



THE CANADIAN  
BAR ASSOCIATION  
British Columbia Branch

# FORUM

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Contribute? Comments? Feedback?  
Email us at [ALF@cbabc.org](mailto:ALF@cbabc.org).

## CBABC Aboriginal Lawyers Forum

### Executive Update

By Tina L. Dion, QC

What an incredible 2017 it has been for the Aboriginal Lawyers Forum (ALF)! I am in my second year as chair, along with vice-chair, Isabel Jackson. This year's ALF Executive Committee includes 10 members (many of whom are new members) who represent varied practice areas and years of call. We are grateful for those who volunteer to make the ALF the best it can be, for without them, we could not expand our reach and impact within the Canadian Bar Association, BC Branch (CBABC) or in the legal profession in BC more broadly. We are the only ALF of the CBA in Canada. Here are some highlights of the work of the ALF for 2017 and 2018.



This year the ALF assumed a permanent seat on the CBABC Executive. In 2016, the CBABC Executive Committee passed a resolution to amend the CBABC by-laws to establish a permanent seat on its committee for the chair of the ALF, which resolution was approved at the Provincial Council meeting in January 2017. The CBABC Executive Committee term commences annually on September 1st; on this date this year, the ALF assumed its permanent seat.

The ALF also has seats on various other committees. On July 6, 2017, at its annual committees' appointments day, the CBABC Executive Committee resolved to create ALF seats on the following committees: Government Relations, BarTalk (with our regular column, *Indigenous Matters*) and the Advisory Committee to the Judicial Council of BC; these positions were also effective September 1st. Also, in the fall, 2017 the ALF took up an invitation from the Law Society of British Columbia to attend Benchers meetings as a regular guest.

As reported in the 2016 Forum Drum, the CBABC Executive Committee was working to establish a working group to make recommendations for the implementation of the Truth and Reconciliation Commission's Calls to Action as they relate to justice issues within Provincial Jurisdiction. The Truth and Reconciliation Working Group (TRWG) was rolled out at the January 2017 Provincial Council (latter of which I am the chair). Of the 20 members of the TRWG, eight are Indigenous members.

June 2017 ushered in our 6th annual retreat, titled, Canadian Law and Aboriginal People: Taking Our Place. It was our most successful retreat to date. The ALF retreat is typically held in late spring; this year however, we elected to combine it with the 10th Annual National Aboriginal Day Online Auction Reception. Both events were held in Richmond, BC. For more on these events, please see the articles about them in this issue.

The ALF always works to increase our membership. We encourage lawyers of Aboriginal heritage to join the CBA and the ALF! On behalf of the 2017/2018 ALF Executive Committee, Isabel and I extend our gratitude to ALF members and friends who help us advance the mandate of the ALF: to increase the stature and influence of Aboriginal students and lawyers within the legal profession in British Columbia.

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## 2017 ALF 6th Annual Retreat

By Tina L. Dion, QC

The ALF generally holds its retreat in the late spring each year, but for 2017 we decided to combine the 6th annual retreat with the National Aboriginal Day (NAD) Online Auction Reception to mark its 10th anniversary. The theme of the retreat was: Aboriginal People and Canadian Law: Taking our Place. This year was a one day retreat versus a full weekend retreat and we also hosted our first-ever all Indigenous Justice panel. Approximately 10 sponsored Indigenous law students from the three BC law schools were able to join us. The students were given the opportunity to first introduce themselves and their communities before introducing the speakers. The retreat was the most successful yet, as was the NAD reception. We opened the retreat with a case law year-in-review by Bruce McIvor, followed by a panel of speakers working to implement the Truth and Reconciliation Commission's Calls to Action. Here, we heard from Grand Chief Ed John and Andrea Hilland, both for the Law Society of BC's Advisory Committee. We also heard from Teresa Sheward from CLEBC, who gave an update on their Task Force. I also provided an update, in my capacity as Chair of the CBABC's Truth and Reconciliation Working Group.

We heard from Alberta lawyer, Danika Billie Littlechild about the importance and use of international law mechanisms, particularly the application of the United Nations Declaration on the Rights of Indigenous Peoples in Canada. Our keynote speaker was Professor Gordon Christie, who the ALF honoured for his recent elevation to Full Professor at UBC Allard School of Law (2016).

Melissa Louie spoke about the reliance on and use of Indigenous legal traditions in modern day law making. Gary Campo spoke about the importance of oral history in proving Aboriginal title in the Tsilhqot'in title case (SCC, June 26, 2014).

