

A close-up photograph of a traditional beaded necklace. The necklace features multiple strands of small, round beads in various colors including red, blue, yellow, green, and white. Several large, dark feathers are attached to the necklace, hanging down. The background is dark, making the colors of the beads and feathers stand out.

Summer 2017

Benchers' Digest

Volume 30, Issue 2

National Aboriginal Day
Respecting Diversity

Law Society of Saskatchewan

Benchers' Digest

The Benchers' Digest is published quarterly by the Law Society of Saskatchewan Library to update Saskatchewan lawyers on policy and regulatory decisions made by the Benchers at each Convocation, to inform members about Society programs and activities, and to provide news and announcements of interest to the legal profession.

Members are encouraged to send in articles and photos of interest; however, publication rests with the editorial team. Articles and photos can be submitted to publications@lawsociety.sk.ca.

Current and archived issues may be viewed on the Law Society website www.lawsociety.sk.ca. See "Publications/Benchers' Digest."

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SUBMISSION GUIDELINES FOR CONTRIBUTORS

The *Benchers' Digest* newsletter and *Legal Sourcery* blog are always looking for contributors to share their knowledge of issues affecting the legal profession in Saskatchewan, or across the country.

Send your comments of **no more than 250 words** to publications@lawsociety.sk.ca or by fax to 306-569-0155.

If you have an idea for a longer article (500 to 1500 words), let us know, and our editorial team will work with you to make the most of your publishing experience!

- Have an upcoming event of interest to our members? **Tell us about it!**
- If you have an idea for an article, **we want to hear it.**
- If **YOU** want to write it, **we're here to help!**

**Submission Deadline for Fall Issue:
August 15, 2017.**

ON THE COVER



Daniel Stephens

Daniel is a registered Indian of the Mi'kmaq People in Eastern Canada. He was born in Boston, MA, in 1981, and at the age of five his family returned home to the Millbrook First Nation Reservation in Nova Scotia.

In 2006, he took part in a Sundance ceremony held in Saskatchewan. When the ceremony was over, he had endured the most gruelling feat of his life. He learned what it was like to truly suffer. From that point on he

made it a mission to better his way of life and further develop his unique style in creating art.

That year, Daniel set out to make a traditional dance regalia as a means to walk a healthier path. With no formal artistic training or instruction and no one in his community creating anything like it at the time, Daniel was on his own. With size 15 glass cut beads, a vest insert from an old leather jacket and lots of patience, he started the first piece of regalia and what he calls the hardest thing he's ever done in beadwork.

In 2010, he was adopted into a traditional Dakota Sioux family in Saskatchewan. Throughout the years since, he has continued to travel and expand his abilities as an artist. Daniel adds a contemporary style to traditional materials and techniques to create intricately woven, one-of-a-kind items without the use of stencils or patterns. He considers his work to be a culmination of the experiences he's had along the way.

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A great big thank-you to everyone who contributed content to this issue!

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National Aboriginal Day Respecting Diversity

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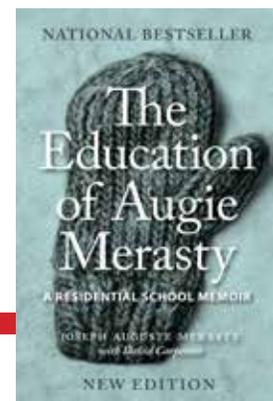
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Legal Sourcery

Call to Action #27 Update

The Truth and Reconciliation Commission

Natalie Tomczak, Director of Communications



The TRC spent six years travelling to all parts of Canada to hear from survivors, resulting in the release of the *Calls to Action Report* in June 2015.

CANADA'S RESIDENTIAL SCHOOL SYSTEM for Aboriginal children was an education system in name only for much of its existence. The schools were government-sponsored and were created to separate Aboriginal children from their families and cultural heritage, thereby assimilating them into Euro-Canadian society.¹ The schools were in existence for more than 100 years, during which time approximately 30 percent of Indigenous children, or roughly 150,000, were placed in residential schools nationally. It is estimated that 6,000 of these students died while in attendance.²

That experience was hidden for most of Canada's history, until survivors of the system were able to find the strength, courage, and support to bring their experiences to light in several thousand court cases that led to the largest class-action lawsuit in Canada's history—the *Indian Residential Schools Settlement Agreement*. As part of the *Settlement*, the Truth and Reconciliation Commission of Canada (TRC) was created. The TRC spent six years travelling to all parts of Canada to hear from survivors, resulting in the release of the *Calls to Action Report* in June 2015.³

The TRC Chair, the Honourable Justice Murray Sinclair, has stated, "Reconciliation is about forging and maintaining respectful relationships. There are no shortcuts."⁴ The *Calls to Action Report* outlines 94 areas that need to be addressed.

Specific to the legal profession, *Call to Action #27* is of significance, stating:

We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes 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. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Addressing *Call to Action #27*, Canadian Law Societies and Bar Associations have undertaken a variety of activities. The Law Society of Saskatchewan recognized the importance of this and held a Continuing Professional Development (CPD) workshop entitled, "Truth and Reconciliation Training for the Legal Profession" in Saskatoon on March 13, 2017.

The full-day CPD workshop was attended by 92 registrants with a cross-section of benchers, judges, mediators, and lawyers from private, public and in-house practices.

The day began with an opening prayer, followed by a presentation outlining the TRC *Calls to Action* by Aimée Craft, Director of Research for the Inquiry into Missing and

1 The Truth and Reconciliation Commission of Canada. *Honouring the Truth, Reconciling for the Future: Summary of the final report of the Truth and Reconciliation Commission of Canada* (July 23, 2015), 7. http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf

2 Wikipedia. "Canadian Indian residential school system". Retrieved May 29, 2017: https://en.wikipedia.org/wiki/Canadian_Indian_residential_school_system

3 TRC. *Honouring the Truth*, 7.

4 The Truth and Reconciliation Commission website: <http://www.trc.ca/websites/trcinstitution/index.php?p=3>

Murdered Indigenous Women, Faculty of Law at the University of Manitoba. Aimée also delivered a presentation entitled, “Conceptualizing Indigenous Legal Traditions” later in the morning.

Following was Professor John Borrows, Canada Research Chair in Indigenous Law and Nexen Chair in Indigenous Leadership, Faculty of Law with the University of Victoria, who spoke about the “Canadian Constitutional Context”, focusing on Aboriginal rights throughout the history of Canada. In particular, he described how the provisions of the Constitution that relate to Aboriginal Peoples have affected Canada’s legal systems and cultures.

The afternoon presentation, “Circle Teachings and the Impact of Colonialism”, was delivered by Elder Maria Campbell

style of the workshop delivery, which was story-based and used Indigenous teaching methods, was very effective.

The second theme relayed was that all lawyers could benefit from this type of training; with several participants stating that it should be mandatory for all lawyers.

The third theme was that the Law Society of Saskatchewan should continue to offer workshops relating to Saskatchewan-specific history, legal information on the United Nations Declaration on the Rights of Indigenous People, Treaties, Aboriginal rights, Aboriginal-Crown relations and Residential Schools. There were also requests for workshops about the impacts of colonization on the justice system and how lawyers and the judiciary can promote

School story, the focus was on the impact of the schools in operation in Saskatchewan.

The second in the series, “The Métis Nation: Reconciliation and Daniels v. Canada” delivered by Kathy Hodgson-Smith, examined the history of Crown-Métis relations in Canada, the historic grievances arising from those relations and the current regimes and initiatives in place to begin addressing historic claims and advancing reconciliation with the Métis Nation.

The third webinar, “Reconciliation in the courtroom—It’s required!” was presented by Judge G.M. Morin and Eleanore Sunchild, and took place at the end of May. The webinar focused on how Indian Residential Schools impacted the court system as it is today—from the over-

Several attendees commented there is a lack of understanding about Indigenous history and customs and that the workshop had caused them to change their way of thinking.

and Dr. Winona Wheeler, both from the University of Saskatchewan. Maria is a writer, filmmaker and the cultural advisor at the College of Law. Winona is the Chair of the Department of Indigenous Studies.

Together, Maria and Winona gave an overview of the philosophical and cultural rationale that governed behavior and relationships with each other on the Plains and Parklands, with their neighbours and the rest of the world. They also explored how traditional ways of life were impacted and transformed through colonial intrusions and the obligation of assimilation of laws and policies.

