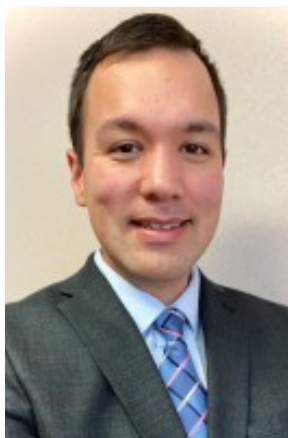


ALF Executive Update 2023

By Randy Robinson, ALF Chair

As we reflect on 2022 and contemplate the new year, it is worth taking stock of some of the tremendous accomplishments of the last year. The Aboriginal Lawyers Forum is pleased to announce its 12th Annual ALF Holiday Banquet was a great success. Our keynote speaker, The Honourable Justice Len Marchand Jr, spoke of the challenges we continue to address as Indigenous lawyers and also of the resilience we demonstrate in our collective work toward equality in the legal profession. The ALF honoured two distinguished members of our community with our highest award, the Special Contribution Award.



The ALF recognizes the extraordinary recipients of this year's ALF Special Contribution Award: Myrna McCallum and Douglas S. White III, KC. The Aboriginal Lawyers Forum Special Contribution Award allows us to recognize Indigenous individuals in the legal profession who have demonstrated an outstanding contribution to Indigenous people in the field of law. We are proud to honour and celebrate the achievements of Douglas White and Myrna McCallum. We also recognize the recent achievement of our Past Chair Isabel Jackson receiving the President's Medal by virtue of Past CBABC President Clare Jennings.

Many thanks to our gracious donors who helped raise money the silent auction for the ALF Warrior Project and also the funds raised through the ALF Toy Drive for the Vancouver Aboriginal Child and Family Services Society. CBABC staff member Arianne Moran was instrumental in facilitating the orderly, vibrant, and festive gathering. I gratefully acknowledge the tremendous work of ALF's Executive as we continue to work on providing opportunities: Isabel Jackson (Past Chair), Christina J. Cook (Vice-Chair), Geordie Hungerford (Member at Large), Martin Buhler (Legislative Liaison), Breanne Martin (Member at Large), Charlotte Rose (Member at Large), Angeline Nyce (Member at Large), Shawnee Monchalin (Member at Large), Sheila Simpson (Member at Large) to the 22-23 team. I was pleased to recognize the Executive's exceptional contributions with our sacred medicine of sweetgrass. The sweetgrass was provided by ALF Vice Chair Christina J. Cook. The sweetgrass came from Manitoba – we are so please to incorporate this important medicine into our work. The ALF Membership can look forward to our bi-Annual Retreat, on June 23-25 at Tigh-Na-Mara Seaside Spa Resort on Vancouver Island which I will be leading as my final event as Chair.

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ABORIGINAL LAWYERS FORUM



THE CANADIAN
BAR ASSOCIATION
British Columbia

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Recently the ALF was instrumental in creating and finalizing the [CBABC Reconciliation Action Plan](#) which will guide BC lawyers and law firms in their initiatives that relate to action on reconciliation. Central to addressing these ongoing inequities, ALF will continue to work on promoting and sharing its knowledge about Truth and Reconciliation. ALF will continue to participate and provide advice in future reviews of the CBABC Truth and Reconciliation Committee work and Action plan. An important part of reconciliation is to ensure that Indigenous lawyers are welcomed within the profession, supported to stay with the profession and advance their careers and profile. We are continuing the practice of the past 5 years of holding space on specific committees, on Council and on the Board for Indigenous lawyers. Please stay tuned for opportunities to get involved on these committees and other volunteer roles.

Our great successes would not have been possible without the tremendous support of the ALF Membership. As Chair I am truly inspired to witness the momentous and forward movement that is being fueled by Indigenous and non-Indigenous Peoples working together toward a common goal, shared peace, equality and justice.

Thank you to Michelle Casavant

By Christina J. Cook

In August 2022, the ALF Exec met for the 2022 – 2023 planning meeting in Vancouver and for a farewell lunch for Michelle Casavant who stepped down from the ALF Executive at the end of the 2021-2022 year.

Michelle has been a ALF member since the beginning (even before the ALF was a Section of the CBABC) and in 2014 she joined the ALF Executive as Secretary. From 2014 to 2022 Michelle served various roles on the Executive, including Vice Chair and 2022 lead organizer for the Retreat.

Michelle is a member of the Métis Nation, she practices at the Department of Justice, is an instructor at Capilano University; works with the Law Society of British Columbia on conduct reviews for lawyers; and is a committee member on the College of Physicians and Surgeons of British Columbia.

Michelle continues to be a valued member of the ALF membership. We thank her so much for her years of effort on the ALF Executive.



Pictured: Christina J. Cook, Isabel Jackson, Michelle Casavant, Breanne Martin, Randy Robinson

Skú7pecen Up: Building the Next Generation of Legal Professionals

By Sunny LeBourdais, QS Director of Transformation

Qwelminté Secwépemc (QS) is a collective of six Secwépemc communities (Adams Lake Band, Skwlāx te Secwepem-cúlecw, Simpcw, Skeetchestn, Splatsin, and Tk'emlúps te Secwépemc) and their respective Campfire / Divisions, working together with the B.C. government through the Ministries of Water, Land and Resource Stewardship, Environment and Climate Change Strategy, Energy, Mines and Low Carbon Innovation, Forests, and Indigenous Relations and Reconciliation. Through the Skú7pecen's Journey Letter of Commitment, this Government-to-Government (G2G) table works collaboratively to make sustained, meaningful progress towards true and lasting Reconciliation and Recognition. Our G2G table upholds both Secwépemc Laws as laid out in the Stepstékwll (Ancestral oral histories, songs, and tellings), and Western laws and sciences.

An integral piece of this work is in capacity building and educating future generations so that they may uphold Secwépemc Laws and Indigenous ways of knowing and being in the modern context. The QS developed the Team Skú7pecen Knowledge Builders Program as a direct and purposeful approach to capacity building. Our Knowledge Builders program is first and foremost deeply rooted in Indigenous / Secwepemc Law through foundations on the Skú7pecen telling. Secwépemc Ancestors direct us through the Skú7pecen (Porcupine) [Skoop-a-kin] telling, whereby Chief Elk (BC) and Chief Swan (Secwépemc) are directly assisted by Sku7pecen in the development of understanding between the two groups in a respectful manner (i.e., 'Walking on Two-Legs'). Our program's interns learn to Walk on Two-Legs, building skills, knowledge, and wisdom from both the Western and Secwépemc / Indigenous worlds, to successfully support building understanding between the two groups and worlds.



