



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

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Contact Us
Contribute? Comments? Feedback?
Email us at ALF@cbabc.org.

CBABC Aboriginal Lawyers Forum

Executive Update

By Tina Dion

2016 is proving to be another busy year for the Aboriginal Lawyers Forum (ALF). I would like to thank the previous year's executive – particularly outgoing chair, Adam Munings - for all their hard work and continued dedication to making the ALF a stronger organization. We continue to work toward building up the ALF so it will have a deeper and more meaningful presence within the CBABC and the broader legal community. Here are some highlights of the work of the ALF in 2016/2017:



ALF was invited by the Law Society of British Columbia (LSBC) to participate on a preliminary committee whose work was to identify potential committee members for a permanent Truth and Reconciliation Advisory Committee (Committee). I attended the Benchers' retreat held in June, 2016 in Penticton where the focus of the retreat was the background to the Truth and Reconciliation Committee and the Calls to Action. The retreat was well represented by individuals from British Columbia and from other parts of the country as well. The ALF executive applauds the work of the LSBC and the work of the Committee moving forward.

We kicked off the spring with our 5th annual retreat, held in Parksville, BC on April 29-30, 2016. The theme of the retreat was '*Not Just Aboriginal Law: the B-to-Z of Practice*'. We had a full house of registrants and speakers. For more on the retreat and our sponsors, please see the article about it in this issue.

The ALF appreciates the approach of the CBABC Executive (Executive) for efforts of inclusiveness and determination to implement the TRC's Calls to Action. In June, I was elected to the Provincial Council representing Westminister County for a three-year term. Among other sections and committees, I joined the Equality and Diversity Committee (E & D) and then was appointed to the Executive as the E & D representative for the 2016/2017 term. Now, as a member of the Executive, *inter alia*, we have drafted an amendment to the CBABC by-laws to create a permanent ALF seat on the Executive. It is anticipated that this permanent ALF seat will be established for the 2017/2018 year. This is a significant step toward the implementation of the TRC's Calls to Action by the Executive. It is the first time a Provincial branch of the CBA has established a permanent seat for Aboriginal or Indigenous members.

In my capacity as Chair of the ALF, and my role on the Executive, I continue to work with President Welsh and Vice-President Veenstra on implementing Calls to Action and in that regard the Executive is establishing a working group to make recommendations for a long-term implementation plan. Please consider volunteering for this important work.

We are always working toward increasing our ALF membership and we encourage those who are not CBA members to join! We also extend an open invitation to CBABC members who are Aboriginal to join the ALF Executive so that we can continue to build on the over 8 years of good work in making the ALF the very best it can be in providing leadership, mentorship and sharing within our profession.

**CBABC ALF Executive
Contact Information**

Chair

Tina Dion

tina@tinadionlaw.com

Vice-Chair

Isabel Jackson

isabel.jackson@justice.gc.ca

Secretary

Nicole Bresser

nicole@dgwlaw.ca

**Policy and
Communications Officer**

Danielle Mercredi

danielle.mercredi@tribunal.gc.ca

Members at Large

Nicole Iaci

niaci4@hotmail.com

Mark Stevens

markcstevens22@gmail.com

Christopher Gall

cgall@mnbc.ca

TRU Student Representative

Dustin Gagnon

dustingagnon104@hotmail.com

UBC Student Representative

Monika Wilson

monika_brandice_wilson@hotmail.com

UVic Student Representative

James Henry

jdhenny@uvic.ca

2016 ALF Special Contribution Award Winner Judge Leonard Marchand

Judge Leonard Marchand, a member of the Okanagan Indian Band, was called to the bar in 1995. He obtained a bachelor of applied science degree in chemical engineering from the University of British Columbia in 1986 and later completed his bachelor of laws from the University of Victoria in 1994. He began working as an articled student with Fulton and Company in 1994, where he eventually became a partner.

He practised mainly civil litigation representing individuals, corporations and public authorities before all levels of court. Before being appointed to BC's Provincial Court in 2013 his practice focused almost exclusively on residential school claims.

