatory for upper-year students
- Hosted visiting Indigenous faculty to teach intensive courses:
  - Kyllie Cripps, UNSW, “Indigenous Family Violence and Sexual Assault Policy and Law Reform” (Feb 2017)
  - Brenda Young, COTTFN, “Law and the Indigenous World in Canada” (Feb 2018)

Other Student Experiences

- Extractive and Indigenous Affairs Moot Competition (beginning in 2016). The 2017 problem involved the case of COTTFN v Enbridge Pipelines, 2017 SCC 41, and was supplemented by a panel of community members who were directly involved in the case.
  - Debwewin summer law internships (in partnership with the Ministry of Attorney General’s Indigenous Justice Division); interns provide legal education and advice in Indigenous communities.
  - Joint Indigenous Cultural Education Event with the Schulich School of Medicine and Dentistry (fall 2017). The keynote speaker was Ry Moran, Director of the National Centre for Truth and Reconciliation.

Admissions and Recruitment

- We hold special law school information sessions at Indigenous Services at Western.
- In partnership with Princeton Review, we host a free LSAT-preparation course for Indigenous candidates in May of each year. This course attracts candidates from across southern Ontario.

Other

- In March 2017, we arranged a 4-day Anishinaabe Law Camp on “Indigenous Law in Context” at the Chippewas of the Thames First Nation. Participants learned about the development, interpretation and practice of Anishinaabe Law, and also experienced a range of cultural ceremonies. Attendees included law faculty and students, as well as faculty members from other academic Departments at Western. We plan to organize this Camp again in the spring of 2018.
MEMORANDUM

From: Jane Willwerth, Officer, Strategy and Engagement
To: Council
Date: January 14, 2019
Subject: #TalkJustice Updates

For: Approval ☐ Introduction ☐ Information X

Introduction:

#TalkJustice began in late 2014 as a community engagement initiative of the Society. Results from the initial report, released in May 2015, recommended the Society do more collaborative work with other justice sector bodies to address access to justice problems.

Following the success of the first phase of #TalkJustice, and in an effort to respond to the above recommendation, the Society’s #TalkJustice team was approached by the Access to Justice Coordinating Committee (A2JCC) to advise it on the creation of its community engagement initiatives. The result of this was the transformation of #TalkJustice from a Society project to one that was administered collectively by the A2JCC. Using the Nova Scotia Department of Justice’s license, the #TalkJustice team created a SenseMaker questionnaire to explore stories submitted by Nova Scotians describing their experiences with the justice system. The team began collecting stories via the questionnaire in 2017, and shared results from that questionnaire throughout the year.

Last year saw the A2JCC come to the end of its mandate. In advance of this, the Committee supported the creation of the Access to Justice and Law Reform Institute to be housed at the Schulich School of Law. This organization is responsible for continuing work on the A2JCC’s mandate, and is the new home for #TalkJustice. The attached memorandum from Ashley Avery, Access to Justice Coordinator, describes the work on #TalkJustice done by the Institute to date.
Next steps:

The start of a new strategic planning cycle presents an opportunity for Council to re-engage with #TalkJustice. As Council approaches its planning session in May, it has the opportunity to consider the following questions:

- How should data from #TalkJustice inform Council’s work?
- What vision does Council have for the future of #TalkJustice?
- What is #TalkJustice’s role in the Society’s future commitments to sincere, substantive and sustained public engagement?
MEMORANDUM

To: Jane Willwerth
From: Ashley Avery
Re: #TalkJustice Updates
Date: January 3, 2019

#TalkJustice

The Talk Justice project is located at the new Access to Justice and Law Reform Institute of Nova Scotia. With the generous contribution from the NSBS by way of Jane Willwerth’s expertise, we have been able to carry forth the history of the project while we collaborate and design its future. We have also been able to continue to work with community consultant LaMeia Reddick, a key contributor. #TalkJustice was established by the Nova Scotia Barristers’ Society to bring the public voice to the center of justice system reform. Over the past few years the #TalkJustice project has grown in size and shifted in scope and is now entering a new iteration, with dedicated efforts to continuing to grow and expand the work and engage even more people in conversation and strategy. By establishing a strong and accessible online presence, engaging people from diverse groups including rural Nova Scotians, and celebrating access to justice innovations in the province, we have begun to put our vision for #TalkJustice into action.

Website

A new and improved website was designed and is now live at talkjustice.ca. The site is user friendly, hosting a variety of information in an accessible, visual and functional way. The user is able to navigate information about the project including its history, mission and mandate, final reports, infographics with up to date data, and ways to get involved. The Blog hosts articles, research, ‘access to justice heroes’ and submissions from those who have something to add to the conversation on access to justice. Social media icons linking to Facebook, Twitter and Instagram are all visible throughout the site. Located in the header of each page, the user has the option to select the ‘Share Your Story’ function, which directs them to the SenseMaker survey, a data collection tool by Cognitive Edge that allows us to analyze experiences by looking at anomalies, themes and patterns. By creating this digital space, we are illustrating our message with transparency and agility in a comprehensive and engaging way that is both visually appealing and informative.

Social Media

#TalkJustice began as a hashtag, centering on public dialogue around the justice system. The mission of this project is to bring the public voice to the center of justice system reform in Nova Scotia, and social media is a key tool is connecting people to this provincial discussion. By utilizing social media we are able to engage Nova Scotian’s in important conversations and build momentum in the movement for change. We have begun to utilize Facebook, Twitter and
Instagram to build a following, share information on the developments in a visual and accessible way and to share other projects, programs and initiatives that are happening across the province. In recognizing that social media is a way to break down barriers and increase access to information, it is a key component to our strategic plan. To date, we have established a steady following and have a weekly strategy for content that highlights issues related to the social determinants of health and justice.

We have implemented a project titled “Access to Justice Hero”. Each month a new person, project or organization who is improving access to justice through innovation, is profiled and celebrated on the Talk Justice website. The purpose of this project is to ensure that the work that is already happening in Nova Scotia is being rightfully acknowledges and celebrated. We also hope to encourage others to think of innovative ways to improve access to justice in their own communities.

**SenseMaker**

Ongoing consultation with Ms. Willwerth of the Barristers’ Society and Ray MacNeil at CLARI have taken place over the past several months, in order to assess and improve the #TalkJustice survey as we continue to evolve and grow into the next phase of the project. As a team, we have reviewed the data that has been collected to date, including the previously completed analysis, and scanned for any trends that indicate issues in the collection methods. We have submitted changes to Mr. MacNeil which include rewording of some of the questions to capture a larger audience, clarifying some of the triads and dyads, and improving the way that demographic information is collected. While these changes are being made, the current survey will remain live at talkjustice.ca. We are continuing to analyze the existing data in new ways, as to maintain a feedback loop with stakeholders, service providers and community members.

**Project Plan: Community Assessment**

In an effort to understand the distinct issues that impact those living in rural Nova Scotia, we have initiated the next phase of the community engagement strategy of #TalkJustice with a rural focus. In order to understand the ways in which marginalized communities are experiencing justice, we have met with service providers and organizations operating in Bridgewater, including the Senior Safety Coordinators, the Better Together Family Resource Center and Be the Peace Institute. In these discussions we have conducted a needs and assets assessment in order to understand the challenges, barriers and strengths of the people who utilize their services, keeping track of themes and trends that are emerging. Next steps include focus groups with service users, presentations to service providers and justice stakeholders and community engagement workshops with community members and organizations. This outreach work is allowing us to establish relationships with stakeholders in rural Nova Scotia, initiate community participation in #TalkJustice and promote leadership from within the community while we determine community needs, values and concerns.

**Upcoming Project**

**#TalkJustice Docuseries**

This project is designed and coordinated by community consultant LaMeia Reddick in concert with the Talk Justice team. It will be designed as an engagement process that will work with justice system players, community and government to tell stories about the current realities of our justice system and the ways it affects the lives of Nova Scotians.
Notes for Item 2.5 – Presentations from the GEC and REC
Notes for Item 2.6 – Student Presentations & Question Period
MEMORANDUM TO COUNCIL

From: Sean Walker, Director, Finance & Administration

Date: January 18, 2019

Subject: Trust Account Regulations Working Group Update

This memo is to provide Council with an update on the work of the Trust Account Regulations Working Group (TARWG). The Working Group was formed in August and has met six (6) times so far to discuss and make recommendations for improvements to the Regulations dealing with Trust Accounts and to the Trust Account Assurance program itself. Peter Duggan, CPA, CGA and Deanna Severeys, CPA, CA two senior firm administrators in metro Halifax, chair the Group. There are five to six NSBS staff involved and eight volunteers from the legal and accounting community.

The Working Group has provided a number of recommendations for amendments to the Regulations under the Legal Profession Act for Council’s consideration. Additional meetings and work are expected for the coming year and there may be a request to Council to add additional members to the Working Group in the near future. The Society has received the “Final Report on the Model Rules” (dated October 1, 2018) from the Federation of Law Societies of Canada’s Anti-Money Laundering and Terrorist Finance Working Group. The Working Group is planning to use this report in the new year for consultations with lawyers and may use the same timing to look for additional members for the group.

The Finance Committee Task Force has made some recommendations around Trust Account fees for new accounts and the trust account assessments. These recommendations will also require amendments to the Regulations as well and will be part of a larger financial package of recommendations for Council’s February 2019 meeting.

The group approved the minor revisions to the Trust Account Report (TAR), Accountants’ Report on the Trust Account Report (ARTAR) and the Minimum Procedures for Accountants when completing the ARTAR. These have all been put in place for the Trust period ending December 31, 2018.

Regulation Amendments:

Reporting and addressing errors (Reg’s 10.6.3, 10.6.4 and 10.6.5 ) (see Appendix A)
The goal with the proposed revisions to the applicable sections is to reduce the burden on lawyers regarding the frequency and scope of what items (trust account errors, overdrafts, etc.) need to be reported to the Executive Director.

Currently lawyers are required to report all overdrafts immediately and there isn’t a prescribed method for reporting. The Working Group is recommending the use of a prescribed shortages form (Appendix B). All errors that result in shortages will need to be reported on the annual Trust Account Report, however certain shortages will not be required to be reported immediately. (see Appendix B):
These types of shortages/errors include:
- Overdrafts of less than $50
- Overdrafts less than $2,500, presuming they have been corrected within seven (7) days

Per regulation 10.6.4, all shortages need to be reported on the TAR regardless if the shortages form was used. To save time, the lawyer can simply make a reference to the form that was previously submitted through 10.6.3 (instead of re-typing out the details)

**Regulation Amendments for the follow areas (see Appendix C):**

**Trust Account Applications and Assessments (Reg’s 4.10.2 – 4.10.4)**
- These regulations have been revised to allow non-practising lawyers to apply for a trust account, take the trust account assessment and perform the steps to open the trust bank account in advance of starting their practice.
- It may take some time for a lawyer to set up a new office and these revisions allow them to put pieces in place before they begin seeing clients as a practising lawyer.