Each year we provide the opportunity for Indigenous and non-Indigenous students across different academic areas the chance to step into Skú7pecen's shoes and become active players in Transformation and Reconciliation. The students are provided a safe ethical space to learn and practice the principle of 'Walking on Two-Legs', engaging directly with Secwépemc law and the Western legal landscape, as well as work collaboratively with our communities, BC, and our partners.



A key part of our Knowledge Builders Program is building the next generation of legal professionals. Indigenous law student walk in both worlds; both in Canadian and Indigenous legal jurisdictions, while they develop and apply their skills to advance Secwépemc rights and interests ensuring Indigenous laws and legal processes are recognized. QS upholds and implements Indigenous law through building relationships necessary for the management of our lands and waters while respecting the vested jurisdiction, authority, title, rights of our communities. Our Knowledge Builders Program, in partnership with external law firms, have supported articling experiences whereby law graduates become lawyers in this rapidly developing area of law practise.

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Our Knowledge Builders Program ensures that the next generation of lawyers, leaders and technicians will be well-rounded practitioners serving our Secwépemc Nation and communities. QS Knowledge Builders become active players in the work of Reconciliation, enhance signatory resilience and capacity, as well as support transformative nation-building. The Knowledge Builders Program continues to evolve and expand the program, including enhanced opportunities for law students to become the legal professionals of the future.

For more information on our Knowledge Builders Program and opportunities for current law students, please reach out to Tamara Archie, Communications, Community Engagement, Education, and Outreach (CCEEO) Manager at tamara@qwelminte.ca.

CBABC President's Medal Award to Isabel Jackson

By Shawnee Monchalin

Congratulations to Isabel Jackson who was presented as the 2022 recipient of the President's Medal by then-CBABC President, Clare Jennings.

The President's Medal is awarded annually to recognize significant contributions by the recipient to the legal profession.

Isabel Jackson is a member of the Gitksan First Nation. She is recognized for the remarkable work she has done in raising the profile of Indigenous lawyers in the country. She has been involved in numerous efforts to increase Indigenous engagement within the legal profession, including as an original member of the ALF. She is a leader for Indigenous lawyers at every year of call and has established a community of support, culture, allyship and celebration of Indigenous lawyers in Canada.

ALF thanks you, Isabel, for all the wonderful work that you do. Congratulations!



11th Annual ALF Retreat | June 23 – 25, 2023
@ Tigh-Na-Mara Seaside Spa Resort | Vancouver Island
Register Today: cbabc.org/ALFRetreat

The Hazelton Indigenous Court

Finding Justice and Healing through Indigenous Laws

By Laurie Paulin & Camille O'Sullivan

On August 3, 2021 the Hazelton Indigenous Court had its first sitting at the Erwin Stege Community Centre in New Hazelton. This Court is the eighth Indigenous court to open in British Columbia and is due largely to the commitment and resourcefulness of the Gitksan and Wet'suwet'en Elders and partner organizations.

This first sitting was twelve years in the making – the first steps on this long road were taken by several Gitksan and Wet'suwet'en Elders who were responding to the overrepresentation of incarcerated Indigenous individuals. As board members of the Upper Skeena Counselling and Legal Assistance Society (USCLAS) they directed Linda Locke, KC, Executive Director and Lawyer, and USCLAS staff to help develop a restorative and healing response that bolstered Indigenous laws.

A partnership was formed between USCLAS, Attorney-General of BC, Court Services, Community Corrections, Crown Counsel, Unlocking Aboriginal Justice, Carrier-Sekani Family Services, Parent's Legal Centre, Victim Services, other local lawyers, articling students, Native Court workers and the Gitksan and Wet'suwet'en Elders – becoming the Hazelton Indigenous Court Council. With the clear objective of addressing overrepresentation of incarcerated Indigenous individuals and with several Council members working off the side of their desks, they realized the Hazelton Indigenous Court.

Hazelton Indigenous Court is a criminal sentencing court for individuals who plead guilty to one or more criminal offences. At a sitting, the participant is able to share their story before the Judge, sitting Elders, the Crown prosecutor, their lawyer, and any support people they request. In response to their story, the sitting Elders and the participant develop a healing plan that usually accompanies the sentence from the Judge. The purpose of the Hazelton Indigenous Court is to offer restorative pathways by creating articulated responses to lived experiences using Gitksan and Wet'suwet'en laws. The overarching goal is healing for the participant and the community and setting the participant on a better path.

The healing plans could include reconnecting with cultural activities, learning their language, assisting Elders in community, or other means of reconnection designed to address and counteract the impact of intergenerational traumas and colonization. Participants return regularly to the Court to check in on their progress and discuss any barriers they encounter on their healing journey. Upon completion of their sentence and with successes in their healing plan, the participants graduate from the Hazelton Indigenous Court.

Elders play a critical role in the success of Hazelton Indigenous Court and spend a number of hours volunteering to ensure that participants have the opportunity to turn their lives around. Axwindesxw (Tony Morgan), a Hazelton Indigenous court Elder, states that “[w]e’re glad to be able to work together as Elders in the court system and work with the judge and the counsel. It’s a big step toward reconciliation and we’re glad we’re able to work together”. There is a roster of 8 Elders who rotate in attendance at Court, with 4 at each sitting developing the healing plan with participants.

The Elders are joined by the Court Navigator, who supports the participants in accessing resources. The Navigator also supports the court generally, takes care of the Elders before and after a sitting and assist the sitting judge when required. All are working together to encourage a restorative and healing outcome. Virginia Dewitt, Hazelton Indigenous court Elder, brings up one way that Indigenous court is unique, “[w]hen our young people come to court, they can feel at ease and that their voices are being heard”.

