



## Year-End Report

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### **Truth and Reconciliation Advisory Committee**

Herman Van Ommen, QC (Co-Chair)

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Prepared for: Benchers

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## Introduction

1. The Truth and Reconciliation Advisory Committee (“Committee”) is one of the six advisory committees appointed by the Benchers to monitor issues of importance to the Law Society and to advise the Benchers in connection with those issues.
2. From time to time, the Committee is also asked to analyze policy implications of Law Society initiatives, and may be asked to develop the recommendations or policy alternatives regarding such initiatives.
3. The purpose of this report is to advise the Benchers about the work the Committee has undertaken since its June 2017 report.

## Topics of Discussion: July to October 2017

4. The Committee discussed the following initiatives between July and November, 2017.

### Truth and Reconciliation Symposium

5. The majority of the Committee’s work involved planning a symposium that was held on November 23, 2017. The theme of the symposium was: *Transforming the Law from a Tool of Assimilation into a Tool of Reconciliation*. There were 300 in-person and 166 online participants. Participants engaged in a number of facilitated breakout sessions to share their ideas on what the Law Society can do to facilitate reconciliation. A report on the findings from the symposium with a number of concrete action items will be prepared by Law Society staff with guidance from this Committee.

### Video Project: “But I was Wearing a Suit”

6. During the Truth and Reconciliation Symposium, the Law Society launched a video titled “But I Was Wearing a Suit,” in which Indigenous lawyers shared their experiences of discrimination within the legal profession. The video is an educational tool that was developed to raise awareness and facilitate the correction of biases against Indigenous people in the legal profession. The video was created in collaboration with Indigenous lawyers, the Law Society of BC, and the Continuing Legal Education Society of BC.

### Cultural Competence Training

7. Cultural competence training for Law Society staff continues. On September 15, 50 Law Society employees participated in a “Blanket Exercise” – an experiential workshop that provides an overview of the history of Indigenous and Canadian relations from the time of contact to the present day. The Blanket Exercise was facilitated by Ardith Walkem (a member

of the Truth and Reconciliation Advisory Committee), with assistance from Law Society staff. This Committee has recommended the Benchers also partake in the Blanket Exercise, and there are plans to conduct one at the Benchers Retreat next year.

## **Murdered and Missing Indigenous Women's Inquiry**

8. On July 17, 2017, Nancy Merrill, QC (Chair of the Equity and Diversity Advisory Committee) and Dan Smith (member of this Committee and the Equity and Diversity Advisory Committee) met with two counsel for the Murdered and Missing Indigenous Women's Inquiry lawyers to offer the Committee's assistance. Although the Inquiry's counsel were unable to specify the type of assistance required, the Committee is keeping apprised of developments. During the week of September 25, 2017, Sarah Westwood attended a hearing of the Inquiry in Smithers, BC on behalf of the Law Society.

## **Education**

9. The Professional Legal Training Course curriculum will be updated in light of the Truth and Reconciliation Commission's Recommendation 27, to ensure that lawyers receive appropriate cultural competency training. Cultural competency will be integrated throughout the curriculum as a core competency of the course.
10. Immediate changes are already underway. PLTC students participate in a half-day cultural competency workshop regarding Indigenous issues. A half-day module relating to child protection and a day on criminal procedure have also been added to the curriculum. Information regarding *Gladue* (Indigenous personal history) factors in sentencing and the criteria for *Gladue* reports has now been added to the criminal procedure course notes and Practice Material.
11. PLTC staff continues its work on improving and expanding the content of the Practice Material in different areas where Indigenous content would be relevant. Again, this means making more immediate changes to the Practice Material but having the long-term objective of integrating Indigenous legal issues into related areas of the PLTC, for example in family law, property law and criminal law. Finally, PLTC staff is creating new exam questions based on the Indigenous content that is in the existing and revised Practice Material.

## **Collaborations**

12. Some representatives from the Committee are involved in Truth and Reconciliation working groups for the Canadian Bar Association of BC and the Continuing Legal Education Society. The Committee acknowledges that strategic collaborations are helpful for information sharing, identifying synergies, and coordinating efforts.

## **Federation of Law Societies**

13. The Law Society of British Columbia has taken a lead role in the Federation of Law Society's response to the Truth and Reconciliation Commission's recommendations. The Federation's Truth and Reconciliation Advisory Committee met on September 22, 2017. The Law Society of BC's representative was appointed to the bench and resigned from both the Law Society of BC and Federation of Law Societies Truth and Reconciliation Advisory Committees. The Law Society of BC has put forward a recommendation for a new western region representative for the Federation of Law Societies Truth and Reconciliation Advisory Committee.