**Requirements for operating a trust account (Reg 4.10.2.1 (b))**
- Revised to require a Licensed Public Accountant (same requirement as the ARTAR) to confirm that the practicing lawyer or law firm has an adequate accounting system in place to operate their trust accounts.

We are also considering permitting lawyers (for a small fee) to request the Society’s Trust Auditor review and confirm whether the lawyer’s systems are adequate. This idea will be discussed with the Finance Committee Task Force.

**Trust account Signing authority (Reg’s 4.10.4.1 – 4.10.4.2 and 10.3.5.1)**
- (Effective January 1, 2019) Revised to require that all lawyers must complete the trust account assessment before they are permitted to be added as a signatory to a trust account.
- Any lawyers already signatories on trust accounts as of December 31, 2018 will not be required to retro-actively meet the requirement of completing the trust account assessment.

- There will be an education and communication piece required for this item as many firms change their partnership structures in January each year. Council will not approve these changes until January 18th, therefore, a grace period (up to one month) will have to be given to any lawyer named a signatory between January 1st and when the amendments are put in place.
- We are also recommending that administrative/financial staff who will be handling trust account financial matters at firms complete the trust account assessment to help ensure that all individuals involved have a demonstrable knowledge of how to operate the account.

**Finance Committee Task Force – Items for February Council meeting:**
- These items will be presented as part of a larger financial package in February, however, it may be appropriate for Council to consider them when reviewing the proposed amendments included with this package. These items are being considered as the Task Force looks at
allocating costs to lawyers/members who use different services of the Society, the TARWG has reviewed and approved the items below.

**Trust Accounts Assessments**
- Currently there are no costs to lawyers to take the trust account assessment (exam), which is required before a lawyer can operate a trust account. There are approximately 10-15 Assessments per year, which require a significant amount of review and follow-up work by staff. We are proposing in order to offset some of the costs, a fee of $200 (plus HST) be paid by lawyers or firm administrators to take the assessment.

**Opening Trust Bank Account Fee**
- Each time a lawyer adds a Trust Bank Account they are required to notify the Society, this occurs about 25 times per year. This information has to be verified and recorded in our systems. We are proposing a $50 fee to cover the Society’s costs to validate and record the Account info. However, this would not be applicable to Service Nova Scotia or Specific Trust Accounts.

**Other Items Discussed and outcome:**
- On-line banking – it was felt that our current regulations have the adequate terminology to allow lawyers some flexibility in the ways in which they perform banking transactions with appropriate controls and approvals in place. This included the use of electronic email transfers and the concerns that the banks had around them.
  
  The group met with representatives from two major banks and were provided with information on the potential future developments in banking in Canada.

- Electronic (E) Currencies (Bitcoin, etc.) – the working group felt that the definition of “Trust Property” in the Regulations was sufficient and therefore, until the use of E-currencies expands the Society will leave the Regulations as is.

  “1.1.1 (dd) (i) any property of value belonging to a client, other than trust money, received by a practising lawyer in trust, or to be held on behalf of or at the direction or order of a client, or another person;”

- The Society has received the “Final Report on the Model Rules” (dated October 1, 2018) from the Federation of Law Societies of Canada’s Anti-Money Laundering and Terrorist Finance Working Group. The report has sections, which will impact the Societies rules and regulations related to:
  
  o No Cash Model Rule (i.e. $7,500 cash rule)
  o Client Identification and Verification Rule
  o Trust Account Model Rule (including the Representative Capacity rules)

  The Society is planning to consult with lawyers in early 2019 on the implementation of the new rules. This may also be a time in which the group seeks expressions of interests for others to join the Working Group.
Dual signatures/approval on trust account withdrawals (cheques) – The working group has spent significant time discussing the requirement for dual authorization on withdrawals from trust accounts. It is recognized as a best practice, however, the group is exploring whether there are situations where only a single signature may be permitted. The most significant questions revolve around small firms with a single owner/partner and associates who work at the firm and what arrangements are reasonable for oversight of trust accounts.

The Finance Committee Task Force and the TARWG are also exploring various options relating to the Accountants’ Report on the Trust Account Report. We are discussing potential options for waivers of the Accountants’ Reports and what mitigating work could be performed by the Society (Trust Assurance Auditor) to ensure at least a minimum level of review is performed and comfort that controls are in place. This may include a waiver fee paid by lawyers to cover the cost of the Auditor’s work.
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<th>Existing Regulation</th>
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<td><strong>10.6 Reporting and addressing errors</strong></td>
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<td>10.6.1 A practising lawyer or law firm must maintain sufficient balances on deposit in trust to meet the practising lawyer’s or law firm’s obligations with respect to money held in trust for clients, and all shortages must be restored immediately by the practising lawyer or law firm.</td>
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<td>10.6.2 A practising lawyer or law firm must correct any errors in a trust account without delay.</td>
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<td><strong>Reporting and Explaining Overdrafts</strong></td>
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<td>10.6.3 A practising lawyer or law firm must immediately report to the Executive Director any overdrafts in the practising lawyer’s or law firm’s trust account, which report is to include a full explanation for how the overdraft occurred and the practising lawyer’s or law firm’s actions to correct it.</td>
<td>10.6.3 Unless the overdraft is less than $50, a practising lawyer or law firm must, in the prescribed form, immediately report to the Executive Director any overdrafts in the practising lawyer’s or law firm’s trust account, including any relevant information regarding the reason for the overdraft if (a) the overdraft was not corrected within 7 days of the time the shortage arose; or (b) the overdraft is an amount greater than $2,500, regardless of when it occurred.</td>
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<td>10.6.4 A transaction which creates an overdraft in a trust account is not a violation of these Regulations and does not have to be reported if</td>
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<td>the transaction which caused the overdraft resulted from: (a) a debit memo for financial institution charges or service charges; (b) an error on the part of a financial institution; (c) a delay by a financial institution in posting a cheque deposited to the account; or (d) an error on the part of Service Nova Scotia; provided the practising lawyer or law firm, within three days of notification of the error, deposits sufficient money in the trust account to offset the shortage.</td>
<td>which report is to include a full explanation for how the overdraft occurred and the practising lawyer’s or law firm’s actions to correct it. <strong>Overdrafts Resulting from Errors</strong> 10.6.4 A transaction which creates an overdraft in a trust account is not a violation of these Regulations and does not have to be reported if the transaction which caused the overdraft resulted from: (a) a debit memo for financial institution charges or service charges; (b) an error on the part of a financial institution; (c) a delay by a financial institution in posting a cheque deposited to the account; or (d) an error on the part of Service Nova Scotia; provided the practising lawyer or law firm, within three days of notification of the error, deposits sufficient money in the trust account to offset the shortage.</td>
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<td>10.6.4 Notwithstanding subregulation 10.6.3(a), any overdraft of less than $50 does not have to be reported immediately to the Executive Director.</td>
<td>10.6.4 All overdrafts, regardless of dollar value or prior report pursuant to subregulation 10.6.3, must be reported on the practising lawyer or law firm’s annual trust account report filed pursuant to Regulation 4.11.</td>
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<td>10.6.5 A practicing lawyer or law firm is required to immediately report to the Executive Director any theft of money by any</td>
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<td>NEW (Law Society of Alberta)</td>
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<td>person from the practicing lawyer’s or law firm’s trust accounts or general accounts.</td>
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Trust Account and Client Ledger Shortages
Regulation 10.6 Reporting and addressing errors

Instructions

A practising lawyer or law firm must maintain sufficient balances on deposit in trust to meet the practising lawyer’s or law firm’s obligations with respect to money held in trust for clients, and all shortages must be restored immediately by the practising lawyer or law firm.

A practising lawyer or law firm must immediately report to the Executive Director any overdrafts in the practising lawyer’s or law firm’s trust account, including any relevant information regarding the reason for the overdraft if

(a) the overdraft was not corrected within 7 days of the time the shortage arose; or

(b) the overdraft is an amount greater than $2500, regardless of when it occurred.

Please use this form to report any overdrafts to the Executive Director. Email the form to TrustAccounts@nsbs.org. We do not require the original.

Any overdraft of less than $50 does not have to be reported immediately to the Executive Director but must be reported on the practising lawyer or law firm’s annual trust account report filed pursuant to Regulation 4.11. Furthermore, please note that a practising lawyer or law firm is required to immediately report to the Executive Director any theft of money by any person from the practising lawyer’s or law firm’s trust accounts or general accounts.

SECTION A – LAW FIRM INFORMATION

1. Law firm name: ____________________________

2. Firm/member number: ____________________________

3. Lawyer responsible for file: ____________________________

SECTION B – FILE INFORMATION (if shortage is attributable to a client file)

1. File number: ____________________________

2. Name of client: ____________________________
Nova Scotia Barristers’ Society
Trust Account and Client Ledger Shortages

SECTION C – FILE INFORMATION (if shortage is attributable to a client file)

1. Date Discovered (mm/dd/yyyy) Date Occurred (mm/dd/yyyy) Date Corrected (mm/dd/yyyy) Amount Reason (Select one of the following)

2. Please provide further explanation:

3. Please attach the client ledger card (if applicable) and at least one of the following supporting documents as proof of correction:
   - Bank stamped deposit slip or transaction details from online bank printout
   - Bank statement
   - Copy of the cheque

SECTION D – LAWYER CERTIFICATION

I, __________________________, certify that the foregoing information is complete and correct to the best of my knowledge.

Date (mm/dd/yyyy) Practising Lawyer
### Existing Regulation

**Designated Lawyer’s obligations**

4.7.3 The Designated Lawyer:
- must submit on behalf of the law firm the self-assessment tool as required by Regulation 4.9;
- must use reasonable efforts to provide complete and accurate information when submitting the self-assessment, but by submitting the form is not personally responsible for the firm’s obligations;
- will receive communications from the Society;
- must ensure that the law firm maintains foundation documents as required by Part 8 of these Regulations;
- will receive communications from the Association relating to claims; and
- must submit the Annual Firm Report, including, if applicable, the Trust Account Report, as required by Regulation 4.11.

**Application**

4.10.2 A practicing lawyer or law firm may apply to the Executive Director to operate a general trust account.

### Proposed Regulation

**Designated Lawyer’s obligations**

4.7.3 The Designated Lawyer:
- must submit on behalf of the law firm the self-assessment tool as required by Regulation 4.9;
- must use reasonable efforts to provide complete and accurate information when submitting the self-assessment, but by submitting the form is not personally responsible for the firm’s obligations;
- must complete the Trust Account Assessment pursuant to subregulation 4.10.2.1, if applicable;
- will receive communications from the Society;
- must ensure that the law firm maintains foundation documents as required by Part 8 of these Regulations;
- will receive communications from the Association relating to claims; and
- must submit the Annual Firm Report, including, if applicable, the Trust Account Report, as required by Regulation 4.11.