The Law Society of Saskatchewan received positive feedback about the full-day workshop, resulting in three prominent themes.

The first theme was that the workshop provided insight and information about Indigenous issues and the experiences of Indigenous peoples that they did not have before. Several attendees commented there is a lack of understanding about Indigenous history and customs and that the workshop had caused them to change their way of thinking. The feedback also indicated the

reconciliation and anti-racism strategies in their work.

A CPD three-part webinar series has also taken place focusing on reconciliation. The first in the series, “Canada’s Residential Schools—How did we get here? Where do we go from here?” was delivered by Professor Jim Miller in March.

The presentation sketched the history of residential schooling from its inception in colonial times until its shutdown between 1969–96. Jim explained the aims of the three parties that were involved in operating the Residential Schools—Indigenous peoples, missionaries, and federal government—and outlined how the schools functioned day to day. The presentation explained the shortcomings of the schools and how parents and Indigenous leadership responded to those ills in an effort to have the problems eliminated. Finally, the malignant legacy that the schools have left behind and the necessity Canadians face today to respond to that legacy and move toward reconciliation were examined. While the presentation dealt with the pan-Canadian background of the Residential

representation of Indigenous peoples in the justice system to systemic discrimination in the courtrooms. In addition, they highlighted recommendations of the TRC and explored how to implement these in a court setting.

Guided by the strategic directions that have been set out and the Law Society of Saskatchewan’s ongoing commitment to “improving capacity, competence and knowledge of the membership”, plans are underway for future educational opportunities to fulfill *Call to Action #27*.

In addition, the Law Society’s Equity and Diversity Committee is considering other types of programming and resources to address *Call to Action #27*. Suggestions can be made to Barbra Bailey, Policy Counsel, who can be reached at: Barbra.Bailey@lawsociety.sk.ca.

To read further read about what other Canadian Law Societies have implemented with *Call to Action #27*, consult the article on page 24 of the [Fall 2016 issue](#) of the *Bencher’s Digest*, “Call to Action #27”. ♣

Highlights of the Meeting of the Benchers

April 26, 27 and 28, 2017

AS PART OF the Law Society’s effort to prepare for its next round of strategic planning in 2018, the Benchers participated in a risk management session at convocation. Law Society staff completed a similar process in February and the results will be compiled for further consideration by staff and Benchers at a joint session to be held at June Convocation.



Innovating Regulation—The Law Society has been exploring a new model of regulating legal services in a manner that is risk-focused, proactive and with a greater focus on law firms as a whole, rather than a sole focus on individual lawyers. The new approach is designed to be more responsive to a diverse and profoundly changing environment, to enhance the quality of legal services, to encourage ethical legal practice and to foster innovation in legal service delivery. Over the summer, we will be testing this new approach through the Prairie Law Societies’ Law Firm Practice Management pilot project, which will involve a randomly selected, geographically proportionate sample of 25 law firms of varying sizes and sole practitioners across the province. For more information, see the article on page 14.



Legal Technicians Task Team—A Task Team comprised of lawyers, other professionals working in legal services and members of the public has been appointed

to examine the possibility of allowing non-lawyers to provide some legal services to Saskatchewan residents. The team will consider a wide range of possible approaches and varying degrees of service delivery and make recommendations about the appropriate role, if any, of non-lawyers in the provision of legal services. This is a joint project by the Ministry of Justice and the Law Society of Saskatchewan and will involve significant consultation with the public, lawyers, and other legal service providers. Anyone who wishes to make a submission on the expansion of legal services within Saskatchewan is urged to contact the Task Team at LSTaskTeam@gov.sk.ca. The Task Team is expected to deliver its recommendations within the next year.



Senior Life Membership—The Law Society honours lawyers who have sustained membership for 50 years and, during that time, have had a substantial connection to the legal profession in Saskatchewan and have provided service to the Law Society, the legal profession, the administration of justice, or the people of Saskatchewan generally. This year, the honour of Senior Life Membership was bestowed upon:

- Clifford Nimegeers
- Terence Leier, QC
- Paul Lewans, QC
- Delbert Dynna



SLIA—The insurance levy for the 2017-2018 policy year was recently set by the Benchers at \$1,280 plus GST per assessable member. The levy amount remains the same as last year despite the loss of approximately 150 assessable members excluded from payment of the levy by recent amendments to The Legal Professions Act. Our levy continues to be one of the lowest in the country. The credit for the continuing low levy has many sources, including good corporate management, our sound financial position, dedicated oversight by your Bencher Insurance Committee and continued due diligence by all Law Society of Saskatchewan members with a view to limiting the number of insurance claims.



At February 2017 Convocation, the Benchers voted to establish the Legal Resources and Equity & Diversity Committees as standing committees, resulting in amendments to Rule 110(1). Rule 1502(b) also refers to “matrimonial” dispute rather than family dispute and the term “matrimonial” has not been used since the omnibus legislation in 2001. The Benchers approved amendments to Rule 110(1) to include the Legal Resources Committee and the Equity & Diversity Committee as standing committees; and that Rule 1502(b) be approved to remove the word “matrimonial” and replace it with the words “family law” making it read “family law dispute”. ➔

A Voice at the Table

An Indigenous Bencher's Perspective

Heather Hodgson, Public Representative Bencher



I'm doing my best to represent the voices of the public, as well as First Nation and Métis people at the Bencher table, and I'm in good company with well-informed, sympathetic and supportive Benchers.

I WAS APPOINTED as a Public Representative Bencher with the Law Society of Saskatchewan in 2016. That was approximately a year ago, so the learning curve has evened out with my increased understanding of, and experience with, the Society's mandate, the committee work, and those involved in the administration of justice in Saskatchewan and beyond.

I'm one of four appointed public representative benchers. At present I am the only First Nation voice at the table, but my late mother, Cree Elder C. "Willy" Hodgson, paved the way for me and others as she was the first female Aboriginal bencher. She was appointed February 11, 1997, and my father recalls how she loved the challenges of the work in being a bencher, and the fellowship with other benchers, many of whom became personal friends. Toward the end of her second term, Mom lost a hard-fought battle with cancer, but long before that, she'd impressed those who knew and worked with her: she left a legacy.

To honour her memory and recognize her commitment and contributions to advancing equity and diversity in the administration of justice for the people of Saskatchewan, the Benchers created the C. Willy Hodgson Award. The award recognizes individuals or organizations who exemplify integrity, leadership and character, and who made or are making outstanding contributions to advancing equity and diversity in legal education, the legal profession and/or the administration of justice in Saskatchewan or Canada.

Appreciation was all she wanted, so this award in her name would have meant a great deal, especially since most of the recipients of it are people she knew and worked with:

Dr. Roger Carter, QC (2003), of the Native Law Centre and Saskatchewan Legal Aid Plan; the Honourable Mary Ellen Turpel-Lafond (2006), an advocate for First Nation people and women; Judge Gerald M. Morin (2007), for his commitment to Aboriginal people and dedication to Northern and Aboriginal justice; Community Legal Assistance Services for Saskatoon Inner City (2008), for its programs; Chief Judge Clifford Toth, on behalf of the Drug Treatment Court (2009); Kearney Healy (2011), for working tirelessly towards making a better future for marginalized children and youth and his work promoting the values of sentencing circles; and Donald Worme, QC (2014), for his continued efforts to advance better societal and governmental practices



Heather Hodgson and her mother Cree Elder C.W. "Willy" Hodgson.

Photo courtesy of Heather Hodgson.

continued on page 8

towards Indigenous communities to promote wider mutual respect.

Hard shoes to fill! But like my mother and others who give their time and energy to various causes, I too am motivated to advocate for those in need, and where possible, to try to effect change with the goal of making the world a better, more just and inclusive place. In my case, that includes those living in poverty, First Nation youth, and the intellectually handicapped. Lofty ambitions, but the rewards are often the result of reaching for the stars, even if we end up on the roof. Board and volunteer work, and working with like-minded others in the pursuit of worthy goals, has been an important, rewarding part of my life.

I'm doing my best to represent the voices of the public, as well as First Nation and Métis people at the Benchers table, and I'm in good company with well-informed, sympathetic and supportive Benchers. At Convocations, I'm rarely asked to explain the context or effects of colonialism or residential schools on First Nation and Métis peoples because the Benchers are

knowledgeable about those issues and understand the history; better still, they are committed to making amends where that is relevant and possible in the work that we do. And further to making amends to First Nations and Métis, their efforts have led to the commitment to widen the net to include other diverse groups as the demographics of our world change before our very eyes.