We were thrilled to host our first ever all-Indigenous Justice panel. In attendance were Mr. Justice Leonard (Tony) Mandamin of the Federal Court of Canada. He was appointed in 2013 and is the only judge of Aboriginal descent of that Court. Madam Justice Shannon Smallwood, appointed to the Northwest Territories Supreme Court also joined the panel. When she took her oath, she also took it as a justice for the Nunavut and Yukon Supreme Courts as well as the Courts of Appeal for the three territories. When she was appointed in 2012, she was the first Indigenous person to sit on any of those six Courts. Also, at the time of her appointment, she was the only Justice born in the territory (Fort Good Hope). Finally, we were fortunate to also have Judge Len Marchand, as he then was, of the Provincial Court of British Columbia; he was appointed in 2013. On June 23, 2017, he was elevated to the Supreme Court of British Columbia, and he is the first First Nation Justice of that Court.

Lawyer, and partner at Clark Wilson LLP, Michael McDonald moderated the Justice panel.

It was a wonderful and inspiring day indeed!



## Photos from the 2017 ALF 6th Annual Retreat



*Left to right: Mr. Justice Tony Mandamin, ALF Vice-Chair Isabel Jackson, Madam Justice Shannon Smallwood, Mr. Justice Len Marchand, ALF Chair Tina Dion, QC, and Moderator Michael J. McDonald*



*Danielle Billie Littlechild*



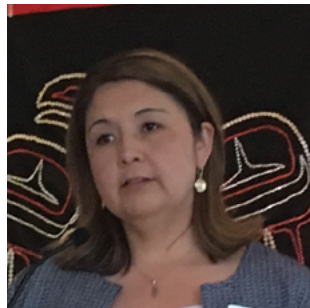
*Madam Justice Shannon Smallwood*



*Mr. Justice Mandamin*



*Mr. Justice Marchand*



*Melissa Louie*



*Gary Campo*

### CBABC Membership

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](http://cbabc.org/advantage) for details on CBABC membership.

### CBABC Branch Fees

Category	Fee (Incl. Tax)
Regular	\$750.73
New Lawyer	60% off
Associate	50% off
Retired	50% off
Non-Practicing	50% off
Part-Time	50% off
Scholar	75% off
Articling Student	75% off
Law Student	\$20.00

### Additional Options

Portfolio	\$200.00
Portfolio Plus	\$400.00

### Contact

CBABC Member Services  
604.687.3404 - 1.888.867.3404  
[members@cbabc.org](mailto:members@cbabc.org)



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

If you have any questions, please email:  
ALF Chair, Tina L. Dion, QC  
[tina@tinadionlaw.com](mailto:tina@tinadionlaw.com).





## UVic Indigenous Law Students Association (ILSA) Update

By Veronica Martisius, Co-Chair, UVic

ILSA is a community of Indigenous law students who support each other in our legal education and scholarship. In short, most if not all ILSA members would agree that ILSA is a family. We take care of each other. It is our home away from home. ILSA also provides a forum for the expression and maintenance of Indigenous legal systems, cultures, languages, histories and teachings. We are humbled to be living and studying on the territory of the Songhees, Esquimalt, and WASANEC peoples.

As far as our membership goes, in the spirit of friendship and respect, we pride ourselves on being an inclusive bunch. Currently, we have members who self-identify as being Indigenous from not only Canada but also El Salvador, Kenya, and Zambia. We support those who are at different stages on their path of self-discovery and awareness. We bring with us a deep and rich diversity in our varied cultures, languages and Indigenous legal systems.

We gather every two weeks to discuss issues and events but mostly it's an opportunity to chew the fat and laugh together (and sometimes cry...). Each year, some of our members are elected to various roles on the executive committee to ensure that our association is organized and maintains effective communication with our members and outside groups such as the UVic Law Students' Society. We are also active in maintaining a respectful relationship with the Coast Salish peoples. We provide opportunities for our members to network with Indigenous lawyers in practice or those who practice Aboriginal law and/or Indigenous law and we encourage membership with the Indigenous Bar Association. We advocate for our needs and demand consultation. For example, with respect to the former, we have recently created a smudging task force to lobby for a gathering space to smudge and to practice other ceremonies.

ILSA would like to thank the Aboriginal Lawyers Forum for the opportunity to put the spot light on our wonderful association.