In 2005, Marchand helped negotiate and was a signatory to the Indian Residential Schools Settlement Agreement, the largest class action settlement in Canadian history. He also served on the Oversight Committee for the Independent Assessment Process, a claimant-centred and neutral adjudication process that provides former residential school students with a way to settle their claims out of court.

In appointing Judge Marchand to the bench in 2013 BC's Attorney General and Minister of Justice Suzanne Anton recognized that Judge Marchand's "exceptional work on Aboriginal issues" would serve the justice system well.

Like his father, Len Marchand Sr, who Prime Minister Justin Trudeau called a trailblazer, Judge Marchand has been a tireless champion of Indigenous people and communities in BC.

In August 2016, Marchand was appointed to the Law Society's Truth and Reconciliation Advisory Committee. The committee is charged with guiding the Law Society's response to the Truth and Reconciliation Commission's calls to action.

Owing to his experience working with residential school survivors Judge Marchand has expressed strong support for less adversarial and more restorative approaches such as First Nations Courts. He presides in his home community of Kamloops where he has seen the positive difference that First Nations Court has had for offenders, their families and the community.

In the most recent issue of the Law Society of BC's Benchers Bulletin (Fall 2016) Judge Marchand gives advice as to what lawyers can do to become culturally competent and underscores the importance of higher Indigenous representation in the legal profession.

Throughout his entire career Judge Marchand has been an inspiring role model not only for Indigenous people but for all who seek to make a difference in their communities. As taught by his father, Judge Marchand strongly believes that "Education is the key to future"; it allows youth to reach their full potential and gives them all available opportunities.

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Finally, Judge Marchand has been a strong supporter of the Aboriginal Lawyers Forum since its inception. To the ALF Executive over the years, his support has provided much needed encouragement, confidence, inspiration and motivation, both in the ALF's early formative years and now as the ALF seeks to establish its profile in the profession. Of particular note, Judge Marchand has readily agreed, both before and after being appointed to the bench, to auction himself off for a Mentor Lunch in the ALF's annual National Aboriginal Day Online Auction. To date he holds the record highest bid of approximately \$300 for a "Mentor Lunch with Judge Marchand". In addition the ALF can always count on Judge Marchand to sponsor Aboriginal law students to attend the ALF's annual retreat and Holiday Banquet.

Both as a person and as a professional, Judge Marchand truly exemplifies the kind of recipient sought for the ALF Special Contribution Award. He has demonstrated and will continue to demonstrate outstanding contribution to Aboriginal people and the law, including the CBABC Aboriginal Lawyers Forum.

2016 ALF Student Appreciation Award Recipient Dustin C. Gagnon

Dustin Gagnon is a member of the Wet'suwet'en Nation and is proud to call Moricetown, B.C. home. Before moving to Kamloops to attend law school, Dustin had lived in Prince George, BC, where he earned an Accounting and Finance Diploma with honours through CNC and a Bachelors of Commerce from the University of Northern British Columbia.

Dustin has shown great leadership attending law school; he took it upon himself to mentor first- year students and has connected other students with Mentors outside of the school. He has worked to see others can attend functions, and conferences while studying at TRU Law, and coordinated with the school to have four students attend the Indigenous Bar Association Conference in October. He is always busy as the President of the Indigenous Law Students Association, working to bring in guest speakers, planning club events, helping with volunteer work, and having the Elders and Drummers attend events that are being held. He has participated in many of the law school functions that take place, such as the Student Lead Conference, the International Inter-tribal Trade Conference, volunteering at the soup kitchen, and film screenings such as "After the Last River."

Upon completing his studies in April, Dustin will be Articling with MJB Law in Kamloops, B.C. He looks forward to continuing to be a part of the law program and still plans to volunteer whenever possible. Above all, he is happy that he and his family can finally settle in and now call Kamloops home.

UPCOMING ALF EVENTS

Establishment of TRC Committee to Implement Calls to Action
Commencing in 2017

NAD 10 Year Anniversary Reception and Auction
Vancouver, BC - June, 2017

ALF 8th Annual Holiday Banquet
Vancouver, BC - November, 2017

Please watch the ALF Facebook page, and CBABC notices for further details on upcoming events!