When I retired I did not anticipate how I would miss the challenges of problem-solving with colleagues, so during my interview with the LSS hiring committee, I confessed I was eager for the intellectual stimulation I anticipated with members of the Society. And I have not been disappointed.

One of the roles as Benchers is to serve on committees. I serve on four: Governance; Admissions & Education; Access to Legal Services; and Equity & Diversity. The issues and challenges come with a great deal of history, which often require a lot of reading and orientation; they are frequently complex and sometimes sensitive, warranting thorough, time-consuming discussion.

Despite the necessarily slow progress, the commitment to resolve problems and the shared sense of purpose by the Benchers is inspiring. As President Erin Kleisinger, QC, has reminded us more than once: "What's important is that we're here for the right reasons!" After a year, the deeper meaning of her remark means more to me, and I'm wholly convinced every one of the benchers serving the Law Society of Saskatchewan is "here for the right reasons". I'm honoured to be among them.

Benchers have a clear mandate: we regulate the legal profession, set standards, and deliberate over policy decisions. We are also involved in the discipline processes. That means having a thorough knowledge of the *Rules of The Law Society of Saskatchewan* and *The Legal Profession Act, 1990*, both of which were handed to me when I became a Benchers: *in a binder with tabs!* For that, and other tips to help level the learning curve in my orientation as a Benchers, I owe the Law Society staff, and in particular Liz Lynchuk, endless thanks.☺



Lunch & Learn with the Law Society Library

Do you need legal research training tailored to your firm's specific needs?
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The Law Society Library is here to help.

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 - Advanced search strategies

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National Aboriginal Day

Wednesday, June 21, 2017

NATIONAL ABORIGINAL DAY falls on June 21 every year since 1996, when the Governor General of Canada, Roméo LeBlanc, announced it through proclamation. According to the the Government of Canada's website, "This is a day for all Canadians to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis peoples. The Canadian Constitution recognizes these three groups as Aboriginal peoples, also known as Indigenous Peoples."

It has become an opportunity for people across the country to celebrate the distinct heritage, cultural practices, spiritual beliefs and languages of Aboriginal peoples that form a part of our collective history in Canada.

"National Aboriginal Day was the result of consultations and statements of support for such a day made by various Indigenous groups.

- In 1982, the National Indian Brotherhood (now the Assembly of First Nations) called for the

creation of National Aboriginal Solidarity Day;

- In 1995, the Sacred Assembly, a national conference of Indigenous and non-Indigenous people chaired by Elijah Harper, called for a national holiday to celebrate the contributions of Indigenous Peoples;
- Also in 1995, the Royal Commission on Aboriginal Peoples recommended the designation of a National First Peoples Day.

The date of June 21, the summer solstice and longest day of the year, was selected in cooperation with Indigenous organizations because of its significance for many Aboriginal communities.

In 2009, June was declared National Aboriginal History Month after the House of Commons passed a unanimous motion to recognize the historic contributions and the strength of Indigenous communities across the country today.☺

"In cooperation with Indigenous organizations, the Government of Canada chose June 21, the summer solstice, for National Aboriginal Day. For generations, many Indigenous Peoples and communities have celebrated their culture and heritage on or near this day due to the significance of the summer solstice as the longest day of the year."

— Government of Canada website,
About National Aboriginal Day

More Resources:

Indigenous and Northern Affairs Canada website offers a page of learning resources for both children and adults, as well as a number of links to programs and initiatives they are supporting to advance reconciliation.

Multicultural Council of Saskatchewan has an excellent list of Indigenous informational resources:

<http://mcos.ca/june-is-national-aboriginal-history-month>.

ABORIGINAL DAY LIVE 2017

Join the Gathering or Watch from Home

Be sure to catch *Aboriginal Day Live*, a live broadcast of free concerts and activities happening in eight Canadian cities hosted by the Aboriginal Peoples Television Network.

It started in 2007 as a small concert series for Aboriginal artists, held in a park outside the network's headquarters in Winnipeg. Since then, the gathering has evolved into a multi-city celebration and, according to their website, "features some of the biggest names in Aboriginal music and television, including JUNO Award winners and on-the-rise artists. It showcases talent from all genres, regions and nations, ensuring the recognition and inclusion of all First Nations, Inuit and Métis Peoples."

aboriginaldaylive.ca

Victoria Park, Regina

The City of Regina, along with their partners, has developed a National Aboriginal Day (NAD) event that will take place in downtown Regina, Saskatchewan, on June 21, 2017. The festivities will include a main stage with Indigenous entertainment, Indigenous crafters/artisans, information booths and children's activities.

Victoria Park, Saskatoon

The Office of the Treaty Commissioner asks you to join them for the 2nd Annual "Rock Your Roots" Walk for Reconciliation in Victoria Park, Saskatoon. The walk is part of many activities in the park, starting with a Pipe Ceremony at 7:30am. www.otc.ca

Working to Preserve the Battleford Industrial School Cemetery

Eleanore Sunchild and Benedict Feist

“The executions of the Indians...ought to convince the Red Man that the White Man governs.”

FOLLOWING THE EXECUTION of Louis Riel, and just prior to the Battleford hangings, this statement was included in a letter written by Prime Minister Sir John A. MacDonalld addressed to the Commissioner of Indian Affairs on November 20, 1885.

November 27, 1885, marked Canada’s largest mass execution—the hanging of eight Indigenous Chiefs and men.

Six of the men were participants in the “Frog Lake Massacre,” in which notoriously harsh Indian Agent Thomas Quinn was shot and killed, followed by eight other townspeople due to grievances and tension caused by the “no work, no rations policy,” a Department of Indian Affairs’ strategy of keeping Indigenous populations near the point of starvation by withholding rations.

The Battlefords are home to a violent and tense history.

In 1883, the Indian Industrial School was opened—it grew to over one hundred students in the years that followed, until its closure in 1914. It often surprises people to learn that the building that housed the first seat of government in what would become the Province of Saskatchewan was also the first

Canadian “Residential School.” The Truth and Reconciliation Commission described the opening of the Battleford Industrial School as a “turning point” in the policy of the Department of Indian Affairs.

They found 74 people buried in the cemetery used by the school when it was excavated during the summer of 1974.



Students and staff in front of the Indian Industrial School at Battleford, 1889.

Photo by: Daniel Cadzow/Wikimedia Commons

Approximately fifty names of deceased students were identified from existing records.

Although the Battleford Industrial School closed in 1914, residential and Indian day schools remained ingrained

in the fabric of our province, the last residential school closing in 1997.

The Battlefords were a centre of control for “Indian Policy” in Saskatchewan throughout the late 1800s and 1900s. The Indian Agency and other government institutions exacted paternalistic political, economic, and social control over

Indigenous people and their communities, outlawing sacred dances and cultural ceremonies, restricting movements, segregating communities, and systematically removing children from their families.

It is against this historical backdrop that the Battlefords have developed over the past century, and, although less violent, racist attitudes still come to the surface, as evidenced in the wake of court proceedings for the murder of Colten Boushie currently before our Battleford Courts.

As we mark Canada’s 150th birthday, we must also acknowledge that there are literally skeletons buried in our town’s backyard—a representation seen by many Indigenous people as 150 years of oppression and brutality towards its Indigenous populations.

Author Bios

ELEANORE SUNCHILD is a Cree lawyer from the Thunderchild First Nation, Saskatchewan. She received her Bachelor of Laws, LLB, from the University of Alberta in 1998. She has been a practicing lawyer for 12 years, and has worked extensively in the Aboriginal community in all areas of law. She is also a seasoned criminal lawyer, but is concentrating her practice on residential school law. She has a particular interest in human rights and the impact of residential school on Native peoples. She is sincerely interested in collecting the stories of the survivors as these claims illustrate the strength and resilience of Indian people.

BENEDICT FEIST grew up on a farm outside of Wilkie, Saskatchewan, and visited the Battlefords often while growing up. He was called to the bar in 2016 after joining the firm Norsasklaw as an articling student in 2015. He holds a Bachelor of Arts Honours in sociology from the University of Saskatchewan, a Juris Doctor from the University of Saskatchewan, and a Master of Public Administration from the Royal Military College of Canada. Benedict’s academic interests include studying Indigenous law and legal issues, access to justice, human rights, and public policy.