In the year since the first sitting of the Hazelton Indigenous Court, three individuals have graduated. On October 31, 2022 a graduation celebration was held at the Hazelton courthouse during a Court sitting to honour the first two Hazelton Indigenous Court graduates. Drumming and a song started the celebration and speeches were given to celebrate the hard work of the two participants.

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The positive impact of the Hazelton Indigenous Court on participants is evident from the first moment the participant begins to speak. They generally start the process feeling quite down on themselves and look like they don't have much hope for their futures. It is clear that these individuals don't often get a chance to be heard, especially in the context of a court hearing. Being able to tell their stories is the first step on their healing journey. After a few follow up appearances the participants are carrying themselves differently—shoulders are back and they feel stronger and more capable of moving forward in a positive way.

Gitxsan and Wet'suwet'en Hereditary Chiefs have expressed approval of the Hazelton Indigenous Court due to the Elders involvement, the focus on healing, and the use of culture and Indigenous law to address root issues. Incorporating Indigenous law is at the top of their minds in order to help heal their communities.

Djogaslee (Ted Mowatt) stated that "[i]t's important that we all learn each other's laws as the Gitxsan and Aboriginal people have learned the Western laws. It's a law that can't be pushed aside. It's got to be married to the Western laws and understood by all. We cannot live under one law of the non-native people. We have our law that needs to be learned by the non-native people. Having the two nations – the non-native and the Aboriginal people – learning each other's laws... then things will work out."

The official opening of the Hazelton Indigenous Court occurred in March of 2022; a tying ceremony was held to bind the authority of the Gitxsan and Wet'suwet'en Chiefs with the Provincial Court in the spirit of reconciliation. This ceremony involved looping a woven cedar bark cord around the wrists of Gitxsan and Wet'suwet'en Elders and the wrists of representatives from the Attorney General's office as well as the Provincial courts. It symbolizes their commitment to reconciliation and agreement to walk side by side down the path of the Hazelton Indigenous Court. This ceremony was filmed and shown at a larger celebration of the Hazelton Indigenous Court in September 2022.

"The joining of the Ayookx with the court system and the provincial courts is only the beginning," said Wii Eeleast (Jim Angus), a Hereditary Chief and president of the Upper Skeena Counselling and Legal Assistance Society board. "After today, we're going to be able to apply who we are and how we counsel our youth and our young people to how we serve the sentence. We're applying our authority to the court system and it's about time. It may just be the beginning of the changes that may come for our people."

The Hazelton Indigenous Court is applying Gitxsan and Wet'suwet'en laws, culture, and values – paired with a trauma informed approach – to make a positive impact in the communities of the Upper Skeena Region. The Court is not only addressing the overrepresentation of incarcerated Indigenous individuals by providing restorative responses, but it is also strengthening communities because of the application and utilization of Indigenous law.

About the Article Authors:

Laurie Paulin is Haisla and Haida and grew up in Kitwanga, BC and Terrace, BC. In 1997, Laurie received her Bachelor of Business Administration Degree. A Human Resources Post Diploma was obtained in 1999. She enjoyed a 15-year career as a Human Resources Professional before moving on to try other careers. Laurie became a Certified BodyTalk Practitioner in 2011 and has worked as a trauma therapist in remote First Nations communities for two years. Laurie and her son love spending time at the rivers, lakes, and trails in this area. Laurie is currently in her last year of law school at TRU. She decided to become a lawyer after working at the local law centre in Hazelton, BC as the Poverty Law Advocate for two years. In 2021, Laurie was the recipient of the Women General Counsel Canada Indigenous Scholarship.

Camille O'Sullivan is a third-year law student at the University of Victoria in the Joint Degree Program in Canadian Common Law and Indigenous Legal Orders. She is a settler of Chinese, Irish, and French descent living and learning on the lands of the Lekwungen peoples. Camille first volunteered with the Upper Skeena Counselling and Legal Assistance Society in her first year at law school, then joined them as their summer student in 2021. While there she joined USCLAS staff and Hazelton Indigenous Court Council members in taking the final steps to launch the Hazelton Indigenous Court and facilitated the recordings of the Opening Ceremonies in response to the extreme weather and resurging COVID-19 pandemic. Camille is grateful for her time at USCLAS, working with Linda Locke, KC and the Elders of the Hazelton Indigenous Court.



Pictured are two graduates of the Hazelton Indigenous Court (centre) standing between two of the sitting Elders.

The First Nations Justice Council – An Exciting New Venture

By Darrin Blain, Provincial Director, Indigenous Justice Centres for the British Columbia First Nations' Justice Council

BCFNJC exists first to change the experience that the Indigenous people of British Columbia have with the criminal justice and child protection systems and secondly to move the needle in favor of the restoration and revival of Indigenous legal orders and systems that pre-existed colonial contact, vis:

...[j]ustice systems grounded in BC First Nations self-determination sustain safety, balance and wellness. Walking alongside BC first Nations leadership, the BC First Nations Justice Council works to restore balance by creating a justice system BC First Nations can believe in.

Created in 2016 and anchored by a robust strategy (the “*Strategy*”), designed by and endorsed by the BC Assembly of First Nations, the First Nations’ Summit and the Union of BC Indian Chiefs, the BCFNJC has already begun to fulfill its mandate by creating 4 out of 15 Indigenous Justice Centres located in Prince Rupert, Prince George, Merritt and our newest centre located in Chilliwack. The justice plan announced by Premier David Eby and Council member Kory Wilson on November 20 2022 set the target to open our 5 “regional” centres before the end of March 2024 to be situated in Nanaimo, Victoria, Vancouver, Surrey and in the Okanagan, Kelowna. Regional centres will be larger centres than our existing centres just given the population of the centres in which they will be set. Our new head office is located on Westbank First Nation lands in what is known as West Kelowna. After these 9 brick and mortar centres will be opened, we will move into planting the remaining 6 centres in consultation with stakeholders across the province, before the end of March, 2025. Our services also include a virtual component, known as the Virtual Indigenous Justice Centre, where after screening by our Virtual Navigator, a person can make contact with one of our VIJC lawyers remotely by telephone or video and have their matter taken care of from a distance where possible.



