2021 NSBS President’s Message

It's customary for the President to present a report at the end of each Council year outlining the various achievements and milestones completed. This President's Report will not follow suit.

The last year has not been routine by any measure and much has been whispered, spoken and even written about it. When I was voted in by Council as President in January, and agreed to accept the appointment, I was aware (albeit not fully) of the rumored difficulties and challenges that lay ahead.

In an open letter to the membership a few weeks after coming on board, I expressed the view that I was "...confident that the reported previous discord at Council is in the past and Council is on track to complete its work for the year". I am pleased to report that this Council exceeded even my most lofty expectations. You might ask "so what was all the fuss about"? I will explain.

As it became apparent on April 12th with the release of the Society's Acknowledgement of Systemic Discrimination and apology, Council had been grappling with this difficult issue for some time. It should come as no surprise to those with an appreciation of how strongly racialized and other marginalized groups feel about this issue, and the struggles they endure, how difficult it is for them to understand why or how the rest of us "just don't seem to get it".

It is simply shortsighted to not expect difficult and pointed discussions about a serious problem this emotionally charged, and this longstanding. What matters is that this Council persevered in the face of all the external criticism and internal strife and delivered an unprecedented acknowledgement of systemic discrimination and apology - the first of its kind by any law society in Canada. This took a tremendous amount of dedication and courage, and this Council deserves nothing less than our admiration and gratitude for their work. They are true trailblazers.

Unfortunately, but predictably in my view, some of the emotions that arose during the work and debates surrounding diversity issues seeped into some other issues as you just don't turn off the tap. Some expressed the view that these were "governance" issues. The majority of Council, however, felt otherwise and categorized the disconnects as legitimate differences of opinions. I tended to agree with Council and remembered, of course, that under our regulatory regime Council's majority vote carries the day.

In my view, the Society and Council are entering a consolidation phase. Doug Ruck, QC has already commenced a "no holds barred" external and independent review of the Society's legislation and regulations, policies, procedures, and practices. His mandate is to root out and report on any systemic discrimination and to provide recommendations on how to eradicate these unintended barriers. Some of the tough work has already been done but there's much more to follow. The time for talking about fixing these problems is over - the time to fix them is now.
Another reason I believe we are in a consolidation phase is because the makeup of Council is out of balance with our membership. Just over two-thirds of our membership are in private. Council has 23 members -21 of whom have a vote. Of the 21 voting members of Council, the Council taking office this month has only 7 confirmed private practitioners. You can do the math. I am neither suggesting nor advocating that Council must be made up of two-thirds private practitioners. What I am suggesting is that there needs to be more representation of the private bar on Council.

Many of the 300+ communications I received over the last five months were from the private bar. As much as I appreciated everyone’s input and suggestions, voicing your concerns to the President (who does not have a vote other than in the event of a tie) is not going to advance your ideas or concerns. If you genuinely want to participate and have a meaningful say (i.e., a vote) in the governance of our profession then you need to ante up.

There is no shortage of critics. What we need are volunteers who are ready to contribute by offering to serve on Council or a Committee.

When I agreed to step into the Presidency I did so because I truly believed that I could help this Council work through and meet the challenges it faced. And today, truth be told, I was the one who was educated by this Council - not vice versa.

I am honored to have worked with and learned from this committed group who refused to take their eye off the ball, be distracted by internal turmoil or external criticism and persevered courageously and purposefully to ensure that Nova Scotia became the first law society in Canada to step up and do the right thing.

Craig Carson QC
2020-2021 NSBS President