The *Calls to Action* from the Truth and Reconciliation Commission have provided recent encouragement to re-evaluate and adjust the political, legal, and social systems that have propped up colonialism, genocide, and systemic racism since Saskatchewan was settled in the early days of confederation.

There are acts of reconciliation that we can personally undertake to do, from hearing testimony of an Indian residential

school survivor and vowing that such inhumanity never again forms part of our provincial or national story, to challenging a justice system that fails to understand the true meaning of the unique circumstances of Aboriginal people and present reasonable alternatives to incarceration.

Canada marks its 150th birthday this year, yet for Indigenous people in our country and province, it is a painful reminder of 150 years of mistreatment and

indifference. We require Canadians to learn about our true history and corresponding issues so we can move forward from a past based on the marginalization and oppression of its Indigenous populations. We require individuals to speak out for those who are unable to do so for themselves and to call out for change to the systems that continue this legacy.

It takes all of us to do that. ➤



A cairn at the Battleford Industrial School in Battleford, SK, erected in 1975 after more than 70 unmarked graves were excavated in the cemetery.

Photo credit: Jim Cairns/
Wikimedia Commons

archaeology students and staff from the University of Saskatchewan took an interest and excavated more than 70 graves. Fifty bodies were identified as students named in school records. At that time, a small memorial was erected to commemorate those students.

But the cemetery is once again the topic of conversation, as it was named in the Truth and Reconciliation Commission of Canada's report¹ in 2015:

Many of the cemeteries in which students were buried have long since been abandoned. When the Battleford school in Saskatchewan closed in 1914, Principal E. Matheson reminded Indian Affairs that there was a school cemetery that contained the bodies of seventy to eighty individuals, most of whom were former students. He worried that unless the government took steps to care for the cemetery, it would be overrun by stray

Saskatchewan lawyers Benedict Feist and Eleanore Sunchild are helping in the fight to gain heritage status for the graveyard at the Battleford Industrial School, a former residential school site that operated from 1883–1914. Hundreds of Indigenous students attended the school during that time, but not all of them survived it.

The cemetery was opened in 1884 because of student deaths at the school. Tuberculosis and influenza, among other illnesses, were an issue at that time.

The cemetery was almost forgotten, until a group of

cattle. Such advice, when ignored, led to instances of neglect, with very distressing results. [footnotes omitted]

Ben and Eleanore, along with members of First Nations communities in the area and the Battlefords' Historical Society, are spearheading a commemorative project after reading the recommendations of the TRC's Calls to Action Report. The group held a public information session at the North Battleford Public Library on May 3 to outline the history of the school and the cemetery site, and there seems to be community support in pursuing the project.

The goal is to have the graveyard and cairn recognized with official cemetery status, and Ben wants permanent preservation, protection and accessibility of this and other residential school cemeteries in the Battlefords area.

"I would like it to be a historical site, so that it's preserved and it can be used for educational purposes," Eleanore told the *Battlefords News-Optimist* in an article from May 8, 2017. "There's a lot of schools that want to see it because it is part of the whole history regarding residential schools and calls to action of the Truth and Reconciliation Commission, so it is something that is important to the community."

They have a lot of work yet to do, and they want local First Nations communities and residential school survivors to lead the movement. The information session was a good first step in bringing awareness to their project and the importance of recognizing the legacy left from residential schools, which goes beyond just the Battlefords region.

"It is very important because we all suffer the effects of Indian residential schools, whether we are native or non-native," Eleanore says. "We deal with the intergenerational effects in our society. We see it in this community. I think there is a divide between our people, and a lot of that stems from the schools."² ➤

The Efforts of Two Saskatchewan Lawyers

1 Truth and Reconciliation Commission. *Canada's Residential Schools: Missing Children and Unmarked Burials*, in *The Final Report of the Truth and Reconciliation Commission of Canada*, Vol. 4 (Montreal: McGill-Queen's University Press, 2015), 10.

2 Quoted from "Battleford Industrial School cemetery project discussed" by John Cairns, in *Battlefords News-Optimist*, May 8, 2017.

Federation News

Greg Walen, QC, Council of the Federation



AS MOST OF YOU KNOW, June 21 is National Aboriginal Day. Partially in recognition and out of respect, the Federation Council, of which I am a member, will tour to Iqaluit, Nunavut, for our June meeting scheduled for that day. We will be hosted by the Law Society of Nunavut, and I anticipate partaking in many festivities. This leads me to write about the Federation of Law Societies of Canada's role in responding to the Truth and Reconciliation Commission's (TRC) 94 Calls to Action issued in 2015.

As many of you know, the TRC was established in 2008 arising out of the Indian Residential Schools Settlement Agreement. As part of the TRC's terms of reference, the Commission was called upon to promote awareness and public education of Canadians about the residential school legacy and its disastrous outcomes. The Commission's 94 Calls to Action were the culmination of years of work and were issued to "redress the legacy of residential schools and advance the process of Canadian reconciliation." *Call to Action #27* was specifically directed to the Federation of Law Societies of Canada. It reads:

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes 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. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Peripherally connected is Call #28, which uses the same language to call upon law schools to require all law students to take a course in Aboriginal people and the law.

In the fall of 2015, the Federation held its Annual Conference in Winnipeg.

The focus or theme of the conference was, in part, to create a response and plan for the Federation in striving to meet the challenge of the TRC and, in particular, *Call to Action #27*. Present at the conference were Aboriginal leaders, academics and leaders of all Law Societies in Canada, amongst others. Justice Murray Sinclair, Chair of the TRC, gave an impassioned speech about the important role of lawyers and leaders of the legal profession in achieving reconciliation with our Indigenous peoples.

At the time, the President of the Federation was Thomas Conway, who noted the following in a report sent to law societies:

There was a consensus amongst participants that responding to the calls to action must be meaningful and prompt and must include direct collaboration with indigenous peoples from the outset. There was also a general consensus on the value of working collaboratively through a national working group to both maximize resources and send a message that the regulators are serious about responding to the TRC recommendations.

In March of 2017, the TRC Calls to Action Advisory Committee was approved by the Federation Council. Its mandate is to make recommendations to the Council of the Federation on a response to the TRC's Calls to Action. In particular, the Committee must take into account the role of individual law societies in their response to the Calls and establishing what steps the Federation should take to compliment such activities. One particular mandate of the Committee may, in my view, lead to success in implementing Calls 27 and 28. The Committee must work with the National Requirement Review Committee to consider whether the National Requirement should be amended to add a requirement that graduates of law schools

receive cultural training and education on the history and legacy to the residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law and Aboriginal-Crown relations.

Populating the Advisory Committee has taken some time. Its composition was to reflect a diversity of experience and knowledge relevant to the issues and, as well, be broadly regional in its representation. Ghislain Picar, Assembly of First Nations Regional Chief for Quebec and Labrador, and Karen Wilford, Federation Council Member representing the Northwest Territories, have been appointed co-chairs of the Committee. Brent Cotter, QC, from the College of Law, University of Saskatchewan, and Dr. Val Napoleon, Law Foundation Professor of Aboriginal Justice and Governance, University of Victoria, round out the Legal Academy membership. Paul Okalik, Member of the Nunavut Legislative Assembly, Jean Teillet, *avocat principale au sein du cabinet*, and Stuart Wuttke, *Conseiller juridique de l'Assemblée des Premières Nations* are the First Nations, Métis and Inuit representatives on the Committee. There are various others who are regional representatives.

We anticipate that the Advisory Committee will have its work cut out for it. Council of the Federation will be awaiting its first report from the committee in the near future and undoubtedly take its recommendations seriously and with a view to carrying out the spirit and intent of the Calls to Action of the TRC. ☛

Greg was a Bencher of the Law Society from 2005 to 2012 and was President in 2012. He has been a Council member with the Federation of Law Societies of Canada representing the Law Society of Saskatchewan since 2013.

Who's Who

New Faces at the Law Society

Natalie Tomczak • Director of Communications

Natalie Tomczak joined the Law Society of Saskatchewan as the Director of Communications in April 2017, but her extensive communications experience has been keeping her busy in a field she is passionate about for the last 15 years. Prior to joining the Law Society, Natalie worked at the University of Regina in a variety of communications and public relations positions and at Farm Credit Canada.