Pictured here: Premier David Eby and Darrin Blain, Provincial Director, Indigenous Justice Centres for the British Columbia First Nations Justice Council

So, what makes the BCFNJC different than any other legal service provider? In a word, **culture**. Walk into an Indigenous Justice Centre and you will find a team that is trauma informed and grounded in Indigenous culture and traditions. Our centres have receptionists, lawyers, legal administrators, urban and rural outreach workers, Elders, a Gladue report writer and aftercare worker. BCFNJC now holds the pen on Gladue reports in the Province. The essence of what we do is wraparound and holistic in nature. Our approach to our client services is to address the systemic factors that contributed in whole or in part to the client’s legal matter and in providing wrap around solutions for each client, to include Indigenous culture and traditions in the manner in which the matter is resolved whether in the courts or in Indigenous designed and led mediations. At present, we are providing criminal defence as well as representation in MCFD (Ministry of Child and Family Development [Child Welfare]) matters. We are being watched by interested governments and service providers from across the country. We are indeed taking the lead on this work country wide and in addition to the work noted above, the *Strategy* has us working on subject matters such as diversion, the protection of women and children, policing, and establishing a province wide Elders’ Council to name a few. In addition to other provinces and territories consistently seeking our perspective on their work in this regard, we are consistently being tapped to form relationships that will help to inform and work with the judiciary, the criminal defence bar, native counseling services, Indigenous communities and others to which our partnership will be of significant reciprocal value.

I wish to acknowledge the work and guidance of our current Board: acting Chair Rosalie Yazzie, Boyd Peters, Dr. Judith Sayers and Kory Wilson.

Finally, of great interest to the readers of the *ALF Forum Drum* is that we are on a grand scale recruitment strategy. We are currently looking for dozens of people to join our teams in the existing IJC’s and in the new regional centres as well. In this regard, I would enthusiastically refer the readers to our website to learn about our available careers: bcfnjc.com.

Indigenous Thriving - The 10th Annual ALF Retreat in 2022

By Christina J. Cook

The 10th Annual ALF Retreat in May 2022 was a huge success and our largest retreat yet – with 70 registrants.

The retreat theme was “Indigenous Thriving” and full of programming aimed at wellness and relaxation. As it was one of our first in-person events after covid, it was so wonderful to see everyone again and meet so many new Indigenous law students.

The retreat was held on the beautiful territory of the Stó:lō Nation at the Harrison Hot Springs Resort. The retreat kicked off in a good way with a welcome and walk onto land up and up to the water lead by Stó:lō Elder Naxaxalhts'l, also known by his English name as Dr. Albert “Sonny” McHalsie. Naxaxalhts'l is the Cultural Advisor/Historian of the Stó:lō Research and Resource Management Centre and is the co-author of the book *I Am Stó:lō: Katherine Explores Her Heritage* (1997) – focusing on his family and his daughter. We were honoured to have Naxaxalhts'l share some teachings with us and ground all of our registrants to the land that we were on.



It was really important for the retreat organizers (Michelle Casavant, Christina J. Cook, and Shawnee Monchalin) that all the presenters be Indigenous for the retreat, and we were so pleased to have an impressive line up showcasing Indigenous excellence. Dallas Pootlass of the Nuxalk Nation lead a transformation breathwork session; Len Pierre of Katzie First Nation presented on “Traditional Indigenous Wellness”; Julie Daum of Wet’suwet’en First Nation presented on “Effective Communication Skills”; Copper Canoe Woman (Vina Brown) of Nuuchahnulth First Nation lead two Indigenous themed Yoga Classes; and our keynote speaker for the Saturday evening dinner was Provincial Court Judge Tina Dion of Kehewin Cree Nation.

The programming was amazing, and the participants getting together to network and connect was so important. After the retreat, I heard that an Indigenous student was able to secure articles with an Indigenous she met at the retreat. I also saw Indigenous lawyer discuss files and referrals that they would make to Indigenous lawyers they met at the retreat. After the isolation of covid and the general isolation that many Indigenous lawyers feel in the profession (myself included) the retreat was a lifeline.



The retreat was only possible due to the efforts of the organizers: Michelle Casavant of the Métis Nation; Christina J. Cook of Brokenhead First Nation and Shawnee Monchalin of the Métis Nation.

We are grateful for the generous support from the sponsors of the event.

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Update from UBC ILSA

A Message from the Co-Presidents, Cheyenne Campbell and Allan Prest

We would like to start by first acknowledging the Unceded territories of the Coast Salish peoples, the x^wməθk^wəyəm (Musqueam), Skxwú7mesh (Squamish), and səliłwətaʔ (Tsleil-Waututh) Nations, over which the University of British Columbia (UBC) is located.

This year, our ILSA community has been actively organizing awareness events, building community, creating mentorship opportunities within the Indigenous legal community, collaborating with other student groups and faculty committees, advocating for Indigenous student support and resources, and organizing Indigenous Awareness Month events.

To start our year off, we recruited an impressive student community and have several members sitting on faculty committees to represent the Indigenous law students at the Peter A. Allard School of Law (Allard). These committees include the Indigenous Legal Studies Hiring Committee, the Academic Procedures Committee, the Equity and Diversity Committee, and the Admissions Committee.

In October, ILSA hosted a Sisters' in Spirit Vigil on campus that was open to all students and faculty. We were fortunate to have fancy shawl dancer, Rebecca Sangwais (Cree and Saulteaux, Ochapowace First Nation) perform and speak on Missing and Murdered Indigenous Women, Girls, 2 spirit and gender diverse peoples (MMIWG2+).

We are very excited to have hosted our annual Gala at the Fairmont Waterfront Hotel this year on March 3, 2023. We are incredibly humbled by the support we have received from the legal community, Indigenous businesses, and Indigenous artists. The evening included a keynote address by the Honourable Ardith Walpetko We'dalks Walkem, KC of the BC Supreme Court, a performance by The Tsleil-Waututh Warriors Dance Group and the presentation of ILSA's Courage in Law Awards. We held our annual silent auction at the Gala with items including a wide variety of Indigenous art, curated experiences, gift certificates from Indigenous-owned businesses, and much more. The silent auction raised funds for the ILSA Bursary Fund, which is dedicated to providing financial support to Indigenous students at Allard. We are so pleased to have over 150 people from the legal community to attend this event.