**Application**

4.10.2 A practicing lawyer or law firm may apply to the Executive Director to operate a general trust account.

### Rationale

- New Section added for requirement for assessment.

Non-practising lawyers may apply to open a trust account prior to having their application to change category to practising approved. However, may not operate the account until approved and have practising status in place (4.10.2.1(d)).
<table>
<thead>
<tr>
<th>Existing Regulation</th>
<th>Proposed Regulation</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requirements for operating a trust account</strong>&lt;br&gt;4.10.3 Prior to operating a general trust account, a lawyer or law firm through its Designated Lawyer, must:&lt;br&gt;(a) successfully complete a Trust Account Assessment, prescribed by the Executive Director, that demonstrates familiarity with Part 10 of the Regulations and an ability to operate a general trust account and maintain proper accounting records in compliance with those Regulations;&lt;br&gt;(b) provide a certificate in the prescribed form from a chartered professional accountant, confirming that the practicing lawyer or law firm has in place a trust accounting system that will enable compliance with Part 10 of the Regulations;&lt;br&gt;(c) confirm that appropriate arrangements, in writing, have been made with the financial</td>
<td><strong>Requirements for operating a trust account</strong>&lt;br&gt;4.10.3 Prior to operating a general trust account, a lawyer or law firm through its Designated Lawyer, must:&lt;br&gt;(a) successfully complete a Trust Account Assessment as required by subregulation 4.10.2.1, prescribed by the Executive Director, that demonstrates familiarity with Part 10 of the Regulations and an ability to operate a general trust account and maintain proper accounting records in compliance with those Regulations;&lt;br&gt;(b) provide a certificate in the prescribed form from a chartered licensed professional accountant, confirming that the practicing lawyer or law firm has in place a trust accounting system that will enable compliance with Part 10 of the Regulations;&lt;br&gt;(c) confirm that appropriate arrangements, in writing, have been made with the financial</td>
<td>Non-practising lawyers may take the trust account assessment prior to having their application to change category to practising approved.</td>
</tr>
</tbody>
</table>

Replaced by 4.10.2.1

Revised to LPA to be consistent with the level of designation and experience required by accountants to complete the Accountants’ Review of the Trust Account Report (ARTAR) annually
<table>
<thead>
<tr>
<th><strong>Existing Regulation</strong></th>
<th><strong>Proposed Regulation</strong></th>
<th><strong>Rationale</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>institution to comply with the requirements of Section 30 of the Act; and (d) meet such other requirements as may be prescribed by Council.</td>
<td>institution to comply with the requirements of Section 30 of the Act; and (d) in the case of a lawyer, hold a practicing certificate; and (d) meet such other requirements as may be prescribed by Council.</td>
<td>Only a practicing lawyer or law firm may operate a TA</td>
</tr>
<tr>
<td><strong>Executive Director may approve 4.10.4</strong> When the requirements of subregulation 4.10.3 have been met, the Executive Director must approve a practicing lawyer or law firm to operate a general trust account.</td>
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<td></td>
</tr>
<tr>
<td><strong>Signing authority</strong> 4.10.4.1 After January 1, 2019, any practicing lawyer who has not previously operated a trust account or has not operated a trust account in the last three years, must successfully complete the trust account assessment before they are permitted to be added as a signatory to a trust account. 4.10.4.2 Any employee of the practicing lawyer or law firm who has signing authority or other direct involvement in the operation of a trust account should successfully complete the trust account assessment.</td>
<td></td>
<td>All lawyers and law firm staff who have responsibility for the operation of a trust account should have a demonstrable knowledge of how to operate the account.</td>
</tr>
<tr>
<td><strong>Trust account closure</strong> 4.10.5 Upon the closing of a general trust account the practicing lawyer or law firm must immediately give written notice to the Executive Director and provide (a) confirmation that the account has been closed; and (b) if applicable, confirmation that the Law Foundation has been advised of the trust account closure.</td>
<td><strong>Trust account closure</strong> 4.10.5 Upon the closing of a general trust account the practicing lawyer or law firm must immediately give written notice to the Executive Director and provide (a) confirmation that the account has been closed; and</td>
<td></td>
</tr>
</tbody>
</table>

| **Trust account closure** 4.10.5 Upon the closing of a general trust account the practicing lawyer or law firm must immediately give written notice to the Executive Director and provide (a) confirmation that the account has been closed; and (b) if applicable, confirmation that the Law Foundation has been advised of the trust account closure. | | |

<p>| <strong>Signing authority</strong> 4.10.4.1 After January 1, 2019, any practicing lawyer who has not previously operated a trust account or has not operated a trust account in the last three years, must successfully complete the trust account assessment before they are permitted to be added as a signatory to a trust account. 4.10.4.2 Any employee of the practicing lawyer or law firm who has signing authority or other direct involvement in the operation of a trust account should successfully complete the trust account assessment. | | All lawyers and law firm staff who have responsibility for the operation of a trust account should have a demonstrable knowledge of how to operate the account. |</p>
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<th><strong>Rationale</strong></th>
</tr>
</thead>
</table>
| **Final trust account report**  
4.10.6 The practicing lawyer or law firm must file a final trust account report in compliance with subregulations 4.11.2 and 4.11.4, unless the Executive Director waives the requirement. | (b) if applicable, confirmation that the Law Foundation has been advised of the trust account closure.  
**Final trust account report**  
4.10.6 The practicing lawyer or law firm must file a final trust account report in compliance with subregulations 4.11.2 and 4.11.4, unless the Executive Director waives the requirement. | **The Society wants to encourage all lawyers to have training in the operation of a trust account if they have responsibility for it.** |
| **Requirements for all Withdrawals**  
10.3.5 Any withdrawal of funds from a trust account must  
(a) be made to a named payee;  
(b) be made by two persons, at least one of whom must be a practising lawyer;  
(c) identify the trust account from which the funds are withdrawn and the date on which the funds are withdrawn;  
(d) not be released or effected until the practising lawyer or law firm is in possession of sufficient funds for the credit of the client on whose behalf the withdrawal is made; and  
(e) not be released or effected until the practising lawyer has sufficient knowledge of the withdrawal to ensure that the client’s interests are protected. | **Requirements for all Withdrawals**  
10.3.5 Any withdrawal of funds from a trust account must  
(a) be made to a named payee;  
(b) be made by two persons, at least one of whom must be a practising lawyer who has received approval to operate a trust account pursuant to subregulation 4.10.4;  
(c) identify the trust account from which the funds are withdrawn and the date on which the funds are withdrawn;  
(d) not be released or effected until the practising lawyer or law firm is in possession of sufficient funds for the credit of the client on whose behalf the withdrawal is made; and  
(e) not be released or effected until the practising lawyer has sufficient knowledge of the withdrawal to ensure that the client’s interests are protected.  
10.3.5.1 Notwithstanding subregulation 10.3.5(b), all practising lawyers who have signing authority on a trust account as of December 31, 2018 may continue as signatories even if they have not received approval pursuant to subregulation 4.10.4. | **This permits lawyers who have operated trust accounts prior to the requirement to take the trust account assessment to continue to have signing authority.** |
MEMORANDUM TO COUNCIL

From: Frank E. DeMont, QC
Date: January 18, 2019
Subject: Report on Name Change Consultation

The request for feedback relating to the name change proposal was open from December 11, 2018, until January 4, 2019. We received a total of 145 responses. There were 88 in favour of change generally and 51 were, for one reason or another, opposed. 6 were “on the fence.”

Those in favour were typically of the view that it is time for a change to “modernize” our name, or of the view that “solicitors” are part of what we are too.

Those opposed were of several views – tradition is important; it is a waste of money, or time (or both), and there are much more important things for the NSBS to be thinking about. One comment was “On my list of 1000 concerns, this would rank 1001.” There was a pretty clear “why bother, why spend the money” theme among those opposed.

Some suggested other names: Nova Scotia Law Society or variants of those four words.

Some concern was expressed about the use of the acronym LSNS as it is too close to LISNS, and also, apparently, is the acronym of a Neo-Nazi party in Slovakia.

I received an official request from AJEFNE that it is time to add the French name officially to our name. This was actively supported by members of AJEFNE. The request for consideration is to name the Society “The Law Society of Nova Scotia/ Le Barreau de la Nouvelle-Ecosse.”

Many offered their thanks for being consulted and suggested that this consultation process was easy. I note that of the approximately 2000 members only 145 replied, only 7.25%. I believe there were only two Council Members who replied.
There were a few responses that recognized that we would not be updating meaningfully if we simply did what everyone in Canada had done. They were of the view that we should really tell the public what we do. Those replies suggested “Legal Services Regulator of Nova Scotia” or other variants of that theme. There were an equal number of members of the opinion that we “surely don’t want to be called ‘legal services regulator’, which is what we really do.”

Most that commented thought the fact that Ontario has changed its name is a good reason for us not to follow suit.

The result, 61% in favour of a name change, and 35% opposed, gives us a majority to move forward, but not a particularly strong mandate at 60% and given the low response rate.

One message from the membership was to consider the cost. One member said “$0.01 is too much.”

I therefore recommend that we only move forward if it is not expensive and provided it is included in the legislative package with our other amendments. In other words, I would not recommend for a single purpose legislative initiative to change only the name within the Legal Profession Act.

I would suggest that this report (and the actual responses if desired) be provided to Council for consideration and direction.
Notes for Item 3.3 – 2019 Council Elections
Notes for Item 3.4 – February Council Meeting and Strategic Planning Sessions
Notes for Item 3.5 – Assigning work in the Activity Plan to Committees
MEMORANDUM TO COUNCIL

From: Tilly Pillay, QC

Date: January 11, 2019

Subject: NSBS Appointments to External Bodies – Proposed Process

At our last meeting we discussed the need to put in place a process for the appointment of NSBS representatives to external bodies, including the Court Liaison Committees. This arises out of Council Policy 18, paragraph 18.26, which implies that some appointments can be made by the Executive Director while others need Council approval. It is clear, under this Policy, that the Executive Director is to consult with the Governance and Nominating Committee. It is not clear in what circumstances that is to happen. So, here is what I propose to put before Council for approval to ensure clarity of roles and consistency of approach.

I propose that the Executive Director have no authority to appoint NSBS members to external bodies. Everything should go through the Governance and Nominating Committee.