For the last two years, Natalie has been serving on the Canadian Public Relations Society (CPRS) as a National Board Member leading the Membership Task Force. She concurrently volunteers on the CPRS Regina Board of Directors and has done so since 2007, including roles as Vice-President and President. In addition to her volunteer work with CPRS, Natalie mentors and collaborates with other communications and public relations professionals at all career levels locally and nationally.

Natalie holds a Bachelor of Arts in Psychology, a Certificate in Public Relations, and a Certificate in Marketing and Advertising from the University of Regina. In her spare time, she loves to travel, discover new wine and take part in culinary experiences. ☺



Ingrid Wakefield • CPD Programs Coordinator

Ingrid Wakefield has joined the Law Society of Saskatchewan to assume the role of CPD Program Coordinator for the duration of Sarah Rider's maternity leave. Prior to coming to the Law Society, she worked in the credit union system for 14 years, holding numerous positions within diverse areas, the most recent position being Analyst in Regulatory Policy and Prevention.

Ingrid's quest for knowledge sent her back to school later in life, where she obtained her Diploma of Business Administration from the University of Regina in 2012. Her desire to combine her learnings with presenting in small or large forums drove her to join Pile O' Bones Toastmasters, where she is an active member and has held numerous executive roles. With Toastmasters, she has obtained the title Competent Communicator and received the Advanced Leader Bronze Award.

Ingrid has dedicated a lot of her time to volunteering: in her children's classrooms, on the Home and School committee, with Relay for Life raising money for cancer research, and sitting on the Female Hockey Challenge Committee for Hockey Regina. To balance all this out, she spends time at her beloved Echo Lake cottage, entertaining friends and family. ☺



Prairie Provinces Law Firm Practice Management Pilot Project

Barbra Bailey, Policy Counsel

THE LAW SOCIETY OF SASKATCHEWAN, in collaboration with the Law Societies of Alberta and Manitoba, is exploring a new model of regulating legal services in a manner that is risk-focused, proactive and with a greater focus on law firms as a whole, rather than a sole focus on individual lawyers. The new approach is designed to be more responsive to a diverse and profoundly changing environment, to enhance the quality of legal services, to encourage ethical legal practice and to foster innovation in legal services. The Law Society is looking for input from Saskatchewan firms to help us design this new approach, and to receive some assistance from the Law Society along the way.

What is this new approach?

When the regulatory framework for the legal profession was first designed, most lawyers practiced as sole practitioners. Today, it is much more common for lawyers to work within the structure of a law firm. The environment in which a lawyer practices can play a significant role in determining professional conduct. Law firms have a unique ability to influence behaviours and create firm cultures that can align with ethical

standards articulated by law societies. In this way, law firms bear some responsibility for the conduct of individual lawyers when they do not uphold professional and ethical standards; yet law societies have continued to regulate lawyers and not the firms and other legal entities they work in. Having recognized this gap in our regulatory structure, the Prairie Law Societies are developing a framework for the regulation of law firms.

In 2014, *The Legal Profession Act, 1990* was amended to give the Law Society the authority to regulate firms as well as individual lawyers. While law firm regulation will fill some regulatory gaps, we also see it as a way to work with firms to ensure that their infrastructure and firm culture support their lawyers in a way that best allows them to comply with their individual obligations. In short, instead of primarily responding to problems, the Law Society wants to help Saskatchewan law firms avoid the problems in the first place. As a first step towards designing a framework for regulation of law firms, we are exploring a focus on proactive regulation to help us do this.

The Prairie Law Societies considered developments across the country and around the globe and decided to explore a focus on

proactive regulation to design a framework for regulation of law firms that will assist lawyers to enhance practice standards in the public interest. Proactive regulation focuses on mitigating risk by articulating outcomes with which an entity must comply, but providing each entity with the flexibility and autonomy to determine the systems and processes that will enable it to achieve those outcomes. Using this approach, law firms would then be required to report to the Law Society on whether they are in compliance. The Law Society has not yet determined how that reporting will occur or what the appropriate response from the Law Society should be. That's why we are looking for input through a pilot project.

What will the pilot project look like?

Proactive regulation has two primary goals: to provide additional supports for law firms so that they can improve their practice management systems and firm culture; and to help the Law Society respond to potential problems before they become real problems. Proactive self-assessment and reporting is intended to evolve the relationship between the Law Society and law firms so that the Law Society is viewed as a resource rather than

Participation in the pilot project will benefit law firms in the following ways:

- Participating firms will have the chance to shape the new regulatory approach to law firm regulation.
- During the pilot project, assistance from the Law Society in improving practice management systems and firm culture is available to participating firms.
- The Assessment Tool collects resources and best practices for good practice management and firm culture in one place, which can be easily accessed by law firms when they need them.
- We expect that firms and practitioners who implement best practices will benefit from improved services delivery through increased client satisfaction and enhanced reputation.
- CPD hours will be available for participating.
- Sharing some of the great things Saskatchewan firms are already doing will enhance the reputation of the profession generally.

The new approach is designed to be more responsive to a diverse and profoundly changing environment, to enhance the quality of legal services, to encourage ethical legal practice and to foster innovation in legal services.

just a regulator and firms feel comfortable asking for assistance.

The Prairie Law Societies have developed a draft assessment tool intended to help firms identify areas of improvement and offer suggestions about how to do so. The Prairie Law Societies' Law Firm Practice Management Assessment Tool (the "Assessment Tool") specifies principles for practice management and firm culture relating to legal services delivery that all lawyers and legal entities should have in their practices.

The Assessment Tool will enable law firms and sole practitioners to self-assess the robustness of their practice management systems and firm culture relating to these principles. It provides best practices, examples of how a law firm might put those practices into place through various policies and procedures, and links to resources which law firms can use in the areas they identify as needing improvement. Firms and practitioners who participate in the pilot project will be asked to report on how they meet the

broad objectives set out in the Assessment Tool but, for the purposes of the pilot, they will not be required to adopt any of the specific practices suggested in the tool. The Assessment Tool is intended to help firms create a workplace culture that makes it easy for lawyers and the staff they supervise to comply with existing requirements and provide the best client service possible.

The Assessment Tool will also enable the Law Society to identify areas in which Saskatchewan law firms require additional support. This may be identified on an individual law firm level, or on a broader level. Firms that participate in the pilot project will be asked to identify areas where they are meeting or exceeding the objectives set out in the Assessment Tool as well as areas that need improvement. The Assessment Tool provides suggested resources to help improve each objective and the Law Society will be available to assist participating firms to improve in the areas they have identified.

The Law Society is seeking to test and enhance the Assessment Tool based

on feedback from a randomly selected, geographically proportionate sample of 25 law firms of varying sizes and sole practitioners across the province. Your firm may receive an invitation to participate in the pilot perhaps because of its size or location. We hope you will view this as an opportunity to both enhance your practice and affect the deliberations of our Benchers in the days ahead.

The feedback received from participating firms will be crucial to developing the law firm regulation framework. Following the pilot project, the Law Society will report to the Benchers with recommendations based on the feedback received from participating firms. Feedback will also be shared with the other Prairie Law Societies but in all cases, it will be reported in aggregate so that no participants in the pilot project can be identified through the feedback they provide. Any discussions between the Law Society and participating firms about areas for improvement will be used only for the purposes of the pilot project.

If you do not receive an invitation but you would like to volunteer to participate in the pilot project, please contact me at barbra.bailey@lawsociety.sk.ca or (306) 569-8242. ☺

Building on a Strong Foundation of Proactive Regulation

Brent Gough, QC, and Jeff Scott, QC, Practice Advisors

THE FIRM-CENTERED regulatory approach being developed by the Prairie Law Societies will work in tandem with the Law Society's member-focused Practice Review Program to enhance the quality of legal services provided by law firms to the public.

The Practice Review Program was established in 2009 to identify and address problems in a member's practice before complaints arise. As Practice Advisors for the Law Society, we attend at a member's office, provide advice and suggest best practices to the member with regard to practice management. The program is proactive and accessible.

Our experience has been that, although the intervention of a Practice Advisor can

be somewhat stressful for members at the outset, the majority of members who have participated in the program have found that the process provided them with information that ultimately led to improvements in their practice. These improvements often meant that the firm operated in a more efficient manner, thus reducing the amount of time and effort spent on practice management.

