



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

FORUM



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Welcome to the 2015-2016 Executive

UPCOMING EVENTS

ALF 6th Annual Holiday Banquet
Vancouver, BC - November 27, 2015

ALF 5th Annual Retreat
To be determined - Spring 2016

Editor
Danielle Mercredi

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

CBABC Aboriginal Lawyers Forum

The Aboriginal Lawyers Forum (ALF) welcomes chair Adam Munnings and vice-chair Tina Dion for 2015-2016.

Executive Update By Adam Munnings

We are now well into another busy year for the Aboriginal Lawyers Forum (ALF). Firstly, I would like to thank the previous year's executive for all of their hard work and dedication. Specifically, I would like to thank Christina Cook who has moved on to practice in Manitoba and we wish her the best of luck. Perhaps in a few years we can start a national Canadian Bar Association (CBA) Forum starting with a new chapter in Manitoba.

Given the significant loss of Christina's key contributions to ALF since its inception, we are focusing our efforts on establishing policies that will allow ALF to be sustainable as executive members move on. We plan on doing this while still hosting our annual Holiday Banquet, Retreat and Aboriginal Day Auction, which are the highlights of the ALF calendar. We are also working towards being more accessible to students and lawyers outside of Vancouver and ensuring we have a presence at all the law schools in BC. This year's executive reflects this desire as we have members from all of British Columbia's law schools and representatives from Prince George and Victoria on the executive. We hope to continue this trend with more volunteers from around BC and from BC Aboriginal groups.



Since the last Forum Drum we have hosted the ALF Retreat in Tulalip, Washington, and the online Aboriginal Day Auction. Both events offered something new to our members. The ALF retreat was located in the U.S.A, which was a great success, and the Aboriginal Day Auction had all the proceeds go towards ALF for the first time, as we have been advised by CBABC that the Aboriginal Law Student Scholarship Trust is fully sustainable. This will allow us the freedom to introduce new initiatives and leads to the announcement of our new award.

This year at the 6th Annual ALF Holiday Banquet, being held at the Sutton Place Hotel on November 27, 2015, we will be awarding the first ALF Student Appreciation Award, in addition to our ALF Special Contribution Award. The ALF Student Appreciation Award will be given to a law student or articling student of Aboriginal ancestry that has shown consistent dedication to Aboriginal people in the field of law. This award recognizes an individual's contribution to ALF in helping us strive to address the various issues facing Aboriginal law students and articling students. To recognize the Aboriginal law student or articling student and to show our appreciation for their hard work and dedication we will be presenting them with an award of \$500. In order to make this award sustainable proceeds from the Aboriginal Day Auction will go toward next year's Student Appreciation Award and Holiday Banquet.

We are always working towards increasing our ALF membership, and we encourage those of you who are not CBABC members to please join up so that you can take full advantage of our events!

Chi Miigwetch

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**Thank you & Good Luck to ALF Co-Founder:
Christina J. Cook!**



After six years with the ALF, from its inception to its most recent retreat, Christina J. Cook has stepped down from the executive of the ALF. Christina was the inaugural chair of the ALF, and driving force behind the initiative along with Isabel Jackson and Rosalind Campbell. As Chair, Christina worked to have the ALF join the CBABC and spent countless hours traveling from Kamloops to Vancouver to attend the quarterly CBABC Provincial Council Meetings, and other meetings with the CBABC Executives, as well as various ALF events.

Missing her calling as an event planner, Christina also planned and organized various events for the ALF, including dinners, retreats, CPD presentations, mixers, and even a wildly unsuccessful bowling night. Often with the diplomacy of a cranky drill sergeant, Christina brought together a team of dedicated volunteers to continue on the executive and take the ALF to new heights.

Christina has recently relocated to Manitoba and we thank her for her contribution and wish her the best. However, we note Christina has kept her residence in Kamloops and frequently travels to BC for both business and personal reasons. She has also kept her licence to practice law in BC and we hope to see her at future ALF events.

Lastly, we are pleased to announce that Christina is this year's ALF Special Contribution Award winner. For more on Christina, please read the **ALF Special Contribution Award Winner** article.



4th Annual ALF Retreat: Crossing the Border to Learn, Network and Relax!

By Miranda Schmold

In 2015 we went south of the border to hold our 4th Annual Retreat at the Tulalip Resort Casino in Tulalip, Washington. The Resort was beautifully decorated with Aboriginal artwork throughout and offered something for everyone; from restaurants, to a pool and spa, to a casino, to the huge outlet mall just down the road! We thank the Tulalip Tribes for allowing us to host our Retreat on their beautiful territory.