If you have any questions, please email ALF Chair, Tina Dion tina@tinadionlaw.com.



Indigenous Law Students' Associations in BC



UBC



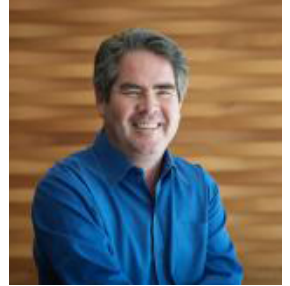
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ALF 5th Annual Retreat: *Not Just Aboriginal Law: The B to Z of Practice*

By Tina Dion

This year's retreat was held on April 29-30, 2016 in Parksville on Vancouver Island, on the traditional unceded territory of the Nanoose First Nation. The retreat was another huge success! The focus of the retreat was to showcase and highlight the various practice areas of lawyers of Aboriginal or Indigenous heritage beyond or in addition to Aboriginal Law. The retreat was formally opened with a prayer and welcome from Nanoose Elder Ms. Anne Bob. We were very fortunate to have as our special guest, and keynote speaker for our Saturday dinner, the Honourable Judge Alexander Wolf, who was appointed on December 7, 2015 to the Provincial Court of BC.



The Honourable Judge
Alexander Wolf

Speakers and their topics included: Aboriginal Law Update (Professor Gordon Christie), Employment and Finance Law (Chaslyn Gillanders), Solicitors Practice (Janelle Dwyer), Aboriginal Administrative Law (Tina Dion), Federal Public Prosecutions (Leslie Leclair), Criminal Defence (Victoria Desroches), Provincial Crown Prosecution (Leah Fontaine), Firm Partnership (Merle Alexander and Aaron Bruce), Civil Forfeiture (Johnny Van Camp), Injury Law (Cedar Dodd), and Ethics (Law Student Panel). It was an excellent day of learning and sharing.

We were fortunate to have had 8 student sponsored seats with resort room coverage. The ALF is grateful to our sponsors especially where it means that we can make it possible for Aboriginal or Indigenous students to attend for a weekend to not only learn and share but to continue to build their professional networks and contacts.

The ALF thanks the following student sponsors, as without you we could not make student participation possible: Peter A. Allard Law School, BR Law /Bram Rogachevsky, Tina Dion and Sonya Pighin, Donovan & Company, JFK Law Corporation, Robert Janes QC, the Honourable Judge Alexander Wolf, and Woodward & Company LLP.

THANK YOU!!



2016 ALF National Aboriginal Day On-line Auction

By Isabel Jackson

Our 2016 National Aboriginal Day On-line Auction raised more than \$6,000 (!) in support of the [CBABC Aboriginal Lawyers Forum](#), affectionately known as the “ALF”. The ALF’s mandate is to support Aboriginal law students, graduates and practitioners in order to enhance the stature and influence of Aboriginal people in the legal profession.

Each year we also hold a reception as the celebratory part of our National Aboriginal Day event. This year’s reception was held again at [Skwatchays Lodge](#), a boutique hotel in Vancouver that is owned and operated by the Vancouver Native Housing Society. We are grateful to our **Premier Reception Sponsor** [DGW Law Corporation](#) for supporting our reception event each year. We are also grateful to the Department of Justice BC Region for their support.

We continued with the tradition we have established at our reception which is to showcase rising talent in the Aboriginal community. This year the spotlight went to Eden Fine Day (Sweetgrass First Nation).



We are grateful to [Weyerhaeuser](#) for continuing to sponsor the entertainment for our reception each year.



Who will get the spotlight next year?!

2017 WILL BE THE 10TH ANNIVERSARY OF OUR NATIONAL ABORIGINAL DAY ON-LINE AUCTION & RECEPTION!

Let’s celebrate by making it our biggest event ever! Please consider donating or soliciting a donation of an item to be auctioned off. In addition to our reception event we will also be planning something extra-special such as an esteemed panel of Aboriginal judges to lead and inspire us! Stay tuned for the details. In the meantime we ask all of our ALF constituents to please consider how you can help make our 10th anniversary event special indeed. Please contact isabel.jackson@justice.gc.ca.