We view the Practice Review Program as a success, as it both protects the public and helps lawyers practice more efficiently. But it has primarily been available only to solo lawyers and small firm practitioners, which means that all other firms have been left to source a lot of this information on

their own or, as often happens, deal with the issue as it arises—often in a crisis situation.

As members have largely come to view the proactive Practice Review Program as being a positive experience, we hope that Saskatchewan law firms will view the implementation of a Practice Management Program for law firms as an equally positive opportunity for improvement. Whether a law firm requires additional assistance after using the Practice Management Assessment Tool or not, we believe the process will go a long way to assisting firms in improving their practice and creating a culture that is better for the lawyers, the staff and, most importantly, the clients. ☺

One Book One Province Saskatchewan Libraries Promoting Culture

*Alan Kilpatrick, Reference Librarian, Law Society of Saskatchewan Library
& Member-at-Large, Saskatchewan Library Association Board*

IN 2017, THE SASKATCHEWAN LIBRARY ASSOCIATION (SLA) celebrated 75 years of steadfastly advocating for libraries, culture, and communities in Saskatchewan. To help mark the occasion, the SLA held Saskatchewan's inaugural province-wide literacy and reading campaign, One Book One Province (One Book) in March.

One Book encouraged Saskatchewan's residents to read *The Education of Augie Merasty: A Residential School Memoir* by Joseph Auguste Merasty and David Carpenter throughout that month. The memoir, published by the University of Regina Press, describes Merasty's painful experiences as a student at a residential school in Northern Saskatchewan in the mid-1930s.

Beyond simply promoting literacy in Saskatchewan, One Book's goal was to encourage residents to learn about and discuss residential schools, Indigenous culture and reconciliation, and the Truth and Reconciliation Commission. SLA's intent was to provide "opportunities for residents to become more socially engaged in their community through a shared story." Libraries across the

province were encouraged to host community events about the memoir. In addition, the co-author, David Carpenter, participated in a province-wide reading tour. Nine libraries hosted events.

Initially, the concept was suggested to the SLA by the Multitype Library Board, a provincially legislated board that coordinates Saskatchewan's integrated library system. The SLA felt it was important to implement the One Book concept and carry the campaign forward. SLA members voted on a list of titles, ultimately choosing Merasty's memoir for the campaign.

Unfortunately, Merasty passed away at the age of 87 mere days before One Book's launch on March 1. One Book One Province was a fitting tribute to his memory and legacy.

In its 2015 *Call to Action Report*, the Truth and Reconciliation Commission called on lawyers to learn about the history of residential schools and indigenous experiences. In that vein, I urge you to read Merasty's memoir and to consider the implications of Canada's residential school system. ♡

Please note that One Book One Province was a pilot project for 2017. A report is currently being drafted measuring the success of the campaign. The SLA Board of Directors will review the report and make a decision about the future of the campaign. For more information, visit the Saskatchewan Library Association website: <https://saskla.ca/program/one-book-one-province>.

A Sad Beautiful Story One Book One Province Tour of Saskatchewan

David Carpenter, Excerpt courtesy of the University of Regina Press

Here, co-author and friend David Carpenter reflects on touring the province in March 2017 to promote the book for One Book One Province, in the days immediately following Merasty's passing.

Feb 27. Saskatoon.

Augie Merasty died this morning. His youngest daughter, Arlene, phoned first, then his older daughter Joanne, then Anne Pennylegion of the Saskatchewan Library Association. They were all stricken by his sudden passing, Arlene perhaps the most. It hit all of us with the weight of unexpected things. I thought Augie had

more time left, because even in the throes of cancer, diabetes, alcoholism, and life on the street, even in his eighties, he had always bounced back. Some say he died at eighty-eight, some say eighty-seven. Depends who you ask.

He died around the time that I was packing up a supply of his books

in preparation for my One Book One Province tour of Saskatchewan. This tour is taking me to eleven communities: two in Saskatoon, one in Regina, and eight more in mostly rural Saskatchewan. At each venue I will speak about the process of putting together *The Education of Augie Merasty*, Augie's memoir of a brutal

existence in St. Therese Residential School from 1935 to 1944. The northern junket up to Prince Albert and beyond is now in jeopardy. The original idea was that I would present with Augie and his daughter Arlene. I would talk about the making of the book and Augie and Arlene would take the story into his life as a father, hunter, fisherman, trapper, boxer, jack of all trades, survivor, memoirist. This was going to be the highlight of the tour of the new edition of his book, and we were all up for it. Most exciting of all, I would get to gab with Augie one more time.

Right now I am preparing for my Saskatchewan Augie tour, but without Augie in the world anymore. I've already had a warm-up for the tour with a presentation at a Catholic High in Saskatoon, one of two high schools who pulled the book from the curriculum because some students dreaded the possibility of engaging with its dark truths. So I talked with the students about such things as truth and reconciliation, and about the historical connections between the two. A devoted teacher and a nice bunch of teenagers, but a minority of them were probably not ready for a plunge into the cold

March 8. Prince Albert.

By my count, there are close to two hundred and fifty people in the gym. I did not expect this because the weather is so bad.

Just as the ceremony is about to begin, our elder for the day arrives. I've already met her before, Augie's sister Gertie. She might still be in her seventies, but only now do I realize what a beautiful face she has, a warm smile, a calming presence. To everyone she is Gertie, and no one mentions a last name. A few white teachers and officials from the college are out there, but perhaps ninety per cent of the audience is made up of Cree and Métis students and Indigenous members of the community.

Needless to say, I am thrilled to behold this audience.

I talk for about forty minutes about my symbiotic relationship with Augie. Obviously, he could not have assembled a book like this without me, but just as obviously, I could never come up with this riveting story without Augie. He suffered for it, but he delivered it. His life was not lucky, but our coming together felt lucky to me, this marriage of two different minds made in Heaven—because

hard realities of torture, sexual violence and predation. The other school in Saskatoon simply cancelled my visit, probably because of similar fears. They're studying this book at the venerable girls' private school in Toronto, Bishop Strachan, but Saskatoon is perhaps a little too close to home for such truths.

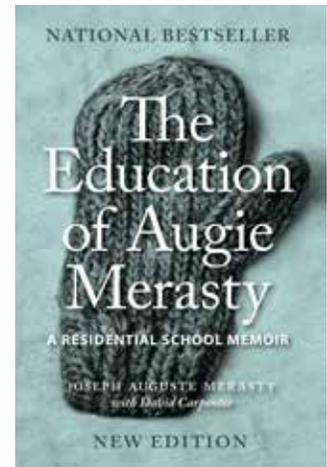
If there is a chance for me to act on the need for reconciliation in this country, in this year of reconciliations, this is it. Augie delivered the truth to me in handwritten stories from 2001 to 2009, stories of shocking brutality that came through the re-opened trap-door of his memory. He began with a comforting catalogue of gentle memories of all the brothers, sisters and priests who cared for the children with kindness and love. Then he made for the dark corners of his life at St. Therese Residential School, where he was singled out for torture, sexual assaults and cruelty from about the age of seven until he left the school around age fourteen.

That is the truth. How might this reconciliation work for me? What exactly can I do?

in 2001, Augie simply dropped out of the sky. I happened to pick up a telephone on the right day, and soon after that, the story began to unfold. Frequently, Augie was hard to work with and impossible to find when I needed him to answer questions and to finish his manuscript. Frequently, I dreamed of chucking the whole project. Only now can I see that, when we had to be, Augie and I were a good team.

I move away from the mic to a warm applause, and Augie's daughter, Arlene, approaches the mic. Her sister Katherine is up there too. Katherine has just told me about Augie's favourite park bench, the one on River Street with a view of the big bridge over the North Saskatchewan River. This bridge, she told me, was the one from which her brother fell to his death, and no one could save him. This was the last moment of his life, and Augie sat on his bench and observed it countless times as though he might commune with this last fatal moment.

Arlene Merasty has never had problems standing up to a big audience, be it live or



Joseph A. Merasty and
David Carpenter
University of Regina Press
ISBN: 978-0-88977-457-5
\$21.95

Named the fourth most important "Book of the Year" by the *National Post* in 2015, *The Education of Augie Merasty* launched on the front page of *The Globe and Mail* to become a national bestseller and an instant classic. This intimate memoir tells the traumatic boyhood story of Joseph August Merasty after he was sent to St. Therese Residential School near Sturgeon Landing, Saskatchewan, in 1935.

continued on page 18

“Mr. Carpenter, I want you to know, we did this book real deep!”

