



The Law Society  
of Upper Canada

Barreau du  
Haut-Canada

## **Review Panel appointed to examine how Law Society regulatory and hearing processes affect Indigenous Peoples**

On June 28, 2017, Law Society Treasurer Paul Schabas announced the appointment of a review panel to examine the way in which the Law Society and its Tribunal address regulatory matters involving Indigenous persons, complaints and issues.

The review panel will identify issues and make recommendations on opportunities for inclusion of Indigenous perspectives. The group will develop and deliver a work plan over the summer, to be followed by a report to the Treasurer in the winter.

The appointment of this review panel follows the Law Society's experiences in *The Law Society of Upper Canada v. Keshen*, which raised questions about the Law Society's regulatory and hearing process in relation to First Nations, Métis and Inuit people.

### **Review Panel Members**

Dianne Corbiere, Bencher, Panel Co-Chair

Julian Falconer, Bencher, Panel Co-Chair

Robert Burd, Bencher

Teresa Donnelly, Bencher

Isfahan Merali, Bencher

Kathleen Lickers, Co-Chair of the Indigenous Advisory Group

Elder Advisor Myeengun Henry, Co-Chair of the Indigenous Advisory Group

### **The mandate of the Review Panel is as follows:**

The review of the Law Society's complaints, investigation, prosecution and adjudication processes will include:

- an analysis of the effects on Indigenous complainants of the processes used to gather, assess, introduce and submit evidence during investigations and hearings;

- consideration of the nature and goals of prosecutions that involve Indigenous people and Indigenous communities;
- consideration of the differences that exist between Indigenous perspectives regarding conflict resolution, and the traditional approach of the Law Society and the Law Society Tribunal to investigation, discipline and adjudication;
- how to incorporate Indigenous perspectives into Law Society complaints, investigation, discipline and Tribunal processes and procedures;
- consideration of cultural competence at the Law Society, and opportunities for training and development;
- consideration of the use of expertise on Indigenous issues by Law Society staff, the Tribunal and outside counsel, and opportunities to enhance the use of expertise where required;
- consideration of the Law Society's approach to regulating licensees in rural or remote communities, with particular focus on those who serve Indigenous communities or address Indigenous legal issues; and
- identification of proactive and possible remedial measures to address the impacts of licensee misconduct on Indigenous complainants and their communities.

### **Independent Reviewer**

Ovide Mercredi, former National Chief of the Assembly of First Nations, has agreed to be an Independent Reviewer, to provide guidance on a way forward for the Law Society to improve its processes and relations with First Nations, Métis and Inuit communities.

Mercredi will work in tandem with the Review Panel and will be reaching out to the community.