CBABC Membership

BC Advantage

Enrollment for all 75 BC and 41 National Sections and Forums ([including ALF](#)) is free of charge with the BC Advantage.

Visit cbabc.org/advantage for details on CBABC membership.

Special Programs

These programs are available to members in good standing:

- Birth Adoption Benefit Program
- Waiver of Dues Program
- Members' Special Circumstances Fund

Applications for these programs are found at: cbamembership.org

CBABC Branch Fees

Category	Fee (Incl. Tax)
Regular	\$737.96
New Lawyer	\$328.54
Associate	\$402.78
Retired	\$402.78
Non-Practicing	\$402.78
Part-Time	\$402.78
Scholar	\$217.20
Articling Student	\$217.20
Law Student	\$20.00

Additional Options

Portfolio	\$240.00
Portfolio Plus	\$480.00

Contact

CBABC Member Services
604.687.3404 - 1.888.867.3404
members@cbabc.org

ALF Member Profile: Joanna Recalma

Joanna Recalma is an unconventional mother, wife and litigator. She is often recognized by the silhouette of her fabulous hair and mistaken for a client by visiting Judges and most Court Clerks outside of Nanaimo. She is a random abstract thinker and although she has been known to make compelling legal arguments, she regularly loses her wallet, keys and all sense of time.

She is from the following competitive nations, in no particular order: Pentlatch, Kwakwaka'wakw, Haida, Icelandic and Chilean. Joanna's witty 11-year-old son Joshua keeps her retired husband, Andre Kaufmann, busy and generally confused. Both Joshua and Andre make her work possible.



Joanna is a sole practitioner and runs a busy family law and child protection practice based out of Nanaimo. The values of meaningful work and meaningful relationships are lessons set by her family and she does not take them lightly. Her pursuit of these values replenishes her sense of hope in her career as a lawyer. Please remind her of this if you catch her protesting her trial schedule.

She strives to be an effective advocate for her clients and their children navigating through family law in Supreme Court, Provincial Court and in particular the murky waters of the Ministry of Children and Families. Although she prefers to settle matters outside of court processes, she does not shy away from trial work. This past spring, she completed an 18-day Provincial Court trial, spanning 10 months. Other than the beautiful result, she found this to be a brutalizing experience, as did her client and his entire extended family.

From an early age, Joanna was taught to dream big. That being said, she is not currently accepting new clients or referrals so please forget you ever read this.



Law Society of BC Truth and Reconciliation Advisory Committee Update

By Andrea Hilland

Following the release of the Truth and Reconciliation Commission Report and 94 recommendations to redress the legacy of residential schools, the Benchers of the Law Society of British Columbia unanimously agreed that addressing the challenges arising from the TRC recommendations is one of the most important and critical issues facing the country and the legal system today. Therefore, they decided to take immediate action to demonstrate their commitment to respond meaningfully to all of the recommendations that pertain to the legal profession.

The TRC's recommendations were the focus of the Benchers' Retreat on June 3, 2016, where the Benchers received education from Indigenous judges, lawyers, and politicians on the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

The Benchers passed a resolution to create a permanent Truth and Reconciliation Commission Advisory Committee at the July 8, 2016 Benchers meeting. On September 2016, they endorsed the terms of reference for the Committee. Highlights include:

- It is co-chaired by the President of the Law Society (David Crossin, QC) and an Indigenous representative (Grand Chief Edward John – who is a residential school survivor).
- At least half of the Committee is comprised of Indigenous representatives. There are currently six Indigenous representatives and four non-Indigenous representatives on the Committee. The Benchers on the Committee are: Dean Lawton, Lee Ongman, Daniel Smith (a residential school survivor), and Herman Van Ommen, QC.
- Indigenous representatives must be survivors or intergenerational survivors of the residential school experience. The Indigenous representatives on the Committee are: Professor John Borrows, Judge Len Marchand, Michael McDonald, and Ardith Walkem.
- Diversity of geographic regions, Indigenous perspectives, and professional arenas (e.g. different areas of practice, academia, and judicial perspectives) were also considered in the selection of committee members.