Reactions like that to Augie’s story really make me smile. At a time when some educators push books to the bottom of the agenda, it’s wonderful to encounter passionate readers and their teachers.

televised or recorded on national radio. She tells stories about her father in front of a hushed audience, and the one I will cherish the most is the story about her dad’s trapline. One winter afternoon, Arlene, her dad, and some other family were relaxing in Arlene’s place in Prince Albert. Augie rose up and declared that he was going to check his trapline. Arlene had no idea what Augie meant, as they were living in the middle of the city. Hours later Augie returned to the house with a pole at the back of his neck suspended over his shoulders. On one side of the pole

were three dead rabbits, and three more on the other side of the pole. Augie gutted and cleaned the animals and they all had a great feast.

“What did you do?” Arlene asked her dad. “Raid a pet store?”

“My trapline,” Augie replied.

“What trapline?”

Augie replied, “The golf course.”

With her memories of her father, Arlene absolutely stole the show. There is lot of love in the hall today.

I took my place at the book table to do some signing, and the line of readers

was very long. One of the students in line, perhaps nineteen or twenty, declared, “Mr. Carpenter, I want you to know, we did this book real deep!” Reactions like that to Augie’s story really make me smile. At a time when some educators push books to the bottom of the agenda, it’s wonderful to encounter passionate readers and their teachers. Today they treat Augie’s memoir like a saint’s relic. And the testaments keep on coming all along the line, Cree and Métis readers and their devoted teachers. Today we are all part of a sad beautiful story. ➤

Equity Office

The Equity Office at the Law Society of Saskatchewan is committed to both eliminating discrimination and harassment and promoting equity in the legal profession. The services of the Equity Office are available to articling students, lawyers and their support staff for advice, information or assistance.

If you have a question or concern about discrimination or harassment in your workplace, or if you would like to improve equity and diversity in your workplace, please contact the Equity Office.

A call to the Equity Office is not a complaint to the Law Society. Except for information about the

misappropriation of funds, the Equity Office reports only anonymous statistics to the Law Society.

This office is not a lawyer referral service and cannot provide legal advice. For more information, please visit “For Lawyers and Students” on the Law Society [website](#).

Toll free:

1-866-444-4885

Email:

equity@lawsociety.sk.ca

All information is confidential.

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Regulatory

Health & Wellness

Saskatchewan Book Awards

Highlighting Aboriginal Writing and Publishing

The 24th Annual Sask Book Awards was held Saturday, April 29, at the Conexus Arts Centre in Regina. The program featured Emcee James Daschuk, author of award-winning *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*, a book in which he examines the roles that Old World diseases, climate, and, most disturbingly, Canadian politics—the politics of ethnocide—played in the deaths and subjugation of thousands of Aboriginal people in the realization of Sir John A. Macdonald’s “National Dream.”

This year’s Awards celebrated the contributions of a number of authors to Saskatchewan’s rich Aboriginal literary history. Here are a few you will want to add to your reading list.

For all other winners and nominees, please visit www.bookawards.sk.ca.

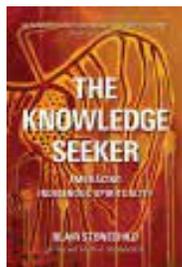
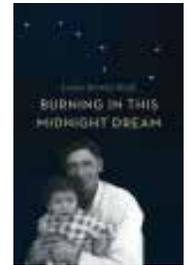
Rasmussen, Rasmussen, and Charowsky Indigenous Peoples’ Writing Award

Burning the Midnight Dream (Winner)
Louise Bernice Halfe
Coteau Books

Mythologizing Norval Morrisseau
Carmen L. Robertson
University of Manitoba Press

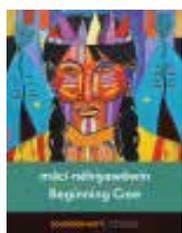
Road Allowance Kitten
Wilfred Burton, Christina Johns (Illustrator),
and Norman Fleury (Michif Translator)
Gabriel Dumont Institute

The Red Files
Lisa Bird-Wilson
Nightwood

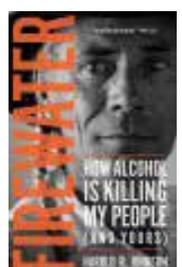


Honourable Mentions

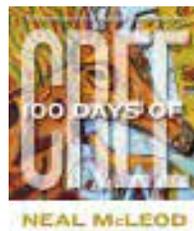
The Knowledge Seeker: Embracing Indigenous Spirituality
Blair Stonechild
University of Regina Press



m̄ci-n̄hiyaw̄win: Beginning Cree
Solomon Ratt
University of Regina Press



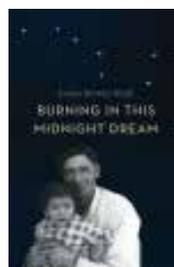
Firewater: How Alcohol is Killing My People (And Yours)
Harold Johnson
University of Regina Press



Indigenous Peoples’ Publishing Award

100 Days of Cree
Neal McLeod
University of Regina Press

Burning the Midnight Dream (Winner)
Louise Bernice Halfe
Coteau Books



SPCJA Essay Contest Winner 2017

Travis D. Lovett

SPCJA Essay Contest

Each year, the Saskatchewan Provincial Court Judges' Association (SPCJA) awards a prize to a student enrolled full-time in the Saskatchewan CPLED Bar Admissions Program for the best essay on one of the following topics:

1. Learning the Practice in the Provincial Court of Saskatchewan
2. Important Practice Skills Acquired in the Articling Year
3. Young Lawyer's Responsibilities as an Officer of the Court

Travis D. Lovett is a Cherokee Indian from Atlanta, Georgia. He received his Juris Doctorate from Sandra Day O'Connor College of Law at Arizona State University in 2014, where he graduated with certifications from the Indian Legal Program and the Center for Law, Science & Innovation. Travis is currently articling at Slusar Law Office in Saskatoon, Saskatchewan, and is simultaneously pursuing an LLM Thesis from the University of Alberta, Faculty of Law, in which he analyzes how impact and benefit agreements can reconcile First Nations with resource development in Canada. After articling, Travis will remain at Slusar Law Office and represent First Nations in areas such as economic development, governance, corporate law, and defence litigation.

Important Practice Skills Acquired throughout the Articling Year

By Travis D. Lovett

MY ARTICLING EXPERIENCE has helped me transition from academia to practice. Theoretical opinions and public policy desires have now succumbed to client demands. Mediocre preparation minutes before class allowed me to survive the notorious Socratic Method, but scanning jurisprudence to merely discover the rule of law does not solve client problems. I no longer have the luxury of debating opinions without consequence. My articling experience has taught me that I face real-world dilemmas and that the decisions I make will impact people's lives. Through articling, I have acquired vital day-to-day skills that have prepared me to meet client expectations and thrive in the legal profession.

My articling experience has primarily focused on representing First Nation communities. Many of the skills which I have acquired throughout this year relate to managing the attorney-client relationship. English is the second language for many of our clients. Our clients come from distinct cultural upbringings and sometimes struggle to understand the court process and its formalities. Patience has proven to be a vital virtue. I often remind myself that I was not always a lawyer and that the complexities associated with the legal process were once foreign to me as well.

A tactic which helps me to understand the client and to appreciate their cultural concepts is to visualize myself in their circumstances and, in essence, "become the client." I visit their community, listen to their elders' stories and attend their

ceremonies. This process strengthens the attorney-client relationship and enables me to better advise and communicate with the client. For example, this year a client wanted to legally adopt a child from her community and because I took the time to understand the client's culture, I was able to effectively explain why a ceremonial adoption was not a legal process recognized by the Ministry of Social Services. Communicating through the client's cultural lens helps me identify the client's objective and prepare legal strategies to achieve their goals.