Aboriginal lawyers, students and academics joined us from far and wide for a jam-packed weekend of interesting and thought-provoking presentations. This year we got started right away by hearing from the first of our presenters on Friday afternoon. Partner at McDonald & Duncan LLP, Jennifer A. Duncan kicked the weekend off by speaking on Land Claim and Self-Government Agreements. Darwin Hanna and Adam Munnings of Callison & Hanna followed up by discussing Specific Claims. We rounded off the afternoon learning about the impacts on Indigenous people from natural resource extraction occurring on both sides of the border. First we heard from Law Professor and Director of the Native American Law Centre at the University of Washington, Robert Anderson on Indigenous Water Rights in the U.S. and then from John Gailus and Nicole Bresser of Devlin Gailus Westaway Law Corporation on the Grassy Narrows decision. After an educational and busy first day we all enjoyed an evening of discussing legal issues, networking, catching up with old friends and making new ones at the Welcome Reception.

We got started bright and early on Saturday by hearing from past ALF Retreat presenters, Chief Roger William of the Xeni Gwet'in First Nation and David Rosenberg of Rosenberg Law. In 2014 attendees of ALF's 3rd Annual Retreat were excited to hear about Chief William and Mr. Rosenberg's submissions as we all awaited the decision from the Supreme Court on the Tsilhqot'in case. This year we were delighted to have them both return to discuss the decision, next steps for the Tsilhqot'in Nation and possible implications for First Nations across Canada. In the afternoon we were fortunate to hear from distinguished Law Professor John Borrows of the University of Victoria who gave an interesting presentation on Federal Indian Law and Canadian Aboriginal Rights.

We ended the afternoon hearing from Robert Morales of the Hul'qumi'num Treaty Group Society who spoke on International and Domestic Law. We completed the day with a delicious dinner and a fascinating talk from our Keynote Speaker, the Honorable Len Marchand who provided a view from the Bench. The weekend was rounded off with an interesting ethics roundtable discussion facilitated by ALF member, Larry Gilbert.

The ALF Committee thanks all those who attended and presented at the 4th Annual Retreat. Thanks also to the Retreat organizers for planning such an enjoyable and successful event. **We hope to see you at our 5th Annual ALF Retreat. Please stay tuned for details!**



UPCOMING ALF EVENT

Please join us for the next ALF retreat in 2016!

The ALF Executive invites you to join us for the 2016 ALF Retreat to be held in the Spring of 2016.

This upcoming retreat will be a blend of speakers in various practice areas, focused on community, social and justice issues.

Please watch the ALF Facebook page, and CBABC notices for further details for the exciting retreat! If you have any questions, or wish to volunteer to present, please email vice-chair, Tina Dion tinadion@telus.net.



The 4th Annual ALF Retreat



ALF 2015 National Aboriginal Day Online Auction

By Isabel Jackson

Our 2015 National Aboriginal Day Online Auction raised just over \$6,700 (!) in support of the CBABC Aboriginal Lawyers Forum, affectionately known as the “ALF”.

This was the 8th year for this National Aboriginal Day fundraising event. In previous years we raised a total of almost \$50,000 toward the CBABC’s Aboriginal Law Student Scholarship Trust. The Trust is now sustainably funded to grant scholarships each year to Aboriginal law students attending UBC, UVic and TRU. As the Trust is now sustainable we shifted our focus this year but only slightly. The funds we will continue to raise will now go toward the ALF whose mandate is to support Aboriginal law students, graduates and practitioners in order to enhance the stature and influence of Aboriginal people in the legal profession.

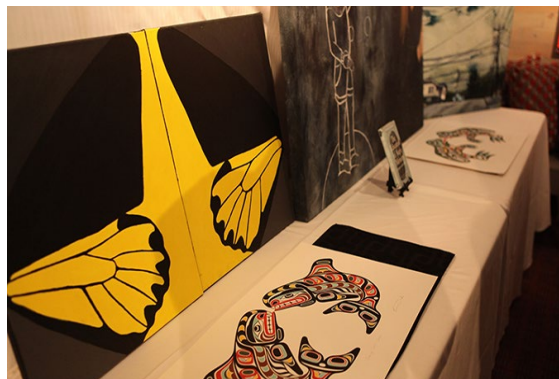


Each year we also hold a reception as the celebratory part of our National Aboriginal Day event. This year’s reception was held at Skwachays Lodge, a boutique hotel in Vancouver that is carving out its niche from traditional Aboriginal culture.

Skwachays Lodge is owned and operated by the Vancouver Native Housing Society and we were happy to support their initiative. We are grateful to this year’s reception sponsors: Weyerhaeuser, Devlin Gailus, Mandell Pinder, Ratcliff & Company and the Department of Justice, BC Region.