When there is a vacancy on an external body committee (including a Court Liaison Committee), the Executive Director will advise the Governance and Nominating Committee of the vacancy. The Governance and Nominating Committee will then determine how to proceed with appointing a NSBS representative to that external body. The Governance and Nominating Committee may:

- decide to appoint an individual because their name has been put forward by the requesting external body; or
- seek to fill the vacancy from current applications that they have on file; or
- seek to fill the vacancy through an expression of interest process;
or some other process that GNC determines is appropriate

In all instances, it will be the decision of the Governance and Nominating Committee to decide how to proceed to fill that vacancy.

For those appointments that require Council approval, the Governance and Nominating Committee will provide a recommended candidate for Council’s approval, as in the ordinary course of business.

It is also recommended that paragraph 18.26 be amended to reflect this new process, should Council approve it.

Sub-paragraph 18.26.5 should be updated to reflect the current list of Court Liaison Committees and external bodies that may seek appointments. It should also be updated to reflect which appointments require Council approval. The current list is not accurate.

Should Council approve this process and the changes to Council Policy 18, the matter can be referred to the Governance and Nominating Committee for follow-up and implementation as it is within their Terms of Reference.
INTRODUCTION
The Activity Plan for 2019 outlines those activities that Council has mandated to address the initiatives approved in the Strategic Framework. Council will also monitor certain activities assigned to the Executive Director. Council Committees will carry on with their work under their Terms of Reference and work plans approved by Council.

### STRATEGIC DIRECTION 1 – REGULATION AND GOVERNANCE

#### PRIORITY 1. Implementation of Legal Services Regulation and Legal Services Support

<table>
<thead>
<tr>
<th>Outcomes:</th>
<th>TIMELINE</th>
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</thead>
<tbody>
<tr>
<td>• MSELP Rollout is complete and all firms are on a three-year cycle;</td>
<td>January –</td>
</tr>
<tr>
<td>• Legal Services Support team is established and has processes and protocols to address membership needs;</td>
<td>February - LSS Status Update to Council</td>
</tr>
<tr>
<td>• Amendments to Legal Profession Act are passed and Regulations to support these amendments are adopted by Council;</td>
<td>March –</td>
</tr>
<tr>
<td>• Succession Planning – resources, templates and education in place to assist lawyers in creating and implementing succession plans, as well as a checklist and guidelines for file retention and destruction.</td>
<td>April -</td>
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<tr>
<td></td>
<td>May – LSS Status Update to Council</td>
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<tr>
<td></td>
<td>June –</td>
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<td></td>
<td>July/August –</td>
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<td>September –</td>
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<td>October -</td>
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<td>November –</td>
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<td></td>
<td>December –</td>
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</tbody>
</table>
### PRIORITY 2. Restorative Processes and Approaches

**Outcome:**
- An understanding of restorative approaches and when and how to use them in the Organization, at Council and later with committees.

**TIMELINE**
- January –
- February –
- March –
- April
- May – Update to Council on Restorative Approaches
- June –
- July/August –
- September –
- October –
- November –
- December –

### PRIORITY 3. Regulatory Risk

**Outcomes:**
- Participate in additional education session(s) around Regulatory Risk;
- Use preliminary risk information to inform Council’s strategic planning and decision making on priorities;
- Consider Regulatory Risks when working with Committees to ensure risks are addressed in work plans and projects.

**TIMELINE**
- January –
- February –
- March – Education Session on Regulatory Risk and Outcomes Measurement
- April –
- May –
- June –
- July/August –
- September –
- October –
- November –
- December –
## PRIORITY 4. Outcomes Measurement

<table>
<thead>
<tr>
<th>Outcomes:</th>
<th>TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Participate in additional education session(s) on Outcomes Measurement;</td>
<td>January –</td>
</tr>
<tr>
<td>• Use an outcomes measurement lens when performing strategic planning with a goal of building goals and objectives that can be measured;</td>
<td>February – Committee Chairs to attend Council Meeting</td>
</tr>
<tr>
<td>• Consider outcomes measurement when working with Committees to help ensure work plans and projects have clearly defined outcomes and goals.</td>
<td>March – Education Session on Regulatory Risk and Outcomes Measurement</td>
</tr>
<tr>
<td></td>
<td>April --</td>
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<tr>
<td></td>
<td>May – Part of Strategic Planning process</td>
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<td></td>
<td>June</td>
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<td></td>
<td>July/August</td>
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<td>September –</td>
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<td>October –</td>
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<td>November –</td>
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<td>December –</td>
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</tbody>
</table>

## PRIORITY 5. Modernize Trust Account Requirements

<table>
<thead>
<tr>
<th>Outcome:</th>
<th>TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A Trust Assurance Program and Regulations are in place that reflect the Society’s Triple-P approach.</td>
<td>January – Trust Account Regulation Working Group (TARGW) report to Council with initial set of recommended amendments to the Regulations</td>
</tr>
<tr>
<td></td>
<td>February –</td>
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<tr>
<td></td>
<td>March –</td>
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<tr>
<td></td>
<td>April –</td>
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<td></td>
<td>May – Trust Account Assurance Monitoring Report to Council and TARWG – Status Update to Council (1)</td>
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<td>June –</td>
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<td></td>
<td>July -</td>
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<td>August – TARWG – Status Update to Council (2)</td>
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<td>September –</td>
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<td></td>
<td>October –</td>
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<tr>
<td></td>
<td>November – TARWG – Status Update to Council (3)</td>
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<tr>
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<td>December –</td>
</tr>
</tbody>
</table>
## STRATEGIC DIRECTION 2 – ADMINISTRATION OF JUSTICE

### PRIORITY 1. Promote Access to Legal Services

**Outcomes:**
- Consider recommendations from the Code of Professional Conduct Committee respecting making regulatory and Code of Conduct provisions for permitting MDPs in Nova Scotia;
- Amend Regulations and processes to create possibilities for innovative legal practices.

**TIMELINE**
- January – Recommendations to Council on MDPs from CPCC
- February - Recommendations to Council on MDPs from CPCC
- March –
- April –
- May –
- June –
- July/August –
- September –
- October –
- November –
- December –

### PRIORITY 2. Promote Substantive Equality and Freedom from Discrimination in Delivery of Legal Services and the Justice System

**Outcome:**
- Develop relevant tools and resources to increase staff, Council, committees and membership capacity to apply an equity (culturally competent, trauma informed) lens to all Society work.

**TIMELINE**
- January - Education Session on Applying an Equity Lens
- February –
- March – E&A Monitoring Report to Council
- April –
- May – E&A Status Update to Council
- June –
- July/August –
- September –
- October –
- November –
- December --
### PRIORITY 3. Engage with Justice Sector Players and Equity-Seeking Communities to Enhance Access to Legal Services and the Justice System

**Outcomes:**
- #TalkJustice project; identify ways for Council to use #TalkJustice data in its work;
- Enhance and build meaningful engagement with communities whose legal needs and concerns fall outside the mandates of the Gender Equity Committee and Racial Equity Committee.

**TIMELINE**
- January – Update on status of #TalkJustice; Council meeting at Schulich School of Law
- February --
- March –
- April –
- May – Council meeting in the community
- June –
- July/August –
- September –
- October –
- November –
- December –

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### PRIORITY 4. TRC

**Outcomes:**
- Education and materials developed reflect a response to Call to Action #27;
- Provide prompt, substantive support to the TRC Working Group and the Racial Equity Committees as each of these bodies completes their own TRC work.

**TIMELINE**
- January – TRC WG update
- February
- March –
- April –
- May –
- June –
- July/August –
- September –
- October –
- November –
- December –
### PRIORITY 5. Promote Equity, Diversity and Inclusion in the Legal Profession

**Outcome:**
- Council will leverage its education, experience and networks to promote equity, diversity and inclusion in the legal profession.