The Committee has identified some tentative short-term, medium, and long-term goals. Initiatives currently underway include: the acknowledgement of Indigenous territories at the beginning of Law Society functions, a review of the Professional Legal Training Course curriculum and Continuing Legal Education course offerings in light of TRC Recommendation 27, ensuring Law Society Benchers and staff receive appropriate intercultural competence training, encouraging Indigenous participation in Law Society governance, researching Indigenous initiatives in other law societies to assess applicability in BC, and conducting outreach regarding the Law Society's TRC initiatives. To that end, David Crossin, QC spoke at the Indigenous Bar Association annual conference on October 15, 2016, Dan Smith presented at the First Nations Summit meeting in Vancouver on October 20, 2016, and I presented at the CLE's Aboriginal Law Conference on November 25, 2016.

The Truth and Reconciliation Advisory Committee would like to be as inclusive as possible, and therefore welcomes input from the Indigenous bar. Please feel free to contact me, or any of the Committee members with feedback or suggestions.

Stitwanitz (Thank-you).



The ALF would like to congratulate the following two appointments to the Provincial Court of British Columbia:

On December 7, 2015, Judge Alexander Wolf was sworn in as a Provincial Court Judge and assigned to the OCJ Region. Judge Wolf has legal experience in Canada, India, the Philippines and Fiji. Since receiving his law degree from Dalhousie University in 1993, he has been called to the bar in Ontario, Yukon, Northwest Territories, B.C. and Fiji. Mr. Wolf has gained expertise as a Crown Prosecutor, defence counsel, poverty lawyer, legal aid lawyer and sole practitioner. His legal career includes residential school cases for the Justice Department and management of the Vancouver Aboriginal Law Centre, which deals with Aboriginal, family and poverty law issues. Since 2004, he has concentrated on his private practice in North Vancouver.

On August 8, 2016, Judge Karen Whonnock was sworn in as a Provincial Court Judge and assigned to the Northern Region with resident Chambers situated in Williams Lake, BC. Judge Whonnock received her law degree from the University of Toronto in 1999, a Master's in law from Osgoode Hall at York University in 2003 and is currently a candidate for a doctorate in social sciences at Royal Roads University. A member of the Wet'suwet'en First Nations, she has been an associate judge of the Colville Tribal Court, has worked for the Legal Services Society and has been a sole practitioner in Terrace. She has published on Indigenous women, matrimonial real property and aboriginal courts.

TRU Indigenous Law Students' Association (ILSA) Update

By Dustin C. Gagnon, President

Over the past couple years, ILSA's membership numbers have been low and TRU Law has seen low intake numbers of Indigenous students. This year I am pleased to announce an overwhelming amount of support from the new first-year students at TRU Law; it is a number that will make ILSA a thriving association for years to come.

TRU ILSA was off to a great start for 2016/17 year: in September, we voted on our current executive, and we have two first-year students who have stepped up to be a major part of TRU ILSA. Below is our new Executive:

Dustin C. Gagnon, President
Kassia Trottier- Vice-president
Kateri Koster- Secretary/Treasurer
Kassia Trottier- SLS Rep
Cheyenne Neszo- ALF Rep



This year we have had a few events already take place. On October 13-15, several of our students attended the Indigenous Bar Association Conference in Vancouver, B.C., and we had the pleasure of meeting Grand Chief Perry Bellegarde. We also have five students attending the ALF Banquet on November 25th, in Vancouver.

TRU ILSA was a part of the International Inter-tribal Trade Conference, which TRU hosted on November 11-12, 2016. We had guests from all over North America in attendance, and we saw several great connections being made between Nations from all over Canada and the USA.