We also continued with the tradition we have established at our reception which is to showcase rising talent in the Aboriginal community. This year the spotlight went to Young Buffalo - a duo featuring UBC Law Student Jessica Buffalo. Who will get the spotlight next year?!

We have already started collecting auction item donations for our 2016 NAD Online Auction. If you would like to donate or would like more information about our event please contact isabel.jackson@justice.gc.ca.



These are just a few of the items up for bid at the 2015 Auction.

ALF Special Contribution Award Winner: Christina J. Cook

Ms. Christina J. Cook has contributed and dedicated many hours, days and years to the goal of enhancing the stature and influence of Aboriginal peoples in the legal profession, notably through the creation of the ALF, but also through her other countless volunteer efforts.

The idea for the ALF originated with Ms. Cook, co-founder of the ALF. After graduating from law school in 2009, where she had been very active in the First Nations Law Students Association, Ms. Cook was invited to a CBABC & Law Society Equality and Diversity meeting with various stakeholders where one topic of discussion was how to address retention and other challenges facing Aboriginal lawyers. She also attended a Women Lawyers Forum event that day. After processing what she had heard that day, it struck Ms. Cook that an Aboriginal Lawyers Forum was also needed. After extensive attempts to reach out to other Aboriginal lawyers and students, and with the support of Rosalind Campbell (her principal at the time) and Isabel Jackson, Ms. Cook continued to collect positive support for the concept of the ALF. After organizing the first mixer event in 2010, and further events after that with the help of Rosalind, Isabel and later Karen Whonnock and Katrina Harry, the group decided to make the ALF official. ALF became the second Forum of the CBABC when a group of CBA members signed the Resolution drafted by Ms. Cook and others.

Ms. Cook helped to build the ALF over the span of six years, serving as ALF's inaugural Chair and Chair for another four terms. Motivated to reach out to other Aboriginal lawyers outside of Vancouver, Ms. Cook also founded this Forum Drum newsletter which you are reading right now. Having served as Chair for many years, Ms. Cook decided to step down to provide other members the opportunity to lead and continue to grow the ALF.

While Ms. Cook is most proud of her ALF volunteer work, Ms. Cook has volunteered in many other capacities to promote and enhance the presence and retention of Aboriginal lawyers and students in BC, as well as to serve Aboriginal people seeking legal assistance. Here are some examples of her extensive volunteer work:

- When Thompson Rivers University (TRU) law school opened in the Fall of 2011, she was hand selected by Founding Dean of Law Christopher S. Axworthy to closely mentor and tutor three Aboriginal students over the years. She would take them out for lunches, host them at her firm for lunches, and also set up firm tours with them at law firms in Kamloops and Vancouver. When possible, she used her connections to set up articling opportunities for them as well.
- She lobbied the CBABC to include TRU Law in the ALSST which took over a year to do.
- In 2011, she also opened a free legal clinic in Kamloops at the Interior Indian Friendship Centre to serve Aboriginal and non-Aboriginal peoples, though the clinic services Aboriginal people primarily. She has volunteered her own time and tirelessly recruited other lawyers to volunteer at the clinic. Thanks to her efforts, the legal clinic is still up and running today.
- She has contributed to the Law Society of British Columbia (LSBC)'s Aboriginal Lawyers Mentorship Program.
- She was an original reference for the LSBC application to the Law Foundation for funding to research the mentorship needs of Aboriginal lawyers and the different models which might be employed.
- She has made presentation at UBC law, the LSBC and the CBABC regarding Aboriginal legal practitioner issues.
- She has made legal presentations through the Shuswap Nation Tribal Council to high school children and Council member Bands.

As part of her ongoing legal practice, she has worked for Aboriginal people, bands, organizations and companies. In her first year of practice, she argued and won *Kelly v. Leq'a:mel First Nation*, 2010 BCSC 1801, wherein the B.C. Supreme Court clarified the issue of when the provincial and federal court each had jurisdiction to consider property disputes on reserves. She practiced Insurance defence for four years and worked for Peace Hills Insurance, the only insurance company in Canada owned by an Aboriginal Band. Presently, she is working exclusively for Aboriginal bands and individuals. She works in both Aboriginal solicitor's work and litigation.



CBABC Membership

BC Advantage

Enrollment for all 77 BC and 41 National Sections and Forums ([including ALF](#)) is free of charge with the BC Advantage.