**TIMELINE**
- January – Engage with diverse communities and members to encourage applications for council elections
- February
- March – Dara Gordon event
- April –
- May – Review of questions for Annual Lawyer Report
- June –
- July/August –
- September –
- October –
- November –
- December –
<table>
<thead>
<tr>
<th>JULY</th>
<th>AUGUST</th>
<th>SEPTEMBER</th>
<th>OCTOBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Meeting – July 20</td>
<td>No Council meeting</td>
<td>Council Meeting – September 21 in Millbrook First Nation</td>
<td>No Council Meeting</td>
</tr>
<tr>
<td><strong>Big Issue: Equity &amp; Access – Introduction to Year Ahead</strong></td>
<td></td>
<td><strong>Big Issue: EDI &amp; TRC</strong></td>
<td><strong>Other Activities</strong></td>
</tr>
<tr>
<td>• Credentials Monitoring Report</td>
<td></td>
<td>• LIANS Report to Council</td>
<td>• Notice x2 re 2nd VP out to membership</td>
</tr>
<tr>
<td>• DSA Recipient Announced</td>
<td></td>
<td>• Report on 2018 Annual Lawyer Report</td>
<td>• FLSC Conference – Charlottetown, PEI, October 17-20</td>
</tr>
<tr>
<td>• Introduction to Regulatory Risk</td>
<td></td>
<td>• Process and timing for Committee Reports</td>
<td>• Call to the Bar – October 19</td>
</tr>
<tr>
<td>• Council composition discussion</td>
<td></td>
<td>• Introduction to Restorative Approaches</td>
<td></td>
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<tr>
<td><strong>Other Activities</strong></td>
<td></td>
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<td></td>
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<tr>
<td>• Combined CIC and Credentials Committee Professional Development Workshop – July 19</td>
<td></td>
<td>• Wickwire Memorial Lecture @ Schulich School of Law – September 21</td>
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<tr>
<td>• Rhyno Hearing – July 3-23</td>
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<td><strong>Other Activities</strong></td>
<td></td>
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<tr>
<td>• Pride Workshop – July 26</td>
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<td>• Recognition Reception – November 23</td>
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<tr>
<td>• Pride Reception – July 26</td>
<td></td>
<td>• Hearing Committee Training – November 19-20</td>
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<tr>
<td>• Meeting between REC, GEC and Executive – July 27</td>
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<td><strong>Other Activities</strong></td>
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<tr>
<td><strong>NOVEMBER</strong></td>
<td></td>
<td><strong>Other Activities</strong></td>
<td></td>
</tr>
<tr>
<td>Council Meeting – November 23</td>
<td></td>
<td>• Committee terms for 2019-2021 begin</td>
<td><strong>Other Activities</strong></td>
</tr>
<tr>
<td><strong>Big Issue: Next Steps for LSS</strong></td>
<td></td>
<td>• GNC interviews for 2nd VP (early January)</td>
<td>• Nominations for district elections close</td>
</tr>
<tr>
<td>• Approval of Committee appointments</td>
<td></td>
<td><strong>FEBRUARY</strong></td>
<td></td>
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<tr>
<td>• Introduction of 2019 Activity Plan</td>
<td></td>
<td>Council Meeting – February 15</td>
<td></td>
</tr>
<tr>
<td>• Introduction to Outcomes Measurement/Update on Regulatory Risk</td>
<td></td>
<td><strong>Big Issue: LSS Status Update</strong></td>
<td></td>
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<tr>
<td><strong>Other Activities</strong></td>
<td></td>
<td>• Committee Chairs invited to attend Council meeting</td>
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<tr>
<td>• Recognition Reception – November 23</td>
<td></td>
<td>• Introduction to CPLED</td>
<td></td>
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<tr>
<td>• Hearing Committee Training – November 19-20</td>
<td></td>
<td>• High level introduction of budget</td>
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<tr>
<td><strong>Other Activities</strong></td>
<td></td>
<td>• CPCC Report – Recommendations re MDPs</td>
<td></td>
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<tr>
<td><strong>DECEMBER</strong></td>
<td></td>
<td>• LFCC claims</td>
<td></td>
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<tr>
<td>Council Meeting – December 18</td>
<td></td>
<td>• Elections check-in</td>
<td></td>
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<tr>
<td><strong>Other Activities</strong></td>
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</tr>
<tr>
<td><strong>JANUARY</strong></td>
<td></td>
<td>• Nominations for district elections close</td>
<td></td>
</tr>
<tr>
<td>Council Meeting – January 18</td>
<td></td>
<td><strong>FEBRUARY</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Big Issue: E&amp;A Status Update</strong></td>
<td></td>
<td>Council Meeting – February 15</td>
<td></td>
</tr>
<tr>
<td>• Approval of 2019 Activity Plan</td>
<td></td>
<td><strong>Big Issue: LSS Status Update</strong></td>
<td></td>
</tr>
<tr>
<td>• Report from GNC re 2nd VP nominee</td>
<td></td>
<td>• Committee Chairs invited to attend Council meeting</td>
<td></td>
</tr>
<tr>
<td>• Trust Account Regulation WG (TARGW) report with initial set of recommended amendments to the Regulations</td>
<td></td>
<td>• Introduction to CPLED</td>
<td></td>
</tr>
<tr>
<td><strong>Other Activities</strong></td>
<td></td>
<td>• High level introduction of budget</td>
<td></td>
</tr>
<tr>
<td>• Committee terms for 2019-2021 begin</td>
<td></td>
<td>• CPCC Report – Recommendations re MDPs</td>
<td></td>
</tr>
<tr>
<td>• GNC interviews for 2nd VP (early January)</td>
<td></td>
<td>• LFCC claims</td>
<td></td>
</tr>
<tr>
<td><strong>FEBRUARY</strong></td>
<td></td>
<td>• Elections check-in</td>
<td></td>
</tr>
<tr>
<td>Council Meeting – February 15</td>
<td></td>
<td><strong>Other Activities</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Other Activities</strong></td>
<td></td>
<td>• Nominations for district elections close</td>
<td></td>
</tr>
</tbody>
</table>
## Council Year: July 2018 – June 2019

<table>
<thead>
<tr>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Council Meeting – March 15</strong>&lt;br&gt;<strong>Big Issue: Budget introduction/debate/preliminary approval</strong>&lt;br&gt;• LIANS Report to Council&lt;br&gt;• Equity &amp; Access Monitoring Report&lt;br&gt;• LFCC claims&lt;br&gt;• Committee work plans&lt;br&gt;• Education Session on Regulatory Risk (and/or Outcomes Measurement)&lt;br&gt;<strong>Other Activities</strong>&lt;br&gt;• 2nd VP Election – if required&lt;br&gt;• District Elections&lt;br&gt;• Call for At-Large Nominations&lt;br&gt;• Dara Gordon Event – Date TBD</td>
<td><strong>Council Meeting – April 26</strong>&lt;br&gt;<strong>Big Issue: Fee/Budget approval/LIANS Levy</strong>&lt;br&gt;• LFCC Claims&lt;br&gt;<strong>Other Activities</strong>&lt;br&gt;• Nominations for At-Large candidates close&lt;br&gt;• Election for At-Large Positions – if required&lt;br&gt;• Call to the Bar – April 26</td>
<td><strong>Council Meeting – May 17</strong>&lt;br&gt;<strong>Big Issue: LSS and E&amp;A Status Updates; Next Strategic Plan</strong>&lt;br&gt;• PR Monitoring Report&lt;br&gt;• Update on Restorative Approaches&lt;br&gt;• TA Monitoring Report and TARWG Status Update&lt;br&gt;• Draft Annual Lawyer Report presented&lt;br&gt;• LFCC claims&lt;br&gt;<strong>Other Activities</strong>&lt;br&gt;• Exit interviews for departing Council members&lt;br&gt;• Strategic Planning for Council May 9 – 10</td>
<td><strong>Council Orientation for New Council Members – June 14 (all day)</strong>&lt;br&gt;<strong>Other Activities</strong>&lt;br&gt;• Main Call to the Bar – June 7 @ Pier 21&lt;br&gt;• REC Event Honouring Articled Clerks from Racialized &amp; Indigenous Communities – June (Date TBD)&lt;br&gt;• Council Dinner – June 14&lt;br&gt;• Annual Meeting – June 15 @ Schulich School of Law&lt;br&gt;• Annual Lawyer Report filings due – June 30&lt;br&gt;• All Fees due – June 30</td>
</tr>
</tbody>
</table>

- Advertising and accepting of nominations for district elections begin
- Call to the Bar – January 11
- Minister’s Reception Honouring IB&M Law Students – January 16
- Council Dinner – June 14
- Annual Meeting – June 15 @ Schulich School of Law
- Annual Lawyer Report filings due – June 30
- All Fees due – June 30
MEMORANDUM TO COUNCIL

From: Frank E. DeMont QC, President
Date: January 12, 2019
Subject: President’s Report

Over the past two months the Society has been focused on a number of priority issues.

Our Executive

Jim has jumped right in. That takes some of the pressure off Carrie, Peggy and me, and we are grateful for that. We have been working on the Council Activity Plan and in particular trying to create the core of our plan to ensure that Council will have an excellent understanding of its work. This core is only the skeleton – it is up to Council to bring more detail and timing to the Activity Plan.

This plan is going to be somewhat in a state of flux as we are also scheduling our work to update the Society’s Strategic Plan. Andrew Norton of the Law Society of Alberta will be helping us. Andrew has a strong understanding of how Law Societies regulate and a strong background in strategic planning. We will be creating a small team to lead this work – let me know if you are interested in assisting in the pre-planning.

We will have the continuing Council members along with the outgoing and the incoming members at the Strategic Planning session. Please plan for two full days on May 9th and 10th.

Part of our Activity Plan and Strategic Plan work relates to how we get help from some of our committees. We want to integrate the Activity Plan with our Committee’s work plans. That is going to involve dialogue with our Committee Chairs – something we have planned for the February meeting. In January we will look at the Activity Plan and try to ensure it fits the bill.

MSEL P Rollout

Some of our membership has been involved in the first wave of MSEL P self-assessments. Notably, both your President and First Vice-President were included in the initial group of “guinea pigs” as someone referred to us. While not the ideal time (over the holiday and at year end) the first two SATs filed were, I believe, Carrie’s and mine.

We will have more requests going out and therefore more responses coming in the months to come. This year we will have 1/3 of all members file their SAT.

Council Elections
As you know, we will have Council elections in March and April of this year.

We have taken the great suggestion of one of our Governance and Nomination Committee members and written to the membership and to external groups looking to get the word out. Those letters will go out this week.

Thanks to the GNC, the REC, and the GEC members for prompt feedback on the draft letters.

This step is a great example of our Equity, Diversity and Inclusion strategy in operation.

Name Change Consultation

The report I prepared is in our package. The thing I want to bring to your attention is the number of participants that acknowledged that it was nice to be asked. It would seem that many are willing and interested in sharing their opinions. Maybe this informal consultation will inspire some to consider greater involvement.

We will build on that in an effort to get some more engagement from the membership.

Court Liaison Committees Task Force

Loretta is working hard on our Court Liaison Committee Review Task Force. Things are shaping up nicely and there has been strong interest from the committee’s memberships.

Annual Firm Reports and Trust Account Reports

Our request for Annual Firm Reports and Trust Account Reports have been sent. This is an important tool for overall risk assessment and mitigation.

What I have been doing…

After our last Council meeting Members of Council and I hosted the Recognition Reception.

I believe that Larry Evans, QC was quite touched to be recognized with our Distinguished Service Award.

It was a very well attended event. Guests of some of our honourees came from New Brunswick, Ontario, and Larry Evans’ daughter came from France as a surprise.

No doubt, Premier Buchanan and his family were thrilled at the recognition he received for his 60 years of service as a member of the Society. I received a nice card from his family just before Christmas.

Our executive received a few Christmas Party invitations, but due to weather and scheduling I was only able to attend one. I promised to try to attend any lobster parties regional Bars might host in the late spring.
MEMORANDUM TO COUNCIL

From: Tilly Pillay, QC
Date: January 18, 2019
Subject: Executive Director’s Report

Here are the highlights of what we have been working on since my last report to Council.

**STRATEGIC PLANNING**

With the Executive, we have started planning for how Council’s strategic planning process will unfold. We have asked Andrew Norton, Director of Information and Technology, to be our facilitator and to help us plan. Andrew is with the Law Society of Alberta and has experience in strategic planning as well as an understanding of the role of a legal regulator. He recently successfully facilitated a strategic planning session with the Law Society of Manitoba. We will be bringing information to Council and having discussions over the next few months at Council in preparation for the two-day strategic planning session scheduled for May 9 and 10. The draft Activity Plan that Council has been provided with for 2019 is part of the preparation for that discussion.

**INFORMATION TECHNOLOGY**

As you know, we have paid particular focus this year to technology upgrades and improvements which will enable us to conduct our business electronically. We have improved the member search function on our website and have received some positive feedback. We are developing electronic forms (e.g. articling documents) and improving our in-house database, IMIS, so we can share information across the organization more easily and effectively. As with all technology improvements, the process is rarely a smooth one. We have hit some glitches along the way and, hence, some delays. When there are further pieces of the project completed, I will let you know.

**UPDATE ON STAFFING**

January has already been a busy month. We have seen the arrival of our General Counsel, Bernadine MacAulay, and our new paralegal, Colleen Crowther (who comes to us with many years’ legal experience in a private law firm), and Collette Deschenes, our
Communications Advisor. We are really pleased to have such talented individuals join us and look forward to working with them. I look forward to introducing them to you in the coming weeks.