Yours in friendship,

Veronica Martisius  
Co-Chair, UVic Indigenous  
Law Students Association



*Photo credit: University of Victoria, Law (website)*



## UBC Peter A. Allard School of Law Indigenous Law Students Association (ILSA)

By Dawn Johnson, President



### Executive

Dawn Johnson: President  
Shawnee Monchalin: Vice-President  
Ryan Butler: Treasurer  
Victoria Watson: Secretary  
Alexander Tatti: Social Media  
Heather Manly: 3L Representative  
Brendon Easton: 2L Representative  
Amanda Richards: 1L Representative

Our activities so far this year have included supporting the ILSP in delivering Peter A. Allard School of Law's new Cultural Competency Certificate, led by our 2L Representative, Brendon Easton, and hosting our Annual Sisters in Spirit Vigil (pictures are depicted here), which brought together students, faculty, and community members from around Vancouver to acknowledge and honor the Missing and Murdered Aboriginal Women. We were also able to offer partial support for one of our members to attend the IBA conference in Halifax, Nova Scotia.

For the holidays we are sponsoring two families through Battered Women's Support Services for the holidays and have initiated a warm clothing drive to gather items for residents of the DTES.

Going into the New Year we plan to host a circle with ILSP students to explore issues being faced by Indigenous students within Allard and to explore how we can advocate for solutions and greater awareness within the student body, the faculty and the curriculum.

In February we will host our Annual Indigenous Awareness Week, in which we plan to bring in speakers, presenters, and performers to share about Aboriginal Law in practice as well as our cultures and values as Indigenous people. The week also includes Jeopardy Night (so please consider putting together a team and coming out to support!) and an Indian Taco fundraiser.

In March we are currently planning to host our first ever ILSA Fundraising Dinner. Traditionally we have hosted a golf tournament, but wanted to try something different this year. Proceeds raised from this event go towards ILSA bursaries to support Indigenous law students. As more details are confirmed we will share with the ALF and hope to have your support!

ILSA meets monthly and tries to host a seasonal social. In October we had a board game social at the Stormcrow, and in December we have our Annual Ugly Sweater Party hosted in partnership with Mike McDonald.

## Indigenous Law Students' Associations in BC



UBC



UVic





## ILSA's Annual Sisters in Spirit Vigil October 4, 2017





## 10th Anniversary of the National Aboriginal Day Online Auction & Reception

By Isabel Jackson, Vice-Chair, ALF

2017 was a big year for our annual National Aboriginal Day On-line Auction! It was the 10th Anniversary for our event which began as a fundraiser toward the CBABC's Aboriginal Law Student Scholarship Trust. In the first 6 years of our event we raised almost \$50,000 toward the Trust which continues to grant scholarships each year to Aboriginal law students attending UBC, UVic and TRU. In 2015, as the Trust was sustainably funded by that point, we began to raise funds toward the ALF's mandate which is to support Aboriginal law students, graduates and practitioners in order to enhance the stature and influence of Aboriginal people in the legal profession. Our 2017 10th Anniversary event raised more than we have in a while – more than \$8,500!

Each year we also hold a reception as the celebratory part of our National Aboriginal Day event. We are proud to have established a tradition at our reception which is to showcase rising talent in the Aboriginal community. Over the years we have showcased a fashion designer and many performers. We wanted to make our 10th anniversary an extra-special celebration and by all accounts Mi'kmaw comedian, activist and motivational speaker [Candy Palmater](#) helped make that happen - she is an hilariously astute sit-down stand-up! Check out re-runs of [The Candy Show](#) on APTN - you can never have enough Candy!?

We have already begun collecting auction item donations toward our 2018 event. Check out our 2017 auction for ideas <https://www.32auctions.com/NAD2017> To donate an auction item or for more information please contact [isabel.jackson@justice.gc.ca](mailto:isabel.jackson@justice.gc.ca).



*Examples of items sold at the 2017 ALF Online Auction*



## Update from the Law Society of BC's Truth and Reconciliation Advisory Committee

By Andrea Hilland, Staff Lawyer, Law Society of British Columbia

On November 23, 2017, the Law Society of BC hosted a symposium in collaboration with the Continuing Legal Education of BC (CLE BC). The theme of the symposium was: *Transforming the Law from a Tool of Assimilation into a Tool of Reconciliation*. There were 300 in-person attendees and 166 online participants.

During the opening plenary session, 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 was created in collaboration with Indigenous lawyers, the Law Society of BC, and the Continuing Legal Education Society of BC as an educational tool to raise awareness and facilitate the correction of biases against Indigenous people in the legal profession.