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

Special Programs

These programs are available to members in good standing:

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

Applications for these programs are found at: cbamembership.org

CBABC Branch Fees

Category	Fee (Incl. Tax)
Regular	\$760.74
New Lawyer	\$322.89
Associate	\$395.86
Retired	\$395.86
Non-Practicing	\$395.86
Part-Time	\$395.86
Scholar	\$213.43
Articling Student	\$213.43
Law Student	\$20.00

Additional Options

Portfolio	\$240.00
Portfolio Plus	\$480.00

Contact

CBABC Member Services
604.669.9601 - 1.888.867.3404
members@cbabc.org

Aboriginal Lawyers Mentorship Update

By Andrea Hilland

The next cycle of the Aboriginal Lawyers Mentorship Program is set to begin. This year, the program has been updated to provide mentees with the opportunity to meet with different mentors throughout the year. Mentees will be paired with mentors on a four-month rotation and will meet three mentors over the course of the year. This approach will optimize the broad pool of mentors and will provide mentees with a variety of perspectives. Networking events will continue to provide mentees with informal mentorship throughout the year.

The mentorship program is intended to enhance the retention and advancement of lawyers with Aboriginal ancestry, who are currently under-represented in the legal profession. Today 2.3% of British Columbia's lawyers are Aboriginal. There is still work to do if the profession is to reflect the 5.2% share of the province's population that is Aboriginal.

To be eligible for the program, mentees should possess the following characteristics:

- self-identified Aboriginal ancestry; and
- membership in the Law Society of British Columbia, active enrolment in the Law Society Admission Program or active enrolment in a law faculty in British Columbia.

Mentors should possess the following attributes:

- membership in good standing in the Law Society of British Columbia, with no record of current or past citations;
- more than three years of call, in any jurisdiction in Canada;
- established professional experience;
- effective communication skills; and
- advanced understanding of issues related to the retention of Aboriginal lawyers in British Columbia.

It is not necessary that mentors have Aboriginal ancestry.

To participate in the Aboriginal Lawyers Mentorship Program, please fill out and submit [an application form](#).

For more information, please contact: Andrea Hilland at 604.443.5727 or ahilland@lsbc.org



ALF Member Profile - Merle Alexander

Merle Alexander is from Kitasoo Xai'xais First Nation, the most southern Tsimshian community. His family crest is Raven and he is the grandson of Viola and Joseph Hopkins, son of Stella Alexander and brother of two Sisters, Marcy and Melanie. His wife is Tamara Napoleon of Saulteau First Nations in Treaty 8 Territory (Associate Counsel at Gowlings) and has a glorious son, Elijah.

Merle is the Vancouver Leader and a Partner within the Aboriginal Law Group of Gowlings WLG LLP, a 950+ international law firm. He practices Aboriginal resource law, a hybrid of Aboriginal Title and Rights, environmental and corporate/commercial law. His practice is tied to the pace of Aboriginal economic development and the Aboriginal business economy. He also a recipient of Business in Vancouver's 2009 "Top Forty Under 40" award.



He advises clients on the negotiation, drafting and other legal support to impact benefit negotiations in all natural resource areas, including mining, pipelines, forestry and green energy (run-of-the river, wind and geothermal) projects. He also advises on purchase and sale of businesses, the structuring of joint ventures, limited partnerships and corporations, the drafting and negotiation of commercial and residential leases both on and off reserve lands, and the incorporation of non-profit entities. Merle also has extensive experience in negotiating government to government agreements in BC and the Yukon.

His professional and personal legal passion is the protection of Aboriginal intellectual property rights, particularly traditional knowledge. He negotiated treaty chapters on Heritage Resources, drafted protocols and represented national Aboriginal organizations in various UN forums. Merle is considered to be an international expert on protective mechanisms of Indigenous knowledge.



ALF Featured Student - Randy Robinson

Randy Robinson is Algonquin from the Timiskaming First Nation. Before law school Randy completed an Associate of Arts Degree in Aboriginal Studies from the Langara College Aboriginal Studies Program. Randy transferred to the University of British Columbia's First Nations Studies Department before enrolling in the University of Saskatchewan's Program of Legal Studies for Native Peoples.

In his first year of law school Randy accepted the role of 1L representative of the Indigenous Law Students' Association ("ILSA"). In this capacity, Randy built upon the collegial networks that exist at the Peter A. Allard School of Law ("Allard Law") to reinforce and support community in the spirit of reconciliation. Randy sees a direct connection between his networking experiences working with ILSA and Lawyers' Rights Watch Canada to the fluid integration, mobilization, and consultative relationship he encountered in his role as liaison to the Vancouver Public Library Series: The Gap Between Law and Practice.