Sadly, we will be losing our Director of Finance and Administration, Sean Walker. He will be sorely missed (especially his charts!). We wish him every success in his new career and I will be forever grateful for his support and wisdom over the past year as I became acquainted with my new role.

UPCOMING COUNCIL ELECTIONS

With the support of the Governance and Nominating Committee, we are getting ready for Council Elections this winter/spring. GNC is focusing on what we can do better to try to engage the membership in the process, in actively promoting and supporting diversity candidates to consider running and in trying to ensure the At Large positions are being used to fill the gaps that may exist after the District Elections are complete. Everyone has a role to play in this, especially Council and its committees.

LEGAL SERVICES SUPPORT

The self-assessment tool has been sent out to our “pilot” group of firms for completion. We have received some very useful feedback already and are incorporating that information into “tweaking” the tool and our process. We have also received some positive feedback, for which we are grateful.
1. At the end of December there have been on average 24 more Practising members per month that budgeted (45+ more Retired, 5 less Non-Practising). This results in additional fee revenue overall.

2. There are approximately 4-5 more students registered for the Skills Course than originally budgeted, and again this year we are seeing an increase in the requests for credentialing rulings

3. The year to date market value of the investment portfolio has increased slightly resulting in earned and unrealized investment income.

4. Large increase in the forensic financial audit, receiver and custodian costs due to recent investigations.

5. Staff member vacancy for a large portion of the fiscal year projected.

6. Potential savings in professional fees based on timing of projects and short term vacancy of new staff member.

7. There are approximately 4-5 more students registered for the Skills Course than originally budgeted, and again this year we are seeing an increase in the requests for credentialing rulings.

8. Short term vacancy and potential savings on professional fees

9. Potential savings from Council and Committee meeting and travel costs

10. Contingency ($100K) has not been anticipated to be needed at this time and savings on Technology projects due to delayed start times and efficiencies.

11. Part-time vacation resulting in supplies savings partially offset by back fill position in library.

12. Savings on website and professional fees project timing

13. Savings from a reduction in the number of LRA audits performed.

14. Investment Revenue is projected to be significantly under budget based on recent results.

15. Very early estimate of current potential claims on LFCC - estimate of 90% of $500 maximum.
<table>
<thead>
<tr>
<th>Revenues</th>
<th>Year to Date</th>
<th>Forecasted Year-End</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membership Fee Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Practising fees</td>
<td>57,774</td>
<td>47,774</td>
<td>The number of Practising lawyers is currently projected to be approximately 25 above the number budgeted.</td>
</tr>
<tr>
<td>Non-Practising fees</td>
<td>(5,044)</td>
<td>(1,544)</td>
<td>The number of Non-Practising lawyers has decreased from what was budgeted (approximately 4)</td>
</tr>
<tr>
<td>Retired members</td>
<td>1,144</td>
<td>2,273</td>
<td>The number of Retired lawyers is approximately 45 more than budgeted.</td>
</tr>
<tr>
<td>Library Revenue</td>
<td>(1,236)</td>
<td>(1,210)</td>
<td>Law Stamps year-to-date are slightly lower than budgeted, the forecast is based on a conservative straight-line.</td>
</tr>
<tr>
<td>Investment Income (Realized and Unrealized gains inc.)</td>
<td>15,666</td>
<td>28,585</td>
<td>The Society’s investment balance is up slightly over the year resulting in a small overall gain in value. There has been a recovery in value over the past month.</td>
</tr>
<tr>
<td>LIANS Support - LSS</td>
<td>(4,389)</td>
<td>(7,525)</td>
<td>Timing of new LSS Support payments - based on timing of hiring LSS Officer</td>
</tr>
<tr>
<td>Education &amp; Credentialing Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Admission Fees</td>
<td>(851)</td>
<td>250</td>
<td>Projection for number of Calls to the Bar is projected to be similar to the previous year.</td>
</tr>
<tr>
<td>Application Fees</td>
<td>1,850</td>
<td>1,000</td>
<td>Requests for credentialing rulings and letters compared to what was expected in the budget.</td>
</tr>
<tr>
<td>Other Credentialing Fees</td>
<td>(1,450)</td>
<td>(2,486)</td>
<td>Forecast based on previous year results.</td>
</tr>
<tr>
<td>Exam Fees</td>
<td>(1,500)</td>
<td>1,000</td>
<td>Forecast based on previous year results.</td>
</tr>
<tr>
<td>Transfers-Applications &amp; Mates</td>
<td>34,275</td>
<td>22,000</td>
<td>We have already seen a large number of transfers, the trend is forecasted to continue, similar to prior year.</td>
</tr>
<tr>
<td>Tuition</td>
<td>15,000</td>
<td>15,000</td>
<td>Based on approximately four additional students above what was budgeted.</td>
</tr>
<tr>
<td>CPD/LRA Revenue</td>
<td>7</td>
<td>13</td>
<td>Currently projected to be on budget by year end - pending number of students/participants</td>
</tr>
</tbody>
</table>

### Summary

The Society has a “Balanced Operating Budget” for the fiscal year 2018/2019 meaning that Revenues equal Expenses for the year and a total Operating Surplus (Deficit) calculated as Revenues less Expenses of:

<table>
<thead>
<tr>
<th>Year to Date</th>
<th>Year-End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov-18</td>
<td>$700,913</td>
</tr>
<tr>
<td>Apr-19</td>
<td>$314,694</td>
</tr>
</tbody>
</table>

### Forecasted results for the fiscal year 2018/19 based on November 30, 2018 Financial Results

**Professional Responsibility Department Expenses**

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year-End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>8,613</td>
<td>15,104</td>
</tr>
<tr>
<td>Recruiting Fees</td>
<td>(5,000)</td>
<td>(5,000)</td>
</tr>
<tr>
<td>Lawyer’s Services/Legal Fees</td>
<td>4,699</td>
<td>(17,000)</td>
</tr>
</tbody>
</table>

### Investigation Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year-End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Expenses</td>
<td>3,848</td>
<td>6,595</td>
</tr>
<tr>
<td>Lawyers’ Services/Legal Fees</td>
<td>22,304</td>
<td>50,000</td>
</tr>
<tr>
<td>Professional Services</td>
<td>4,842</td>
<td>(10,000)</td>
</tr>
<tr>
<td>Practice Investigations</td>
<td>9,850</td>
<td>(7,000)</td>
</tr>
<tr>
<td>Forensic Financial Audits</td>
<td>5,833</td>
<td>(140,000)</td>
</tr>
</tbody>
</table>

### Fitness to Practise Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year-End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fitness to Practise</td>
<td>9,334</td>
<td>8,000</td>
</tr>
</tbody>
</table>

### Prosecution & Hearing Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year-End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Expenses</td>
<td>(1,442)</td>
<td>(4,000)</td>
</tr>
<tr>
<td>Facilities Rentals</td>
<td></td>
<td>(2,500)</td>
</tr>
<tr>
<td>Lawyers’ Services/Legal Fees</td>
<td>46,739</td>
<td>(10,000)</td>
</tr>
<tr>
<td>Professional Services</td>
<td>6,636</td>
<td>11,000</td>
</tr>
</tbody>
</table>

### Practice Administration

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year-End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising</td>
<td></td>
<td>(2,000)</td>
</tr>
<tr>
<td>Professional Services</td>
<td></td>
<td>(9,114)</td>
</tr>
<tr>
<td>Wind-up Assistance</td>
<td>11,615</td>
<td>17,500</td>
</tr>
<tr>
<td>Administration/Practice Superv</td>
<td>10,669</td>
<td>15,000</td>
</tr>
<tr>
<td>Receiver Fees</td>
<td>10,445</td>
<td>(45,000)</td>
</tr>
<tr>
<td>Custodian Fees</td>
<td>(2,201)</td>
<td>(142,000)</td>
</tr>
</tbody>
</table>
### Education & Credentialing Department Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skills Course Expenses</td>
<td>6,741</td>
<td>(25,464)</td>
</tr>
<tr>
<td>Bar Exam Expenses</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>CPD/LRA Expenses</td>
<td>7,185</td>
<td>1,000</td>
</tr>
<tr>
<td>Salaries and benefits</td>
<td>43,756</td>
<td>78,945</td>
</tr>
<tr>
<td>Staff Professional Development</td>
<td>5,312</td>
<td>5,800</td>
</tr>
<tr>
<td>Admissions Event</td>
<td>1,441</td>
<td>1,441</td>
</tr>
</tbody>
</table>

### Legal Services Regulation Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and compensation</td>
<td>4,144</td>
<td>10,000</td>
</tr>
<tr>
<td>Professional Services</td>
<td>5,834</td>
<td>5,000</td>
</tr>
<tr>
<td>Consulting Fees</td>
<td>24,792</td>
<td>21,250</td>
</tr>
</tbody>
</table>

### Executive Director's Office Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and compensation</td>
<td>84,585</td>
<td>60,000</td>
</tr>
<tr>
<td>Staff Benefits</td>
<td>13,470</td>
<td>10,000</td>
</tr>
</tbody>
</table>

### Equity and Access Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Benefits</td>
<td>56,991</td>
<td>73,275</td>
</tr>
<tr>
<td>Food &amp; Entertainment</td>
<td>(2,668)</td>
<td>(2,000)</td>
</tr>
<tr>
<td>Liaison and Outreach Expenses</td>
<td>29,167</td>
<td>-</td>
</tr>
<tr>
<td>Professional Services</td>
<td>5,133</td>
<td>7,500</td>
</tr>
</tbody>
</table>

### Governance & Committees Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Volunteer Travel/Meetings</td>
<td>(23,085)</td>
<td>(4,615)</td>
</tr>
<tr>
<td>Council Committees - Meeting exp</td>
<td>9,514</td>
<td>12,900</td>
</tr>
</tbody>
</table>

### Library and Information Services Expenses

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary &amp; Benefits</td>
<td>930</td>
<td>(7,500)</td>
</tr>
<tr>
<td>Subscriptions &amp; Books</td>
<td>7,786</td>
<td>-</td>
</tr>
<tr>
<td>Professional Services</td>
<td>3,500</td>
<td>3,000</td>
</tr>
</tbody>
</table>
### NOVA SCOTIA BARRISTERS SOCIETY

Forecasted results for the fiscal year 2018/19 based on November 30, 2018 Financial Results

