

Lawyer competence requires Indigenous intercultural competency

Indigenous intercultural competency is a necessary part of lawyer competence. It provides lawyers with education about the history of Aboriginal-Crown relations, the history and legacy of residential schools and how specific legislation regarding Indigenous peoples created the issues that reconciliation seeks to address. Beginning in 2021, all lawyers in BC will be required to complete a course in Indigenous intercultural competency.

The course will:

- ✓ qualify for 6 hours of CPD credit,
- ✓ be provided to lawyers at no cost, and
- ✓ consist of modules that lawyers will have up to two years to complete.

This initiative responds to the Truth and Reconciliation Commission's calls to action, and provides a foundation for the legal profession to inform and respond to changes in laws and the legal system in an age of reconciliation.

Community leaders have shown support for the Indigenous intercultural competency requirement. Here is what they have to say:

No one questions that every law student has to study constitutional and criminal law, contracts, torts and property to be a competent lawyer. The TRC report reveals another area that is essential to effective lawyering that many of us missed in our legal education. It is necessary for all lawyers to take Indigenous intercultural competency training to address this.

*Dean Susan Breau, UVic School of Law
Dean Bradford Morse, TRU School of Law
Dean Catherine Dauvergne, Peter A. Allard School of Law*

The Crown is actively seeking to make meaningful progress on reconciliation with Indigenous peoples. The federal and provincial governments have introduced new, potentially sweeping legislative change that, over time, will have profound effects on the economy, citizens and society. Everyone – Indigenous peoples, law makers, lawyers and businesses – should prepare to inform, and adapt to, far-reaching changes to the political, legal, economic and social landscape of our country and province.

Greg D'Avignon, CEO, Business Council of British Columbia

It is not just the relationship between one lawyer and one client. It is the relationship between Indigenous peoples and the legal profession. When we are talking about the legal profession, we are talking about people who had had power over Indigenous peoples for much of history. Having historical knowledge and understanding of Indigenous laws will change the nature of that relationship and make it better.

*Patricia Barkaskas, Academic Director,
Indigenous Community Legal Clinic*

Indigenous cultural competency training is mandatory for everyone at the Civil Resolution Tribunal. As Senator Murray Sinclair said, lawmakers, judges and lawyers are the gatekeepers to the justice system. It is incumbent upon us to understand the truth of our history and our role in making change toward reconciliation.

*Shannon Salter, Chair,
Civil Resolution Tribunal*

The question is not 'Do I need this or not?' The question is 'Can lawyers achieve what we are mandated to do without it?' The answer is obvious. Indigenous cultural competence training is a means to achieving the end goal of upholding the public interest.

*Alden E. Habacon,
Diversity and Inclusion Strategist*

The mini-documentary 'But I was wearing a suit' showed real life examples of racism and stereotypes that Indigenous lawyers still face from their colleagues. They were asked to leave the barrister's lounge, assumed to be clients and even asked to hide their Indigenous identity. Intercultural competence training will help lawyers be more welcoming and respectful to their Indigenous peers.

*Herman Van Ommen, QC,
Past President*