Throughout March, ILSA will be hosting Indigenous Awareness Month (IAM) with the goal of raising awareness about Indigenous issues and celebrating Indigenous culture. We have various events planned on and off campus, including a nature walk with artist and ethnobotanist Cease Wyss, a cedar weaving workshop and our highly anticipated Indigenous Trivia Night, where students, faculty, alumni, and firm lawyers band together in teams to showcase their legal (and not-so legal) prowess. If you and/or your colleagues would like more information or would like to register a team for Indigenous Trivia Night, please email ilsa.ubc@gmail.com. The event will be held downtown on the evening of March 24th.

To conclude, ILSA would like to give many thanks and our sincere gratitude to the CBABC Aboriginal Lawyers Forum for providing this opportunity to feature our Association. If you would like to donate to the UBC ILSA Bursary Fund, please email ilsa.ubc@gmail.com.

"Separate Beds: A History of Indian Hospitals in Canada" 1920s-1980s

Author: Lux, Maureen K. (2016) Toronto: University of Toronto Press

Book Review by Dr. Paula Cook

In *Separate Beds*, Dr. Maureen Lux, a Canadian historian and academic, traces the history of medical care provided to the First Nations in Canada.

Lux provides a comprehensive look of the racially segregated health care system, which has plagued Canada since the first treaties were signed. Non-Indigenous Canadians and politicians are often so proud of Canada's progressive medical history and its evolution from a hardscrabble provincial plan to the definition of national health that embraced all – however most if not all, are unaware of the other 20th Century healthcare story in Canada: The First Nations' healthcare system that embodies intractable and enduring health disparities in most Indigenous communities and impact First Nations people that live on and off the reserve. This second history is conspicuously absent from average Canadian's consciousness and while the Canadian government has attempted to put forth the public perception of its' efforts benevolent "humanitarian efforts" toward the First Nations.

Lux details how even the earliest Canadian policies and efforts to provide First Nations health care services were grossly inadequate, discriminatory, and arbitrary. From the 1860s to the 1940s First Nations health care on reserve was provided by missionaries, under direction of the Indian agents. These missionaries addressed many of the First Nations' healthcare needs striving to deliver the same dismal level of service provided in residential schools. Under the racist and illegal pass system, First Nations were prevented from leaving their reserves without written permission from the Indian agent. Further Indian agents controlled when and which First Nations people could access health care off reserve.

Later in the 1940s Canada opened Indian Hospitals in response to the rampant Tuberculosis ("TB") crisis on First Nations reserves. Provincial governments barred First Nations people from admission and access to provincially operated TB sanatoriums. Indian Hospitals were operated by the government's Indian Health Service (IHS), and the standard of care was dismal. Treatment was arbitrary and punitive. Conditions were dire and substandard care was the norm. Lux details in her book how medical personnel who worked at these hospitals typically could not find jobs anywhere else because of their inadequate skills, reckless treatment practises and cavalier attitudes. Abuses were common. Children were placed in plaster casts for the purpose to immobilized them in bed and prevent them from running away.

Surgeons operated on patients with little or no anesthesia, one doctor claiming his skills were so great that the patient did not need anesthesia, despite the fact he was removing the patient's lung and three ribs.



Two girls lay in bed in the dormitory at All Saints Indian Residential School in Lac La Ronge, Sask., in 1945. Credit: Boorne & May. Library and Archives Canada, e010962312, CC BY

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In 1953 the *Indian Act* was amended to criminalize illness in First Nations' people and allowed for the RCMP to arrest those who were ill but refused treated at Indian Hospitals. Indian Hospitals developed close relationships with medical schools and universities, providing test subjects (patients) for medical experimentation. Various pharmaceuticals, chemical interventions (chemical warfare chemicals) and medical procedures were researched in these hospitals. Lux substantiated all these findings with archival records from the Canadian Department of Indian Affairs, and the Department of the National Health and Welfare, newspaper archives, published primary documents, oral interviews and a profusion of secondary sources and academic writings.

It is important to understand how the hundred plus years of marginalization, being blamed and criminalized for illnesses, (many caused by the factors put in place by the repressive *Indian Act*), the propaganda promoting Canadian' "humanitarian" care of the First Nations people, (which was neither humanitarian or in the best interests of the First Nations people) and the government's active promotion of the idea that First Nation people were a public health hazard to the rest of Canada, influences healthcare today.

Lux's book was published in 2016 and therefore does not consider the Jordan's Principal and the efforts of Cindy Blackstock and the First Nations Child and Family Caring Society's decades long efforts at the Human Rights Tribunal and Federal Court for access to non-discriminatory health care for First Nations children.

Dr. Lux, being an academic, scholar and Canadian history professor from Brock University, used extremely reliable and credible sources to support the information in this book. She heavily relied on the Canadian government's own words from the archival documents, legislation, and newspaper reports from the time. Because the book is so well referenced and substantiated official government documents of the time, this book is a valuable addition to one's personal library. As Dr. Lux stated in a talk in 2016 to a medical school, "Separate Beds may be the catalyst for Canadians to understand our history of racially segregated care, so Canadians can begin to see how our privilege came at such a terrible cost."

Reference: Lux, Maureen K. (2016). *Separate Beds: A History of Indian Hospitals in Canada, 1920s-1980s*. Toronto: University of Toronto Press.

Addendum: On November 15, 2021, the [Winnipeg Free Press reported](#) on a University of Winnipeg archivist who has developed a tool to help find Indigenous patients who were sent to tuberculous hospitals and never returned home.



Alex, a student at the St. Barnabas Indian Residential School on the Sarcee Reserve outside of Calgary, lies in bed in the mission hospital while his grandmother sits beside him. ANGLICAN GENERAL SYNOD ARCHIVES IN TORONTO

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Making Waves: Marine Delivery of Legal Services

By Anne Fletcher

The Bella Coola Legal Advocacy Program (BCLAP) was founded in 2008, thanks to funding from the Law Foundation of B.C. (LFBC) for a half-time position to be administered by the also new SHED Society of Bella Coola. The LFBC took a chance on this program, at the time serving only Bella Coola and Anahim Lake, with a combined population of less than 3000 people. From the very beginning, there was never a quiet moment as the phone rang off the hook and people streamed in for appointments as well as drop-ins. We saw what we already knew, that there was a highly disproportionate need for legal services in these small, remote communities with both on and off reserve populations. Until the BCLAP, the only legal services available were the Circuit Duty Counsels who came in for court from Vancouver every 3 months and provided legal services only in family, child protection and criminal matters. The BCLAP offered advocacy services for everything from referrals to lawyers on court matters to assistance with everything else: housing, income assistance, pensions, employment matters, debt, wills and estates etc. These services were doubled by the need to know and respond to legal matters for both reserve and off reserve jurisdictions and for the differences in law when the client is Indigenous (Gladue, human rights, child protection).