In the following semester we have a few events planned. The first event is a guest speaker, Vivienne Beisel, BA, LLB, LLM, who will be speaking to our students about her experience as an Adjudicator with the Indian Residential School Settlement Process. In February, we are planning a field trip to attend First-Nations court in downtown Kamloops, with a lunch afterward. We have one other guest speaker proposed but have not confirmed attendance or dates yet.

If you would like to become more involved, please find us on [Facebook - TRU ILSA](#), or speak to any of our executive members.



Pictured from left to right: Laurel Sleight, Charlotte Munroe, Grand Chief Perry Bellegarde, Dustin Gagnon, Kateri Koster.



University of Victoria's Indigenous Law Students' Association (ILSA) Update

Reconciliation

By James Henry

Every year since 1996, the University of Victoria's Faculty of Law runs an Aboriginal Awareness Camp. This year, for the first time, the camp took place in Homalco just outside of Campbell River. Wei Wai Kai and Wei Wai Kum both participated in assisting the first-years' journey to discovering and engaging with Indigenous law. This experience is meant to ground the first-year students learning in Indigenous legal issues while humanizing the experience for them. AbCamp is completely student organized with backing from the faculty.

This year UVic suffered a loss when the Spindle Whorl carved by Charles Elliott was stolen earlier this summer. Thankfully, it was later recovered. With reconciliation on the Faculty's mind, in mid-October, they held a ceremony to reaffirm the Spindle Whorl's place and the place of Indigenous legal orders within the law school.



UBC Indigenous Law Students' Association - Update

By Crystal Brown

The University of British Columbia (UBC) Indigenous Law Students' Association (ILSA) maintains a vital role at the Peter A. Allard School of Law at UBC, providing a community for Indigenous and non-Indigenous law students who wish to come together and share in educational and social activities such as beading workshops and drumming circles. ILSA seeks to develop Indigenous awareness, both at UBC and in the greater community through annual initiatives such as the Sisters in Spirit Vigil, Indigenous Awareness Week, the ILSA Golf Tourney and a Speaker Series event which offers topical themes and a balanced list of reputable guest speakers.



ILSA also seeks to provide a forum for students who are interested in Aboriginal Law to share and gain knowledge about Aboriginal legal issues, both on a practical and theoretical level.

In addition, ILSA also holds various fundraising initiatives throughout the year, such as bakes sales, ILSA merchandise sales, as well as our most recent fundraising initiative, the "ILSA meat draw." The funds raised at these events help ILSA to hold its various events, support its student membership, as well as donating much of the proceeds to the Downtown Eastside Women's Centre.

ILSA Executive

Co-Presidents: Crystal Brown & Steph Willsey

Treasurer: Sasha Platz

Secretary: Dawn Johnson

3L Representative: Craig Empson

2L Representative: Paige Gardner

1L Representative: Julia Thielmann

ALSS Indigenous Director of Student Affairs: Alexandra Scott



Picture from left to right: Julia Thielmann, Dawn Johnson, Sasha Platz, Crystal Brown, Alexandra Scott.



Welcome to the 2016 – 2017 ALF Executive



Chair

Tina Dion
tina@tinadionlaw.com



Vice-Chair

Isabel Jackson
isabel.jackson@justice.gc.ca



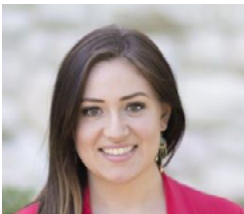
Secretary

Nicole Bresser
nicole@dgwlaw.ca



Policy & Communications Officer

Danielle Mercredi
danielle.mercredi@tribunal.gc.ca



Member at Large

Nicole Iaci
niaci4@hotmail.com



Member at Large

Mark Stevens
markcstevens22@gmail.com



Member at Large

Christopher Gall
cgall@mnbc.ca



TRU Student Representative

Dustin C. Gagnon
dustingagnon104@hotmail.com



UVic Student Representative

James Henry
jdhenry@uvic.ca



UBC Allard Hall Representative

Monika Wilson
monika_brandice_wilson@hotmail.com

