



The Advocates' Society

La Société des plaideurs

October 5, 2023

VIA EMAIL: consultations@flsc.ca

Jill Perry, K.C., President
Federation of Law Societies of Canada
World Exchange Plaza
45 O'Connor Street, Suite 1810
Ottawa, Ontario K1P 1A4

Dear Ms. Perry:

RE: National Requirement Review

The Advocates' Society writes to comment on the Federation of Law Societies of Canada's June 26, 2023 Discussion Paper regarding the National Requirement Review.

Established in 1963, The Advocates' Society is a not-for-profit organization representing approximately 5,500 diverse lawyers and students across the country—unified in their calling as advocates. As the leading national association of litigation counsel in Canada, The Advocates' Society and its members are dedicated to promoting a fair and accessible system of justice, excellence in advocacy, and a strong, independent, and courageous bar. A core part of our mission is to provide policymakers with the views of legal advocates on matters that affect access to justice, the administration of justice, the independence of the bar and the judiciary, the practice of law by advocates, and equity, diversity, inclusion, and reconciliation with Indigenous peoples in the justice system and legal profession.

The Advocates' Society particularly wishes to applaud the National Requirement Review Committee's proposed approach to further implementing the Truth and Reconciliation Commission's Call to Action 28. The proposed additions to the National Requirement in Ethics and Professionalism, Substantive Legal Knowledge, and Academic Program will ensure that education about Indigenous legal orders, contexts, and perspectives are integrated throughout the academic curriculum for law students. It is critical for graduates of Canadian law schools to understand Indigenous legal orders and perspectives and their interrelationship with *all* areas of the law and potential practice. Laying this foundation during law school will prepare graduates to become culturally competent practicing lawyers and to continue to build on their professional development in this regard throughout their career (including through initiatives implemented by law societies under the rubric of Call to Action 27). This career-long learning is expected, in turn, to increase access to justice for Indigenous peoples and contribute to improving Indigenous peoples' trust in the Canadian legal system.

The Advocates' Society reminds the Committee, however, that care must be taken not to impose undue burdens on internationally trained lawyers, who already face significant hurdles to accreditation in Canada. While internationally trained lawyers must of course be aware of issues affecting the practice of

law in Canada, including Canada's history of colonialism and Indigenous legal orders, it is unrealistic to expect that this knowledge be integrated throughout their prior legal education and experience. The Advocates' Society recommends that the Federation of Law Societies of Canada invest resources in the development of a free course to allow internationally trained lawyers to learn about these important topics without adding to the existing cost of accreditation.

The Advocates' Society further supports allowing for the approval of innovative programs that do not fully comply with the National Requirement, but enhance access to legal education and result in the acquisition of the skills and knowledge mandated by the National Requirement. Providing for a law school 'sandbox', as proposed by the Committee, may encourage participation in the legal profession from groups who lack access to more traditional law programs, and thereby increase the diversity and inclusiveness of our profession.

Thank you for the opportunity to make these submissions. I invite you to contact The Advocates' Society should you have any questions.

Yours sincerely,



Dominique T. Hussey
President

CC: Vicki White, Chief Executive Officer, The Advocates' Society

The Advocates Society's Task Force on the National Requirement

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