Within the first year or so, we got additional one year project funding from LFBC to make initial visits to the neighboring communities of Bella Bella, Klemtnu and Wuikinuxv. These are all Island or Inlet Indigenous communities available only by air or water. These communities' legal needs were as high and as varied and likewise had only had the court lawyers to look to on limited matters. For the next 10 years the legal advocate searched for and wrote grants to fund her other 20 hours of work a week, plus the travel expenses for the site visits to the outer coast communities. The most efficient way to travel for these monthly 3-day site visits (a different community every month) was to charter small planes from the local Bella Coola Air. Legal Aid BC became an annual funder (the Community Partner programming) and is a huge resource for people involved in court matters. The Notary Foundation of BC, the Law Foundation of Ontario, BC Gaming and the Central Coast Regional District became regular funders, rounding out the BCLAP budget needs.

Then, as happens in small remote communities, the family owned and operated Bella Coola Air closed its doors, leaving many organizations having to rethink and reorganize their outreach capacity. The alternate charter plane option came out of Port Hardy and easily doubled the costs. Adding to this, accommodations became harder to book as tourism grew. After two years, the stress of the annual search for ever more funding led to the idea of the *Making Waves* project.

We turned to researching the legal outreach methods of other organizations in BC, Ontario and even Washington state: all variations of car travel back and forth from a central hub and perhaps an overnight in a motel to increase the site visit time. The vehicles purchased for these outreach programs were funded as “depreciable” assets as opposed to the capital assets most funders won't fund. We landed on the most obvious method of travel for the inlets of the Mid-Coast. A Boat.

The *Galene*, Gaelic for “calm seas,” was purchased thanks to a project grant from the Law Foundation of BC. The *Galene* allows for outreach to Bella Bella, Klemtnu and Wuikinuxv for a fraction of the previous costs. The *Galene*, a 40-foot wood boat powered by a Diesel engine, allows for affordable travel, with accommodation (two staterooms) and office/work/galley space as the cabin has a 15 foot beam.



The BCLAP service area has now grown to 5 communities with populations of over 8,000. Shortly after the acquisition of the *Galene*, the LFBC increased BCLAP funding to cover a 40-hour work week, as well as for consistent Boat maintenance. Along with site visits to the outer communities, the boat is able to provide some passage for community members to cultural events, such as the Pole raising in Kimsquit in the Fall of 2021. We are excited at the sustainability of outreach to the outer mid-coast into the future. We look forward to new site visits this summer and into the Fall.

Next Up: *2nd Edition of Legal Information for Indigenous People*

Update from Thompson Rivers University ILSA

By the TRU ILSA

The ILSA chapter at Thompson Rivers University Law (TRU-ILSA) is located on the unceded lands of the Tk'emlúps te Secwépemc of the Secwepemcúlecw. TRU-ILSA is a student-led club composed of a four-member executive. Tara-Lynn Davidson (Co-President), Jesse Young (Co-President), Bailie Copeland (Treasurer), and Krystal McKay (Secretary). There is tremendous support from the TRU administration and faculty for the initiatives and activities brought forth by the chapter. TRU-ILSA is immensely grateful for the enormous assistance and backing it receives.

TRU-ILSA strives to create a welcoming environment for all students attending TRU Law by assisting in intercultural learning and liaising with cultural resources on and off campus. TRU-ILSA engages with the Faculty of Law, the greater TRU community and Tk'emlúps te Secwepemc to promote diversity, equity, and an Indigenous perspective within the law by creating and supporting events for its members and the public.

Every year, TRU-ILSA collaborates with other groups and clubs to host or facilitate various events on campus and in the community to promote Aboriginal culture, awareness, and legal education. This year TRU-ILSA has participated in the Society of Law Students conference regarding mental health, Access 2 Justice week, and providing the opportunity for students to participate in land-based learning through an Indigenous experience. In addition, TRU-ILSA will collaborate with the Human Rights Club, the Access 2 Justice Club, and the Trial Lawyers club inviting Indigenous speakers to share their knowledge and experiences in their respective areas of law.



TRU-ILSA also collaborates with Cplul'kwe'ten (the "Gathering Place"), the Indigenous student centre on campus, by providing a peer mentor to be available weekly and assisting in any activities put on. TRU-ILSA also offers members to speak to Indigenous high school students who are invited to campus and aspire to attend law school someday. TRU-ILSA also provides tutoring to Indigenous students who are preparing to write the LSAT. All members are firmly committed to repaying and giving back the support their members have received in any form and any way.



In the Fall of 2022, TRU-ILSA supported four students in attending the Indigenous Bar Association Annual Conference, which was held in Montreal. The students were overwhelmed with the support shown and tremendously inspired by those practicing law. Further, in Fall 2022, four students attended the CLEBC Aboriginal Law Conference in Vancouver, where they heard TRU professor, IBA member, and TRU alums, Chrystie Stewart, present on legal decolonizing initiatives.

TRU Law has committed to its mandate to implement the Truth and Reconciliation Commission's Call to Action #28, which teaches law students about Aboriginal people and the law. There are a myriad of elective courses relating to Indigenous issues and the law, as well as an Indigenous specific moot offered to students. Additionally, it has been being resolutely implemented into the curriculum this year, with 2L students being required to take the course "Truth and Rebuilding Canadian Indigenous Legal Relations." The course focuses on the substantive elements of the law-school-specific TRC Call to Action #28, especially Indigenous Laws, Crown-Aboriginal relations, Treaties and Aboriginal Rights. The study also elaborates on the history and legacy of residential schools and the colonial foundations of the legal system. Land-based learning is a central experiential learning element of the course to ground the learning on Indigenous Laws. The 2L students have already participated in a profound learning experience by visiting the former Kamloops Indian Residential School. Later, a trip in the spring is planned onto the land at Wells Grey provincial park. Land-based learning was also offered to the 3L students in the Fall 2022 semester with a trip to experience one of the world's largest salmon runs during its predominant run on the Adams River.