Following the opening plenary, participants engaged in a number of facilitated breakout sessions to share their ideas on what the Law Society can do to facilitate reconciliation.

The afternoon keynote address was provided by the Honourable Judge Steven Point. He told a number of personal stories to illustrate the ways bias and discrimination are daily occurrences for Indigenous people. Judge Point asked each and every person in attendance to make a change within themselves. "Transformation and change doesn't begin out there. It begins in here," he said, pointing to his heart and head. "Individually, changing yourself."

The symposium wrapped up with facilitators sharing thoughts from the various breakout sessions and suggestions from participants on how to move forward. President Herman Van Ommen, QC stated that the Law Society plans to release a report on the findings from the symposium, with a number of concrete initiatives that it can undertake next year.

Cultural competence training for Law Society staff continues. On September 15, fifty 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. The Truth and Reconciliation Advisory Committee has recommended the Benchers also partake in the Blanket Exercise, and there are plans to conduct one at the Benchers Retreat next year.

The Professional Legal Training Course curriculum has been 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.

Immediate changes are already underway. Professional Legal Training course (PLTC) students now 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 *Gladue* reports has now been added to the criminal procedure course notes and Practice Material.

PLTC staff continues its work on improving and expanding the content of the Practice Material in different areas where Indigenous content would be relevant. Immediate changes are being made to the Practice Material with 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.



*Key note address by the Honourable Judge Steven Point at the Symposium Transforming the Law from a Tool of Assimilation into a Tool of Reconciliation, November 23, 2017*





## 2017 Special Contribution Award Recipient

The Honourable Judge Steven Point, OBC (*Xwě lī qwěł tēl*)

The Aboriginal Lawyers Forum (ALF) is honoured to present its 2017 Special Contribution Award to The Honourable Judge Steven Point, OBC (*Xwě lī qwěł tēl*).

This award is given to a law firm or individual that has shown a special and consistent dedication to Aboriginal people in the field of law. The award recognizes a firm or individual's contribution to the ALF in working to enhance the stature and influence of Aboriginal people in the legal profession. The recipient will have helped the ALF to address the various issues facing Aboriginal law students and lawyers.

The Honourable Judge Steven Point, OBC (*Xwě lī qwěł tēl*) has a full list of accomplishments as an Aboriginal leader, provincial court judge, head of the B.C. Treaty Commission and British Columbia's first Aboriginal Lieutenant Governor, among many other achievements.



Perhaps Judge Point's most notable achievement was becoming British Columbia's first Aboriginal Lieutenant-Governor. His appointment was announced on September 4, 2007 by Prime Minister Stephen Harper. He assumed his duties in a ceremony at the Legislative Assembly of BC on October 1, 2007. His term of office ended on November 1, 2012. When Judge Point became B.C.'s first Aboriginal Lieutenant-Governor he said he hoped he would be a role model to First Nations youth. Following his tenure at Government House local Aboriginal leaders said he achieved that goal and more.

In addition to being a role model for the Aboriginal community Judge Point has raised the profile of Aboriginal issues and taught all British Columbians more about First Nations culture. Most recently Judge Point gave a truly inspiring presentation at the Law Society Truth and Reconciliation symposium on November 23, 2017.

Over the years Judge Point has been a valued ALF supporter. He has been our keynote speaker on two occasions - our annual Holiday Banquet in 2015 and also at the ALF's 2013 retreat in Whistler. In addition Judge Point helped us obtain a coveted Sto:lo Historical Atlas to auction off in our 2017 National Aboriginal Day Auction. The winner of the Atlas is himself a member of the Sto:lo Nation and was a happy winner indeed as apparently the Atlas is hard to come by even for community members.

As a remarkable role model throughout his distinguished career, for raising the profile of Aboriginal issues, for teaching about Aboriginal culture and finally for his invaluable support of the Aboriginal Lawyers Forum, we are pleased and honoured to present the ALF's 2017 Special Contribution Award to The Honourable Judge Steven Point, OBC (*Xwě lī qwěł tēl*).