<table>
<thead>
<tr>
<th>General Operating Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank &amp; Credit Charges</td>
<td>4,519</td>
<td>1,000 Timing of credit card expenses and forecasted to be on budget</td>
</tr>
<tr>
<td>Investment Management Fees</td>
<td>1,020</td>
<td>1,749 Repairs required to the voicemail system.</td>
</tr>
<tr>
<td>External Computer Support</td>
<td>33,838</td>
<td>5,000 Finalization of implementing the Society's new IT infrastructure and back-up project. Also, the Society may be utilizing a consultant to continue developing the Database (iMIS) system and forms project.</td>
</tr>
<tr>
<td>Rent</td>
<td>451</td>
<td>(9,252) Rent Operating costs and additional repairs and maintenance to office spaces and services</td>
</tr>
<tr>
<td>Professional Services</td>
<td>19,120</td>
<td>2,600 Human Resources Support and consultant to assist with process/procedure documentation - estimated based on budget at this time.</td>
</tr>
<tr>
<td>Salaries</td>
<td>3,581</td>
<td>(15,000) Mat Top up, training of replacement staff</td>
</tr>
<tr>
<td>Contingency</td>
<td>58,333</td>
<td>100,000 The Contingency line is currently not projected to be used</td>
</tr>
<tr>
<td>Depreciation &amp; Amortization</td>
<td>18,935</td>
<td>- Year end calculations and adjustments, along with less capital items purchased during the year</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Human Resources &amp; Communications Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary &amp; Benefits</td>
<td>11,252</td>
<td>(22,500) Additional costs due to organizational structure redesign.</td>
</tr>
<tr>
<td>Website</td>
<td>14,698</td>
<td>20,000 Estimate based on contracts and timing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Member/Lawyer Services Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRA Audit</td>
<td>27,902</td>
<td>30,000 Timing of expenses for LRA audits and based on previous year results</td>
</tr>
</tbody>
</table>

### NON-OPERATING COST ANALYSIS - Lawyers Fund for Client Compensation

<table>
<thead>
<tr>
<th>Revenues and Expenses</th>
<th>Year to Date</th>
<th>Forecasted Year End Variances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Income (Gain/Loss)</td>
<td>(20,929)</td>
<td>1,892 Based on Year to Date results, the investments are not projected to achieve budgeted results.</td>
</tr>
<tr>
<td>LFCC Claims</td>
<td>4,667</td>
<td>(492,000) Estimate of $500K annual maximum self retention under the CLIA Part C policy</td>
</tr>
<tr>
<td>CLIA Premium</td>
<td>2,799</td>
<td>7,467 Annual fee lower than budgeted, credit received as part of fee per lawyer received from CLIA.</td>
</tr>
</tbody>
</table>
## Expense Breakdown

### 2018/19 Year to Date

<table>
<thead>
<tr>
<th>Expense Category</th>
<th>Budget</th>
<th>YTD Actual</th>
<th>Budget vs Actual</th>
<th>OV/UN %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and benefits</td>
<td>1,899,590</td>
<td>1,670,198</td>
<td>229,392</td>
<td>12.1%</td>
</tr>
<tr>
<td>Legal fees</td>
<td>205,917</td>
<td>204,258</td>
<td>1,659</td>
<td>0.8%</td>
</tr>
<tr>
<td>Professional fees</td>
<td>219,742</td>
<td>72,968</td>
<td>146,774</td>
<td>66.8%</td>
</tr>
<tr>
<td>Receiver &amp; Custodians</td>
<td>35,000</td>
<td>26,756</td>
<td>8,244</td>
<td>23.6%</td>
</tr>
<tr>
<td>Rent</td>
<td>220,272</td>
<td>222,226</td>
<td>(1,954)</td>
<td>(0.9%)</td>
</tr>
<tr>
<td>Governance and committees</td>
<td>176,938</td>
<td>169,765</td>
<td>7,173</td>
<td>4.1%</td>
</tr>
<tr>
<td>Subscriptions and books</td>
<td>118,767</td>
<td>112,956</td>
<td>5,811</td>
<td>4.9%</td>
</tr>
<tr>
<td>Member/lawyers services</td>
<td>70,000</td>
<td>68,631</td>
<td>1,370</td>
<td>1.9%</td>
</tr>
<tr>
<td>Office related expenses</td>
<td>96,108</td>
<td>88,631</td>
<td>7,477</td>
<td>7.8%</td>
</tr>
<tr>
<td>National Initiatives</td>
<td>84,583</td>
<td>84,929</td>
<td>(346)</td>
<td>(0.4%)</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td>68,466</td>
<td>58,368</td>
<td>10,098</td>
<td>14.7%</td>
</tr>
<tr>
<td>Contingency</td>
<td>58,333</td>
<td>58,253</td>
<td>781</td>
<td>0.1%</td>
</tr>
<tr>
<td>Depreciation &amp; amortization</td>
<td>52,500</td>
<td>36,655</td>
<td>15,845</td>
<td>30.1%</td>
</tr>
<tr>
<td>Technology</td>
<td>87,466</td>
<td>39,121</td>
<td>48,345</td>
<td>55.3%</td>
</tr>
<tr>
<td>Professional memberships &amp; travel</td>
<td>71,884</td>
<td>41,894</td>
<td>29,990</td>
<td>41.7%</td>
</tr>
<tr>
<td>LRA education expenses</td>
<td>9,625</td>
<td>2,440</td>
<td>7,185</td>
<td>74.6%</td>
</tr>
</tbody>
</table>

### Total Expenses

|                      | 3,475,191 | 2,849,965  | 625,226         | 18.0%    |

### 2018/19 Fiscal Year-End

<table>
<thead>
<tr>
<th>Expense Category</th>
<th>FY Budget</th>
<th>FY Forecast</th>
<th>Budget vs Actual</th>
<th>OV/UN %</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and benefits</td>
<td>3,251,128</td>
<td>3,048,805</td>
<td>202,323</td>
<td>6.2%</td>
<td>1</td>
</tr>
<tr>
<td>Legal fees</td>
<td>353,000</td>
<td>326,250</td>
<td>26,750</td>
<td>7.6%</td>
<td>2</td>
</tr>
<tr>
<td>Professional fees</td>
<td>376,700</td>
<td>480,341</td>
<td>(103,641)</td>
<td>(27.5%)</td>
<td>3</td>
</tr>
<tr>
<td>Receiver &amp; Custodians</td>
<td>60,000</td>
<td>247,000</td>
<td>(187,000)</td>
<td>(311.7%)</td>
<td>4</td>
</tr>
<tr>
<td>Rent</td>
<td>376,318</td>
<td>380,833</td>
<td>(4,515)</td>
<td>(1.2%)</td>
<td>5</td>
</tr>
<tr>
<td>Governance and committees</td>
<td>303,550</td>
<td>280,773</td>
<td>22,777</td>
<td>7.5%</td>
<td>6</td>
</tr>
<tr>
<td>Subscriptions and books</td>
<td>203,600</td>
<td>206,060</td>
<td>(2,460)</td>
<td>(1.2%)</td>
<td>7</td>
</tr>
<tr>
<td>Member/lawyers services</td>
<td>120,000</td>
<td>89,846</td>
<td>30,154</td>
<td>25.3%</td>
<td>8</td>
</tr>
<tr>
<td>Office related expenses</td>
<td>158,848</td>
<td>123,758</td>
<td>35,090</td>
<td>22.1%</td>
<td>9</td>
</tr>
<tr>
<td>National Initiatives</td>
<td>145,000</td>
<td>146,400</td>
<td>(1,400)</td>
<td>(1.0%)</td>
<td>10</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td>104,031</td>
<td>91,504</td>
<td>12,527</td>
<td>12.0%</td>
<td>11</td>
</tr>
<tr>
<td>Contingency</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
<td>100.0%</td>
<td>12</td>
</tr>
<tr>
<td>Depreciation &amp; amortization</td>
<td>90,000</td>
<td>90,000</td>
<td>-</td>
<td>0.0%</td>
<td>13</td>
</tr>
<tr>
<td>Technology</td>
<td>150,000</td>
<td>125,326</td>
<td>24,674</td>
<td>16.4%</td>
<td>14</td>
</tr>
<tr>
<td>Professional memberships &amp; travel</td>
<td>121,300</td>
<td>80,878</td>
<td>40,422</td>
<td>33.3%</td>
<td>15</td>
</tr>
<tr>
<td>LRA education expenses</td>
<td>16,500</td>
<td>15,500</td>
<td>1,000</td>
<td>6.1%</td>
<td>16</td>
</tr>
</tbody>
</table>

|                      | 5,929,975  | 5,733,074   | 196,901          | 3.3%     |       |

## Notes:

1. Employee vacancies and delays in hiring General Counsel and Paralegal positions.
2. Savings projected based on timing of hearings and appeals for Professional Responsibility area.
3. Costs for forensic financial audit have exceeded budget due to recent investigation.
4. Large increase in receiver and custodian costs due to recent investigation and items related to one law firm.
6. Anticipated savings in the LRA Audit program reduced number of audits expected.
7. Potential savings on office supplies, printing and sundry items.
8. Savings on insurance contracts and other small areas.
9. At this time the Contingency funds have not be allocated/anticipated.
10. Potential delays in Technology projects may result in savings for the current fiscal year.
11. Staff travel and professional membership/development are expected to be less than budget and what was previously expected.
MEMORANDUM TO COUNCIL

From: Tilly Pillay, QC
Date: January 11, 2019
Subject: Greater Accessibility to Society Software/Resources

At its last meeting in November, Council was made aware that some of the Society's software/resources (e.g. board software) are not readily accessible to our members who have impairments. As a policy decision, Council agreed, in principle, that, when the Society acquires tools and resources for the use of our members, accessibility should be a prime consideration. Council also asked that we follow up with some of the Society's service providers to see whether their products could be made more accessible.

We have made this request of OnBoard. They are aware of the issue and, unfortunately, at this time, do not have a screen-to-voice reader accessible version that we can use.

With respect to library subscriptions, our library staff indicate that they have raised this issue with the publishers on more than one occasion and they have said that they would look into it. Library staff followed up again recently to reiterate this request.

We will continue to monitor this issue. From here on in, however, we will adopt an internal policy that requires us to look at accessibility considerations, amongst others, when purchasing new software/tools for the Society.
1. INTRODUCTORY MATTERS/CALL TO ORDER

1.1 Introductory Remarks

President Frank DeMont QC called the meeting to order. He acknowledged that today’s meeting was taking place on traditional Mi’kmaq territory. He asked us to consider what it means to share this land, with the past, present and future in mind and to think about this recognition thoughtfully.

President DeMont commented on the positive feedback that was received following the September Council meeting in Millbrook.

He proposed that the January 2019 to December 2020 Committee Appointments under item 6.3 be removed from the Consent Agenda for further discussion by Council. Council agreed to this by consensus.