TRU-ILSA remains closely connected to the law school and greater university in developing and advancing cultural competency and Aboriginal legal education through having a voice on the Indigenous initiatives committee. All members are incredibly proud of their law school and participation with TRU-ILSA.

A Night To Remember in Coast Salish Territory

The ALF's 2022 11th Anniversary Holiday Banquet

By Charlotte Rose

Coming out of COVID, the ALF's 2022 11th Anniversary Holiday Banquet was exactly what members needed. It turned out to be a huge success with a record over 190 registrations!

The Holiday Banquet featured keynote speaker Honourable Leonard Marchand Jr. from the Court of Appeal of BC. We were privileged and honoured to hear of Justice Marchand's uplifting speech recognizing the work that has been done and those who came before us.

Justice Marchand's message paired well with the Special Contribution Awards given to Myrna McCallum and Douglas S. White III. Myrna McCallum is Métis and a member of Waterhen Lake First Nation in Treaty 6 Territory and is the host of "The Trauma-Informed Lawyer" Podcast which serves to educate on trauma-informed lawyering, cultural humility, vicarious trauma, vicarious resilience, and Indigenous intergenerational trauma. Douglas S. White III is a member of the Snuneymuxw First Nation and is one of the founding council members who signed the first BC First Nations Justice Strategy with the Province of British Columbia (BC), which aims to address the overrepresentation of Indigenous peoples involved in both the criminal justice system, and the child welfare system.

The ALF was pleased to support Indigenous children in need especially at this time of year. Many banquet attendees brought wrapped toys in response to our toy drive in support of the Vancouver Child and Family Services Society. Banquet attendees also enjoyed the silent auction the proceeds of which went to the Warrior Project which helps fund articling positions for Indigenous students in BC.



This year the ALF did something new with the ALF student awards. Each year, ALF honours three Indigenous law students, one from each BC law school. Beginning at the 2022 Holiday Banquet, the awards were bestowed in honour of the Indigenous lawyers on whose shoulders we all stand. In doing so, the ALF wanted to publicly acknowledge and honour the contributions of our previous Indigenous trailblazers. In 2022 the ALF student awards were bestowed in honour of the Honourable Alfred J. Scow, OC, OBC and Ms. Vina Starr. The event program also featured a short write up on each honouree (see next page).

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The Honourable Alfred J. Scow, OC, OBC, Kwicksutaineuk-ah-kwa-mish First Nation

The Honourable Alfred J. Scow, OC, OBC, of the Kwicksutaineuk-ah-kwa-mish First Nation on Vancouver Island is the first Status Indian, first Indigenous person (First Nations) to obtain a law degree in BC and be called to the Bar.

In 1971 he became the First Indigenous person (First Nations) in Canada to be appointed the Bench when he was appointed to the BC Provincial Court where he served until his retirement in 1992. Judge Scow was awarded the Order of Canada in 2000 and the Order of BC in 2004. In 2001, he founded The Scow Institute.



Alfred Scow passed away on February 26, 2013 at the age of 86. He is remembered as a humble and deeply caring individual who inspired all around him to continue to push boundaries and to strive to reach their greatest potential.

Vina Starr, Hailsa Nation

Ms. Vina Starr from the Hailsa Nation was one of the first Indigenous women to graduate law school in BC graduating from UBC Law in 1984. She was called to the bar in 1986 and that year became the first Indigenous faculty member at UBC Law. There she led constitutional research on "Indian Self-Government". In 1990 Vina opened her own law firm: V. Starr & Associates, where she worked for various First Nations on issues of self-government and Aboriginal Law.

In 1994 Vina became Chair of the National CBA Native Justice Section (now known as the Aboriginal Law Section) and served as Chair of the CBABC Native Justice Section. Vina was later appointed as a commissioner to the APEC Commission, moderator of a presentation for the Royal Commission for Aboriginal Peoples; and was a board member for Nechako-Kitamaat Development Fund Society. Vina passed away on December 18, 2020 at the age of 76. She is remembered as strong and brave trailblazer for all Indigenous people, and a real inspiration for Indigenous women lawyers.



2022 ALF Special Contribution Winner: Doug White, III



2022 ALF Special Contribution Winner: Myrna McCallum

Meet Your LSBC Indigenous Benchers

By Christina J. Cook

Brian Dybwad, LSBC Elected Bencher for Nanaimo County

Brian is a member and Hereditary Chief of the Gitksan Nation. He is also the Managing Lawyer for the Parents Legal Centre in Campbell River. Called to the bar in 2010, Brian Dybwad has worked in the areas of criminal defence, family law, child protection and Director's Counsel for the Family Maintenance Enforcement Program. He has dedicated his career to the protection of vulnerable people, as the managing lawyer for the Parents Legal Centre in Campbell River focusing on Child Protection through Collaborative Practice from Port Alberni to Port Hardy; as a Fellow for CanAge, Canada's National Seniors' Advocacy Organization; and a Member at Large for the British Columbia Law Institute. Most recently Brian has taken on a new role as the Manager, Indigenous Services (Term) for Legal Aid BC.

First elected a Bencher for 2022, Brian is a member of the Credentials Committee and the Equity, Diversity and Inclusion Advisory Committee.



Katrina Harry, LSBC Elected Bencher for Vancouver County

Katrina is a proud member of the Shuswap Nation; she was called to the bar in 2006 and is the Manager of Indigenous Services at Legal Aid BC and oversees 10 Parents Legal Centres across the province, managing 19 lawyers and 22 staff. She created the first Parents Legal Centre in 2014 as a way for parents to resolve their child protection matters early and collaboratively.

First elected a Bencher for 2022, Katrina is Co-Chair of the Truth and Reconciliation Advisory Committee, and a member of the Discipline Committee and Lawyer Development Task Force. Before her election as a Bencher, she served for three years as a member on the Truth and Reconciliation Advisory Committee.