## 2017 ALF Student Appreciation Awards



### Dawn Johnson, Peter A. Allard School of Law, UBC

*By Ryan Butler, 2L at Peter A. Allard School of Law*

Dawn is a woman who is profoundly rooted in her Anishinaabe culture and brings so much knowledge and wisdom to those in her life. She is a mother, a student, an ally, a mentor, and a leader. She takes initiative when others will not and has both infallible brightness and resilience. By way of contribution to the ALF and their initiatives, Dawn has volunteered on multiple occasions, including the ALF Banquet last year and the annual ALF Retreat. Dawn is the president of the Indigenous Law Students' Association at Allard, and is passionate about the condition of Indigenous students in the law program and makes a constant effort to ensure that students who might feel ostracized by the law school experience have a safe space to voice their concerns without fear of alienation. From her work with women in the Downtown Eastside, to her experience as a Roots Social Worker in New Westminster, Dawn embodies the ALF mandate in a striking way.



### Rachelle Trenholm, University of Victoria Faculty of Law

*By Veronica Martisius, Co-chair, UVic, Indigenous Law Students Association*

Rachelle is in the process of completing her third and final year at UVic Law. Rachelle is a proud member of the Homalco First Nation [located in Campbell River, BC]. There are so many traits about Rachelle that I admire – her fortitude, her strong listening skills, her sense of humour and her passion and commitment to her Nation and the Indigenous community at large. Rachelle has never been one to fear stepping out of her comfort zone - whether it be venturing to Iqaluit, Nunavut for a Co-op job, travelling across the country to connect with her peers at the Indigenous Bar, or belting out a power paddle song. Rachelle will be articling for a firm in Nanaimo where she plans to integrate her Indigenous perspective and develop their Aboriginal law practice. Rachelle is a wonderful example of an Indigenous woman reclaiming space in order to protect and advance Indigenous voices and ways of life.



### Charlotte Munroe, Thompson Rivers University Faculty of Law

*By Aanchal Mogua*

Charlotte (depicted in right in the photograph) has gone above and beyond the call in addressing and implementing the [Truth and Reconciliation Committee's] #27 & #28 Calls to Action. Throughout the summer, she worked as a research student for Nicole Schabus, which allowed her to build stronger links with the S'tk'emlups to Secwepemc Nation (SSN). With this relationship, she has moved the TRU Law Faculty and Administration into implementing 'TRC Days,' a program unique to TRU. Her most recent accomplishment on this front has been approval from the 1L Property Law professor to bring in speakers from her home community currently in the process of proving title to their land. She has championed various events, such as our most recent, "Indigenous Women Water Defenders: Local to Global," which brought together leading women in the SSN and Indigenous women from Peru currently at battle with their government over similar issues. TRU Law's ILSA is humbled to have her as our Vice-President and are all in agreement for her nomination for this award.



## ALF Member Profile

### Michael McDonald, Partner, Clark Wilson LLP

Michael has contributed over the course of his 28+ year career to advancing and contributing to the commercial success of Aboriginal peoples throughout Canada. Michael has been a principal proponent of Aboriginal economic growth, leading many of Canada's most intricate and complex precedent-setting Aboriginal development projects totaling more than \$20 billion.

Michael's work has instilled policy changes to Aboriginal consultation and accommodation, resulting in the "McDonald Model of Negotiation," a precedent for Aboriginal-commercial engagement now widely used across Canada.

A member of the Peguis First Nation in Manitoba, Michael couples his vast business experience with his distinct cultural understanding to serve his clients from a holistic perspective, crafting solutions that unite legal, commercial, governance and social interests.

Michael is also a long-time and highly valued member of the ALF. He has volunteered his time for many ALF events, including most recently, moderating the all-Indigenous Justice panel at the 2017 ALF 6th Annual Retreat. He also volunteers his time supporting Indigenous law students. For example, every December, Michael co-hosts the Annual Ugly Sweater Party in partnership with the UBC Peter A. Allard School of Law's Indigenous Law Students Association (ILSA).



**SAVE THE DATE**  
*for the*  
**7<sup>th</sup> ANNUAL RETREAT OF THE ALF!**

**May 4-6, 2018**  
**(Location in the BC Interior TBD)**





## Welcome to the 2017/2018 ALF Executive

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**Vice-Chair**

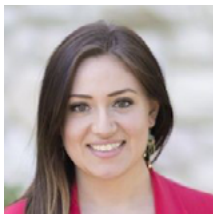
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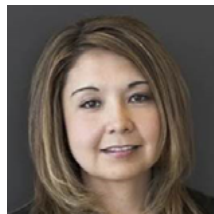
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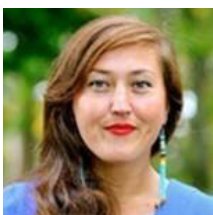
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