2. DISCUSSION OF BIG ISSUE (STRATEGIC FRAMEWORK – LSS)

2.1 Legal Services Support Report

LSS Manager, Jennifer Pink, and LSS Officer, Robert McCleave presented the LSS report to Council. They gave an overview of the work being conducted by the Legal Services Support
team and highlighted their progress with respect to new law firm registration. They also gave an example of the collaborative approach of the LSS team members with the Society’s Trust Account Auditor as they recently assisted a rural lawyer with practice wind-up and assigning a custodian and receiver.

The LSS team gave Council members a preview of the Self-Assessment Tool, which will be “soft launched” in January 2019, before administering the program to 100 law firms by September 2019.

### 3. POLICIES/PROCESSES

#### 3.1 Regulatory Risk Update and Outcomes Measurement Introduction

Strategy & Engagement Officer, Jane Willwerth, gave Council an overview of basic outcomes measurements concepts that she proposes be used in the next iteration of the Society’s Strategic Plan. She also gave an update on the Society’s work on regulatory risk, which is directly aligned with the ongoing outcomes measurement work. She went through various examples of strategic planning using outcomes measurement tools and logic models.

Further education for Council on these concepts will continue in the lead up to May 2019 when Council will conduct their strategic planning for 2019-2022. Dates will be circulated to Council members in the near future.

#### 3.2 Next Steps from September Council Meeting

Angela Simmonds, Equity & Access Manager, reviewed a number of the themes and discussion points that emerged from the lunchtime discussions during Council’s September meeting at Millbrook First Nation. Some topics included improving representation of equity-seeking groups in both the Society and the profession at large and improving cultural competence in lawyers. Ms. Simmonds highlighted the ongoing work in the Equity Office, in particular its facilitation in the creation of the Society’s Truth and Reconciliation Working Group. She explained that the memo circulated to Council outlines the Working Group’s proposed population of its core members.

**UPON MOTION BY Shelley Hounsell-Gray and seconded by Sheree Conlon QC, the proposed membership of the TRC Working Group be approved. Motion carried.**

Ms. Simmonds explained that more members will be recruited to the group. She then requested that Council clarify the Working Group’s mandate, term length and powers.

There was a lengthy discussion by Council members on what they would like accomplished by the Working Group. Four priorities were identified by Council for the Working Group: establish a sound knowledge of the Residential School history and Truth and Reconciliation Commission among the profession; explore how the Bar can effectively engage with the Indigenous community; provide cultural competence education to law firms and look at ways to begin this education in law schools. It was agreed that the Working Group would focus on addressing TRC Call to Action #27, and implementing education and training in the profession.

This matter will come back to Council at the January meeting.

#### 3.3 Council Check-In and Governance Next Steps

There was a brief discussion among Council members regarding the board portal system and the recently adapted Council agenda. It was raised by a Council member that a number of tools
used by the Society were not accessible to those with vision impairment. It was requested by Council that, in principle, the tools and applications used by the Society are more accessible and to take steps to address this issue, where possible.

UPON MOTION BY Ellen Burke and seconded by David Hirtle that Council encourage greater accessibility among the Society’s tools. Motion carried.

3.4 Direction from GNC regarding the Court Liaison Committees

First Vice-President, Carrie Ricker, presented a memo on behalf of the Governance & Nominating Committee, which asked for Council’s direction on next steps for the Court Liaison Committees. At the May 2018 Council meeting, Council moved that the Court Liaison Committees be referred to the GNC. Ms. Ricker asked on behalf of the GNC for Council to clarify whether it would like the Committee to determine the best way to populate the Court Liaison Committees, or to take a broader governance-focused approach, explore the purpose of these Committees and their connection to Council’s work, and ultimately make recommendations to Council on this matter. She added that if Council would like to take a broader approach, then it is recommended that a task force be struck under the GNC to focus on this matter.

Following some discussion, it was agreed that the GNC should take a broader governance approach and look at the Committees’ terms of reference, composition, work plans, etc. to ensure they are meeting the Society’s mandate, and that a task force to be populated by the GNC be struck to focus on this work.

UPON MOTION BY Natalie Borden and seconded by Shelley Hounsell-Gray that the GNC strike a task force to conduct a governance review of the Court Liaison Committees. Motion carried.

3.5 Annual Firm Report

Sean Walker, Director of Finance & Administration, reviewed the Annual Firm Report. He explained the 2018 Annual Firm Report will also include the Trust Account Report. The revised report includes changes that necessitate amendments to the Regulations regarding the Annual Firm Report and the Trust Account Report and therefore requires Council’s approval.

UPON MOTION BY Brian Awad and seconded by Shelley Hounsell-Gray that the amendments to Regulations 4.11.1, 4.11.2 and 4.11.3 be approved. Motion carried.

3.6 Possible Legislative Name Change

President Frank DeMont QC briefed Council on a recent meeting with the Deputy Minister of Justice, and stated that the Minister would be prepared to consider a legislative name change for the Society, should that be the desire of Council and the membership. Each Council member spoke on their preferred new name. It was agreed that the membership would be consulted for feedback and suggestions and messaging will include Council’s preferred new name: “Law Society of Nova Scotia”.
4. APPROVALS

4.1 Wills, Power of Attorney and Personal Directives Standards Committee

Lawrence Rubin, Director of LIANS, presented his memo requesting Council’s approval to create a Wills, Power of Attorney and Personal Directives Standards Committee. It was added that the creation of this Committee was included in the 2018 Activity Plan and has been discussed by the Chairs of the Professional Standards Committees.

UPON MOTION BY Carrie Ricker and seconded by Jillian Barrington, that the Wills, Power of Attorney and Personal Directives Standards Committee be formed. Motion carried.

4.2 Real Estate Standards for Approval: Standard 3.12 – Guardianship Act and Adult Capacity and Decision-making Act; Corporations and Other Entities – Standard 3.13 Standard 4.1 – Power of Attorney; Standard 4.6 – Undertakings

Mr. Rubin introduced the four Real Estate Standards for Council’s final approval.

UPON MOTION BY Cheryl Canning QC and seconded by Tuma Young that all four standards be approved. Motion carried.

4.3 Draft 2019 Activity Plan

Executive Director, Tilly Pillay QC introduced the draft 2019 Activity Plan to Council. She explained that as Council will be creating a new Strategic Plan in 2019, the 2019 Activity Plan tries to anticipate what those strategic priorities may look like. Ms. Pillay added that Council may need to revisit the 2019 Activity Plan, depending on what is decided by Council next May when they conduct their strategic planning session.

Ms. Pillay reviewed each priority on the Plan and its identified outcomes. She asked Council members to send her any comments they have on the plan by December 7, 2018. It will return to Council for final approval in January.

5. FOR INFORMATION

5.1 2018-2019 Council Calendar
5.2 2018 Activity Plan
5.3 President’s Report
5.4 Executive Director Report
5.5 2018 Committee Reports
5.6 September 30, 2018 Summary Financial Reports
5.7 Professional Standards Committees Handbook
5.8 Updated Council and Committee Schedule 2018/2019
6. CONSENT AGENDA

6.1 Minutes of September 21, 2018 meeting

6.2 Resignations: Ms. Brandy Elizabeth Anne Parenteau (effective 11/23/2018)

6.3 Committee appointments: Jan. 2019- Dec. 2020 Committee Appointments; Jennifer Reid, Oliver Janson and Chris Boyd – Legal Aid Commission; Dwight Rudderham QC and Margaret MacKenzie – Law Foundation of Nova Scotia

Council reviewed and discussed the January 2019 – December 2020 Committee Appointments list. Tilly Pillay QC explained the process that was used by the Committee Appointments Sub-Committee to populate the committees. She reported that the sub-committee was composed of members from across the province and with a wide range of practice areas and backgrounds. Staff met with members of the sub-committee and brought forward comments from Chairs on population of their respective committees and identified various gaps for the sub-committee to fill.

Discussion ensued over the process of approving the list and whether any next steps need to be taken. It was raised by one Council member that the GNC should look into doing a “lessons learned” from this process as it was the first time it was used.

One Council member raised an issue with the make-up of the Committee that she chairs and was uncomfortable with approving the list until the change had been made. Discussion ensued over whether making such a change at the Council table would be appropriate from a governance perspective.

As this was time sensitive and required Council’s approval, the President asked for a motion to be made to approve the list.

UPON MOTION BY Peggy Gates-Hammond and no seconder to approve the January 2019 to December 2020 Committee List. Motion failed.

There was discussion amongst Members of Council about next steps. It was suggested that Council should approve the Chair’s requested addition to her committee in order to have the full list approved.

UPON MOTION BY Tuma Young and seconded by Sheree Conlon QC that Carolyn MacAulay be added to the Gender Equity Committee. Motion carried.

UPON MOTION BY Tuma Young and seconded by Ellen Burke that the January 2019 to December 2020 Committee List be approved subject to the addition. Motion carried.

6.4 Regulation Amendments: 3.9.5 – 3.9.7 (Oath Affirmation)

6.5 Federation National Discipline Standards Recommendations

6.6 Real Estate Standards for Introduction: Standard 3.4 – Discharge of Mortgages; Standard 5.2 – Personal Property

UPON MOTION BY Mike Baker seconded by Tuma Young that the Consent agenda be approved excluding the January 2019-December 2020 Committee list under item 6.3. Motion carried.
7. IN CAMERA

7.1 – 7.4
There were four items in camera.
MEMORANDUM TO COUNCIL

From: NSBS Finance Committee
Date: January 18, 2019
Subject: Society - Line of Credit

Recommendation/Motion:

Council is asked to approve a motion to allow the Executive Director to establish a Line of Credit with the Society’s current banking provider, TD Bank for use when cash flow levels require a temporary short term increase in cash available for Society payment requirements.

Borrowing
Reg. 2.1.5 Council may authorize the Executive Director to borrow money for the general purposes of the Society.

Motion: Be it resolved that Council authorizes the Executive Director to borrow money for the general purposes of the Society via the establishment of a Line of Credit with TD Bank.

Current Synopsis:

Over the past three years, the Society has experienced cash flow shortages near the end of the fiscal year (April/May) prior to the collection of membership fees beginning in June. In order to meet the cash flow requirements in the past, the Society has sold investments and transferred funds from the investment account to the operating bank account. Investments were then purchased in July or August once membership fees had been collected and cash levels reestablished.

The Finance Committee is now recommending that a Line of Credit be established with TD Bank in order to support cash flow requirements instead of the Society being required to sell investments. It is believed that any interest paid on the borrowed funds would be offset (or exceeded) by the income earned by leaving the funds in the investment portfolio.

In discussions between TD Bank and the Director of Finance & Administration, TD have offered to provide a $500,000 Line of Credit secured by the Society’s investment portfolio with no standby or bank fees (meaning no cost to the Society unless the Line of Credit is accessed) at an interest rate of prime rate. The Finance Committee recommends this be approved by Council.