Katrina has presented and chaired various programs, including guest lecturing at UBC Law and PLTC, and co-chairing both a working group for the BC Law Institute and for the Continuing Legal Education child protection conferences. She has sat on the Leadership Group for Access to Justice BC, served as board member for both Battered Women's Support Services and Community Legal Assistance Society. Katrina is a member of the Canadian Bar Association, BC Branch and the CBABC Aboriginal Lawyers Forum.



Lindsay R. LeBlanc, LSBC Elected Bencher for Victoria County

Lindsay is a member of the Métis Nation. She was born and raised in Quesnel, before moving to Victoria. Lindsay was called to the Bar in 2006, and is a partner at Cox Taylor. Her practice is a mix of solicitor and litigation, primarily in property, administrative and commercial law.

First elected a Bencher for 2022, Lindsay is Vice-Chair of the Trust Review Task Force, and a member of the Executive Committee and Practice Standards Committee. Prior to her election as a Bencher, she served as a member of the non-Bencher lawyer hearing panel pool and lectured at PLTC sessions. She is an active volunteer in the legal community, as Chair of the Law Foundation of BC, member of the Supreme Court of BC Rules Committee, Director of UVic Properties and the K. Irving Scholarship Society. Lindsay is a member of the Canadian Bar Association, BC Branch and has previously served on a number of committees.

She has extensive past volunteer work in the Victoria community, including six years as a Governor to the University of Victoria and director of the Vancouver Island Sexual Health Society.



Continued from the previous page

Kelly H. Russ, LSBC Elected Bencher for Vancouver County

Kelly H. Russ was born in Old Massett, Haida Gwaii and raised in Prince Rupert. He has a JD from UVic and a LLM from UBC. Called to the bar in 1994, Kelly works in the areas of family law, child protection, immigration and human rights.

First elected a Bencher for 2022, Kelly is a member of the Truth and Reconciliation Advisory Committee.

In recent years, he has represented clients before the Immigration Refugee Board and Refugee Appeal Board. He was a member of the Canadian Human Rights Commission and worked on the repeal of s. 67 of the *Canadian Human Rights Act* (1998-2007). The repeal of s. 67 had far-reaching implications including enabling the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations to successfully obtain a decision to help Indigenous children in care.

Kelly spent 13 years in foster care, and has fostered various Indigenous children. He is the proud father of two grown children.



Georges Rivard, LSBC Elected Bencher for Cariboo County

Georges is a member of the *Nation Métisse Autochtone de la Gaspésie, Bas-Saint-Laurent, Îles-de-la-Madeleine*. He is originally from Québec City, and was called to the bar in 1992. He has been practising criminal law for 27 years, as Crown and defence, conducting trials in English and French throughout the province. He has lived in Fort St John for 14 years.

Georges states that he is aware of issues affecting First Nations communities and has represented First Nations before the Federal Court in Ottawa.

First elected a Bencher for 2022, Georges is a member of a Complainants' Review Committee and the Ethics and Lawyer Independence Advisory Committee. He has represented members on Law Society issues.

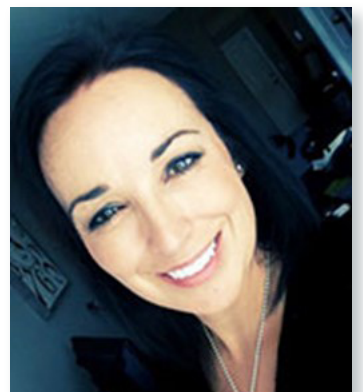
Georges has done presentations to the RCMP and lawyers on legal issues, has been a past representative of the TLABC and was a regular guest on Radio Canada to discuss current legal issues and cases. Georges is involved in kitesurfing, skiing, snowmobiling in back country and motorcycle riding.



Sasha Hobbs, LSBC Appointed Bencher

Sasha is a member of the Métis Nation and is the founder and principal strategist of HSI Hobbs Strategic Insights, whose mandate is to provide strategic planning and communications services to support transformational initiatives. Sasha is the former chief operating officer of the First Nations Technology Council, the executive director of multiculturalism, and director of executive development for the provincial government. She launched the Indigenous Youth Internship Program in partnership with the province and First Nations Leadership. She served as director at Simon Fraser University and other educational institutions.

Sasha was appointed a Bencher in December 2019 and she is a member of the Executive Committee, Truth and Reconciliation Advisory Committee, Indigenous Engagement in Regulatory Matters Task Force and Lawyer Development Task Force.



An invitation to Indigenous lawyers and community members from CLEBC

The Continuing Legal Education Society of BC (CLEBC) is a not-for-profit, self-sustaining society providing legal education with a focus on BC law.

We believe that all lawyers have a duty to learn about the history of Indigenous Peoples in Canada; to understand the ongoing impacts of the residential school system; to maintain awareness of how racism and bias play out in current laws and policies; and to learn how to act to prevent more harm.

We recognize that cultural competence is an integral component of legal competence. CLEBC is focussed on implementing the recommendations of the Truth and Reconciliation Commission, particularly Call to Action 27. You can find the CLEBC Truth and Reconciliation Action Plan [here](#).



It is our goal to actively involve Indigenous lawyers, judges, leaders, academics, and community members in our work in order to integrate discussions of Indigenous laws and Indigenous perspectives in our programs and publications.

To help meet this goal, for several years we have been making available special pricing to Indigenous lawyers and community members for our programs. On our program webpages you will find the following:

“Are you an Indigenous lawyer or community member?”

We value your contributions and encourage your participation in all of our programs. To increase accessibility, we offer a **50%** discount to all Indigenous lawyers. [Contact Customer Service](#) to find out more.”

In addition, for all programs relating to Indigenous, Aboriginal, Reconciliation, and Access to Justice topics, we set aside **ten complimentary registrations** per course for non-lawyer Indigenous community members.

We value and welcome Indigenous contributors as speakers, authors, and audience members. Lawyers and others can contribute by participating as members of advisory committees, or as authors or speakers in the areas of Aboriginal law, Indigenous laws, or in our core areas: Family, Criminal, Real Estate, Wills & Estates, Litigation, and Business.

We look forward to having you with us at our programs, and to hearing your ideas for how we can improve our work. Please contact Teresa Sheward, Program Lawyer, at teresas@cle.bc.ca.

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