In his second year Randy was Chair of Allard Law's Inaugural Indigenous Awareness Camp: a three-day camping excursion where students have the opportunity to learn about local Indigenous traditions. Randy was also a clinician with the UBC Law Students' Legal Advice Program. Randy cultivated diverse student networks and organizations in the following capacities: as Indigenous Director of the Allard Law Students' Society encompassing the Executive, Academic and Faculty Councils.

Before returning for his third year of law school he worked for the Ministry of the Attorney General of Ontario with the Windsor/Essex Crown Attorney's Office. Recently Randy contributed criminal law research and writing to be included in a Legal Aid Ontario publication presented to the Caldwell First Nation in Leamington, Ontario.

Randy is currently enrolled as a temporary articulated student with Allard Law's Indigenous Community Legal Clinic located in the Downtown Eastside of Vancouver, British Columbia. In the future Randy plans to focus his practice on criminal and Aboriginal law.



TRU Indigenous Law Students Association (ILSA)

By Dustin C. Gagnon, President

I'm proud to be given this opportunity to represent ILSA at Thompson Rivers University (TRU). This is my first year acting as the President of ILSA, and I hope I can live up to all the expectations of previous presidents. I'm excited to announce that ILSA is successfully seeing growth and gathering support from current students. The current executive of ILSA are as follows:

Dustin C. Gagnon, President
 Nathan MacDermott, Vice President
 Daniel Gallant, Secretary
 Kassia Trottier, SLS Representative
 Christopher Gall, ALF Student Representative



This year began with an all new executive sitting in for ILSA, after having seen off Jake Archie at his convocation in June 2015. The beginning of this year has seen a slow start, but we are hoping to have another successful year here at Thompson Rivers. As we sit right now, we are planning to host smudging ceremonies prior to exams, and a speaker panel event in the month of February. Our hopes are to see that these events become annual events held by ILSA or co-hosted by ILSA.

As funding is always an issue we will be working as hard as we can to see that ILSA can bring meaningful presentations to the law school in regards to issues that are ongoing within our Indigenous communities. We feel that the speaker panels we bring in will allow others to see the types of issues that will more than likely be a reality for one or more of our students' respective clients in their future careers. It is our hope that this coming year will bring exciting times for the ILSA and we will be able to share our exciting times with the rest of the Law School.

UBC Indigenous Law Students Association (ILSA)

By Jessica Buffalo, President

This year has already been productive for ILSA. Vice-President, Monika Wilson, organized a team to run in the East Side 10K and raised \$1000, which was donated to the Downtown Eastside Women's Centre. ILSA throws several fundraisers throughout the year in which we donate the proceeds to the Downtown Eastside Women's Centre. We have started planning for our main events, which are the Indigenous Awareness Week - which takes place February 2nd - 5th; and the Golf Tournament, which usually takes place at the end of March.

ILSA aims to bring awareness to Aboriginal issues to the main student body of Allard Law through events like the Indigenous Awareness Week and the Aboriginal Awareness Camp that is offered to all first year students. While Aboriginal law is a mandatory component of the first year curriculum, having these external events that are open to everyone is a great way for all students to engage. We have also been focusing more on bringing attention to the Missing and Murdered Women of Canada. Last year, for Valentine's Day, we held a bake sale to collect proceeds for and encourage all students to attend the Women's Memorial March, which takes place each February 14th starting in the Downtown Eastside.



We have a strong, committed membership that is expanding each year with both Indigenous and non-Indigenous students. It is wonderful to see how many people want to participate and learn about Aboriginal issues and help out in any way they can.



University of Victoria Aboriginal Cultural Awareness Camp (AbCamp)

By Adrienne Macmillan, ALF UVic Student Representative

Since its formation in 1996, the University of Victoria Aboriginal Cultural Awareness Camp (AbCamp) has been a great way for students to connect with, and understand, Aboriginal legal issues while connecting and learning about an Indigenous community whose territory on which we work and live.

AbCamp is student run and organized. For four days over 40 students get together with Elders, legal practitioners, and professors and participate in fun and educational Indigenous practices such as smoking salmon, sweat lodges, canoeing, drumming, a pit cook and arts & crafts. Engagement like this is valuable in providing students with a safe and supportive environment in which they can engage in these challenging Indigenous issues.

Further we get to spend some time outside, get to know local community members, and begin to understand some of the protocols that help shape the relations of the host community.

AbCamp is an incredible experience for students. They return to school with an enlightened perspective on law and a deeper respect and understanding of Aboriginal cultures. Many say that it is the most satisfying experience of their law school career.

Please refer to the [website](#) or [the Facebook page](#) for further information.



Welcome to the 2015 – 2016 ALF Executive

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