My articling experience has also taught the importance of considering solutions outside the court process. Because our clients often lack familiarity with the legal process and procedure, they sometimes suggest impractical means to achieve an unrealistic objective. Many of our clients think that litigation is the only means to solve their problems—they want their day in court. Through clear communication, however, instructions and expectations can be tailored to explore non-legal solutions. For example, the rule of law offers little hope for a First Nation wanting to prohibit municipalities from passing zoning laws on provincial land, albeit on their ancestral lands. However, the objective to preserve and protect the First Nation's ancestral lands can be achieved through private market negotiation. A memorandum of understanding or other agreement can enforce joint regulation and empower the First Nation to participate in

regulating their ancestral lands without enduring costly and lengthy litigation.

When no alternative solution is available and litigation is inevitable, I frequently remind myself of the remarks presented by Honourable M.T. Megaw during his presentation on oral advocacy when he said that the task of a lawyer is to be a “zealous advocate.” Through articling I have come to appreciate that phrase and what it means. To me, it mandates three essential skills.

The first skill to zealous advocacy is learning the file. Before researching the legal issues, I have learned to take the time to painstakingly read all correspondence and any pleadings filed on the matter. Doing so offers insight to opposing counsel’s procedural strategy and sometimes reveals overlooked or new legal issues. The second skill is to never leave any stone unturned. I have accumulated a checklist of preliminary issues to consider before I weigh the merits of any case—jurisdictional objections, procedural barriers, constitutional issues, etc. The final skill set, is to be zealous.

A zealous advocate must find strength in the narrative and creativity in the law. They must dissect the statute word by word, edit their brief over and over, and rehearse their argument endlessly. A zealous advocate must tenaciously strive to further client interests and achieve client goals, regardless how difficult that may be.

Above all skills, however, the most important skill is to be kind. The attorney-client relationship is not the only relationship within the legal profession which needs management. The attorney-secretary relationship must be nurtured with respect and encouragement. Relationships amongst fellow lawyers should not fall victim to hostility and bitterness despite our adversarial process. Notions of winning or losing are irrelevant if the client’s objective is not achieved; in some cases this does not occur when “winning” a case. Personal vendettas against other lawyers should never prevail over the interests of the client. Being nice to court runners, security personnel, local registrars proves advantageous. Practicing

law is like anything else in life—you get out what you put in. Putting in respect and kindness will produce cordialness amongst the bar and the wider legal profession.

During my articling year, my life changed in various ways, but the biggest change was that I became a father in November. Looking back on the skills that I have acquired throughout this year, I realize that they are the same skills I want to instill in my daughter. Spend time learning to understand others; be culturally cognizant. Think of alternative solutions to your problems; fighting one another is not always the answer. Be a tireless champion for those who need your help; advocate for them and what you believe in. Finally, be a kind and respectful person to all whom you meet. In reality, this past year of articling has brought to life the skills and virtues which we hope to teach our children. Yet we as adults must sometimes be reminded of them ourselves. ➤

What’s New

Judicial Appointments

The Honourable Donna Taylor has been appointed a judge to the Provincial Court in Yorkton.

“Judge Taylor is an exceptional appointment to the bench,” Justice Minister and Attorney General Gordon Wyant said. “She has made valuable contributions to the legal community in Yorkton and across the province for more than 30 years. Her experience and knowledge will certainly enhance the judicial system in our province.”

Judge Taylor received a Law Degree from the University of Saskatchewan in 1982. She articulated at Eggum Abrametz Mills and Zuk in Prince Albert, and practiced at various Yorkton firms. She is currently an associate at Leland Campbell LLP.

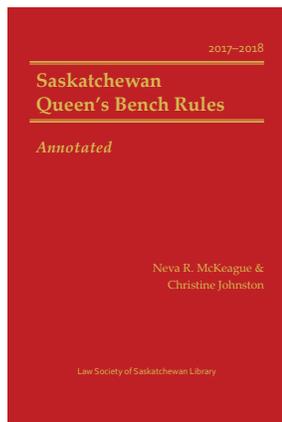
Judge Taylor has been active in several organizations, including the Saskatchewan Law Foundation, Saskatchewan Public Disclosure Committee, Saskatchewan Health Services Review Committee, and the Saskatchewan Society of Occupational Therapists. She served as a member of the University of Saskatchewan Senate and has been very active in community and civic activities in Yorkton.

Judge Taylor replaces Judge Pat Reis, who is transferring to the Provincial Court in Regina.

Released March 10, 2017

Law Society Library Publications

Check out these fantastic resources published by the Law Society of Saskatchewan Library. Both of these featured titles are available in **paperback and ebook formats!**



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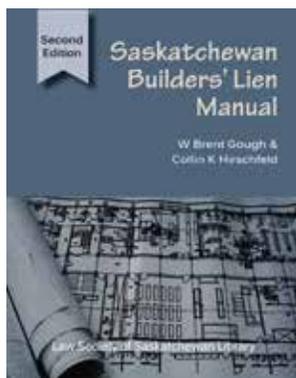
Saskatchewan Queen's Bench Rules *Annotated*

2017-2018

Summer is almost here, and with it comes the new volume of the ever-popular *Saskatchewan Queen's Bench Rules Annotated*. This annual publication comes in a convenient **paperback** format and the first-time-ever **ebook** will be available through Emond Publishers in August! Case law and annotations updated by Christine Johnston, BEd, LLB.

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Saskatchewan Builders' Lien Manual

By W. Brent Gough & Collin K. Hirschfeld

The *Saskatchewan Builders' Lien Manual* is an essential tool for any practitioner dealing with the legal ramifications of *The Builders' Lien Act*. Since the first printing of this popular manual 20 years ago, many important amendments to the Act and relevant new case law have changed the way practitioners handle builders' liens.

- Amendments to the *The Builders' Lien Act* and other pertinent statutes, as well as relevant case law, have been updated and are current to July 2014.
- The Appendix includes *The Builders' Lien Act* and *Regulations* in their entirety, including forms.
- Includes the Saskatchewan Ministry of Economy's document: "Builders' Liens and Provincial Crown Minerals", MIN001 Guideline: Builders' Liens, which provides important information on understanding builders' liens and samples of completed forms.

Ebook is available through Emond Publishing at www.emond.ca.

For ordering information and to check out our other available publications, please visit our website at <https://www.lawsociety.sk.ca/publications.aspx>.



AGM featuring a Panel Discussion on Technology and the Changing Legal Landscape (CPD-171)

There are several realities related to technology that we can count on: technology is always changing, the pace at which it changes is increasing, and it affects virtually all facets of our world. The legal system is certainly no exception. The focus of this CPD session is technology and the changing legal landscape. We are fortunate to have a panel of esteemed lawyers from across the country who will address the inevitability of change and the impact that technology will have on the legal profession, and more broadly, on the legal system. There is no denying that with change comes potential risk; however, it also leads to endless opportunities. Armed with extensive knowledge and vast experience, the panel members will focus their discussion on the potential opportunities that exist for the legal profession as a result of constantly evolving technology.

You will leave this seminar with a better understanding of what you and your firm will need to do to adapt to the changing legal landscape.

Regina
Thursday, June 15, 2017
Double Tree by Hilton
4:00 pm – 8:30 pm
Registration: 3:30 pm



2.0 HOURS
all of which
qualifies
as Ethics

Panel Moderator:

Craig Zawada, QC—Director of Boundary Pushing, WMCZ Lawyers

Panelists:

Tim Brown—Executive Director, Law Society of Saskatchewan

Fred Headon—Assistant General Counsel, Labour & Employment, Air Canada

Karen Dyck—Executive Director, Manitoba Law Foundation

Dan Pinnington—Vice President, Claims Prevention & Stakeholder Relations, LAWPRO (Lawyers' Professional Indemnity Company)

Recent CPD Activities You Might Have Missed

Most recorded webinars are still available to review on the CPD website. To order the recorded version of a Webinar or Seminar materials, please contact Linda Euteneier (CPD Administrator) at 306.569.8242 or cpd@lawsociety.sk.ca.

- **Webinar: The Two Million Dollar Cheque—Practical Issues on Capacity** (CPD-165)
Panel: Chris Boychuk, QC, Brenda Hildebrandt, QC, and Lillian Thorpe, MD, PhD
May 25, 2017
- **TRC Call to Action #27 Webinar Series: “Reconciliation in the Courtroom—It’s Required!”** (CPD-173)
Presenter: Judge G.M. Morin and Eleanore Sunchild
May 29, 2017

For the most up-to-date information about upcoming CPD activities and for further information about the CPD Policy, refer to “Continuing Professional Development” on the Law Society [website](#). ➔

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