

# Aboriginal Initiatives at the Law Society

**The Law Society marked its 200th anniversary in 1997 by dedicating itself to improving equity within the Law Society and within the legal profession. As part of this goal, the Law Society has been working towards creating new relations with Aboriginal Peoples and organizations.**

**The Law Society is very fortunate to have the support and guidance of the Aboriginal legal community to assist its efforts to promote opportunities in the law and access to justice and legal services.**

## Aboriginal Initiatives Counsel

In 2000, the Law Society created the Aboriginal Initiatives Counsel position in its Equity Initiatives Department. The position was created to help identify and meet the needs of Aboriginal Peoples within the context of the Law Society and the legal profession.

Currently, the position is held by **Marisha Roman**, who is responsible for programming and policy initiatives relating to Aboriginal Peoples. Called to the Bar in 1996, Marisha began her career in legal publishing and research. She joined the Law Society in 2004 after working for the CIBC, where she helped shape the CIBC's national employment equity hiring strategy.

To contact Marisha, you may call her at her office in the Law Society's Equity & Initiatives Department at 416-947-3989, or you may reach her by email at: [mroman@lsuc.on.ca](mailto:mroman@lsuc.on.ca).

## Law Society Governance

A board of directors known as Convocation governs the Law Society. Convocation is made up of 40 lawyers who are elected by the profession to serve as benchers, as well as two paralegals elected by members of the Paralegal Standing Committee. The Ontario government also appoints another eight lay benchers – members of the public – to serve on the governing body.

Benchers meet each month to make policy decisions that support the Law Society's mandate to govern the legal profession in the public interest. Benchers also sit on various Law Society committees and participate on panels that hear cases concerning the conduct and competence of lawyers.

In January 2009, Convocation received the Final Report of the Aboriginal Bar Consultation Project. This report was the culmination of a four-year project to create a demographic profile of the Aboriginal Bar in Ontario, as well as canvass support for Law Society initiatives to enhance access to the profession and provide support for Aboriginal members of the profession. The report is available online at <http://rc.lsuc.on.ca/pdf/equity/aboriginalBarConsultation.pdf>.

**Bencher Susan Hare**, of M'Chigeeng First Nation on Manitoulin Island, was elected a bencher in June 2007 and re-elected in 2011. Bencher Hare, who is Ojibwe, is a graduate of Osgoode Hall Law School and was called to the Ontario Bar in 1995. Her practice is located on her First Nation, where she has been a sole practitioner (general practice) since 1995. Over the years, she has worked with the Ministry of the Attorney General as an adjudicator in the Grandview School for Girls Settlement. She has also worked with the Indian Residential Schools Adjudication Secretariat as a senior adjudicator.

The Susan Hare Fund was established by Osgoode Hall Law School in 1994 to fund Aboriginal initiatives at the school. As well, Bencher Hare was responsible for establishing the "Lands, Resources and First Nation Governments" Intensive Law Program at Osgoode Hall in 1993. This program has won an international award.

## Student Outreach Initiatives

The Law Society actively promotes law as a career to Aboriginal students through visits to Ontario law schools and, where feasible, presentations to Aboriginal students outside of Ontario. This outreach includes presentations and networking with Aboriginal students from across Canada at Indigenous Bar Association conferences and events, support of the Kawaskimhon Moot and presentations at the law schools in Ontario.

This outreach is enhanced by the participation of members of the Aboriginal Working Group:

- Supporting students in their legal education;
- Fostering a sense of community among the students and the Aboriginal Bar; and
- Developing mentoring relationships, employment and articling opportunities.

## Elders' Program

The Law Society created the Elders' Program in 2000. It provides Aboriginal and non-Aboriginal students in the Licensing Process with an opportunity to meet with Elders or Traditional Teachers from the Aboriginal community. It also provides Aboriginal students with a chance to meet with members of the local Aboriginal and non-Aboriginal Bars.

At the request of Licensing candidates, the program provides a variety of culturally based programming, including prayers, cleansing ceremonies, traditional teachings, talking circles, and meditations.

### **Community Partnerships**

The Law Society works in partnership with the Aboriginal community and Aboriginal legal organizations to support policies, programs and initiatives that promote a legal profession that is representative of the communities it serves, and on a range of issues of mutual interest. This includes hosting several annual events aimed at raising awareness of Aboriginal issues in law and the legal profession with members of the broader public, the Bar, the judiciary and the Aboriginal community.

Community partners in organizing or contributing to these events have included: Rotiio > taties Aboriginal Advisory Group, the Métis Nation of Ontario, Aboriginal Legal Services of Toronto, the Association for Native Development in the Performing and Visual Arts, the Centre for Indigenous Sovereignty, the Aboriginal Peoples Council of Toronto, the City of Toronto's Aboriginal City Celebration Committee, and the Indigenous Bar Association.

The Law Society has established a tradition of hosting and participating in public education activities around National Aboriginal History Month and Louis Riel Day each year. The Law Society has also hosted numerous conferences and roundtables with the Aboriginal community, including the Indigenous Bar Association's 14<sup>th</sup> Annual Fall Conference, "Self-Government: Inherent Rights and Institutional Development."

### **Education Support Services**

The Law Society's mandate includes promoting access to justice. As a result, the Law Society has undertaken several initiatives to support Aboriginal people studying law and those involved in the Licensing Process.

For example, the Law Society provides an articling mentor program, as well as job search skills workshops and counselling services, to assist Aboriginal students-at-law in finding articling positions. Articling postings are available on the Law Society's website.

### **Guidelines for Aboriginal Residential School Claims**

The Law Society takes seriously its leadership role in identifying developments, changes and trends in Canadian law and the legal landscape, and addressing the needs of those it serves. This means being at the forefront of major policy issues at a provincial, national and even an international level.

In 2003, the Law Society's governing body approved guidelines for lawyers representing clients in Aboriginal residential school claims. The guidelines outline the Law Society's expectations of lawyers' professional conduct when representing Aboriginal residential school abuse claimants, with specific references to the Society's *Rules of Professional Conduct*.

The guidelines were developed through the Law Society's Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones and its Professional Regulation Committee. The committees requested comments on the guidelines from representatives of the Aboriginal community, certain legal organizations and the profession, during its development.

Issues discussed in the guidelines include:

- The special nature of claimants' cases;
- Culturally appropriate methods in making legal services available to claimants;
- The need for clear communication with clients so they can understand all aspects of the solicitor and client relationship, and how the legal process works;
- The need for the lawyer to be accessible to the client; and
- Sensitivity to the emotional, spiritual and intellectual needs of claimants and the need to understand and respect claimants' cultural roots, customs and traditions.

The guidelines are accessible on the Law Society's website: <http://rc.lsuc.on.ca/jsp/equity/guidelines-for-aboriginal-residential-school-claims.jsp?language=en> .

For more information about Aboriginal initiatives at the Law Society of Upper Canada, please visit our website at [www.lsuc.on.ca](http://www.lsuc.on.ca) .