

COMMITMENT

Concrete Steps Towards Reconciliation

Many law firms and legal organizations are showing that commitment to reconciliation with Indigenous people is more than just a land acknowledgment.

In Calgary, the recently launched Indigenous Justice Centre of Alberta promotes a holistic, restorative and culturally relevant justice system for Indigenous people.

Those who are facing criminal charges can access pro bono services that include everything from legal counsel and court navigation services to assistance with finding housing and rehabilitation resources.

Executive director Noreen Demeria says it's critical for law firms and other legal organizations to take their lead from Indigenous people and communities.

"It's important to make space to hear those voices," she says.

While Indigenous people make up approximately five per cent of Canadian adults, more than 30 per cent of people serving federal criminal sentences are Indigenous, according to 2023 statistics published by Public Safety Canada. The same report found that Indigenous women make up half of all incarcerated women federally.

Addressing this overrepresentation in the criminal justice system is one of the 94 calls to action from the Truth and Reconciliation Commission.

Demeria, who is Anishinaabe originally

from Tootinaowaziibeeng First Nation in Manitoba, says that it's important to consider history and culture in this context.

"Look at how colonialism and the tools of colonialism, like residential schools, have impacted our communities and families," she says.

Being there for the long haul

Charlene Theodore, chief inclusion officer at McCarthy Tétrault in Toronto, says her firm is committed to addressing the calls to action put forward by the Truth and Reconciliation Commission of Canada.

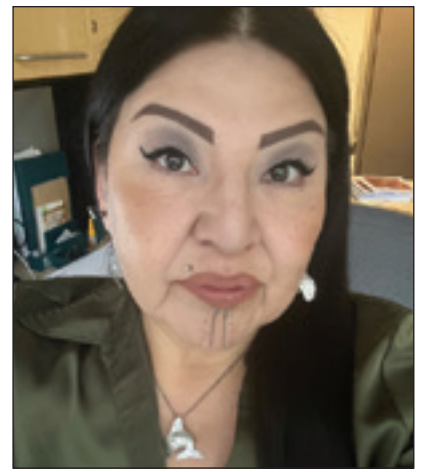
"Like everyone else, we started out with land acknowledgments. But there was always a bigger plan," she says.

"The firm has had a long commitment to diversity and inclusion. We always carved out a place for cultural awareness regarding Indigenous issues and truth and reconciliation."

Theodore says that McCarthy Tétrault focuses on cultural competency, education and community involvement.

"One of the key objectives of the Truth and Reconciliation Commission's report is creating and maintaining mutually respectful relationships with Indigenous communities around us. And that can't happen if all you have is a land acknowledgement," she says.

"That can only happen if you're in there for the long haul, which means



Noreen Demeria, Executive Director
Indigenous Justice Centre of Alberta

cultural competency and engaging, and authentically working with them to develop that relationship."

John P. Brown was a litigation partner at McCarthy Tétrault for many years before retiring to become the legal and strategic advisor of Indigenous initiatives.

"The purpose of doing that, from my perspective, was to help the firm engage in a meaningful and authentic way with the Indigenous communities in the cities in which our law firm operates," says Brown, who is based in Toronto.

His family on his father's side is Sto:lo, whose traditional territory is in British Columbia.

Brown says his goals in his new position were to increase cultural competency within the firm and, once that was sufficiently developed, to help the law firm work with Indigenous communities, mostly on a pro bono basis.

"The first step was land acknowledgments. But that is meaningless unless you have cultural competency and unless you take steps after that to engage with the Indigenous community in a meaningful way," he says.

Among other initiatives, McCarthy Tétrault assisted with the creation of the Canadian Bar Association's Truth and Reconciliation Toolkit, an online resource to help law firms create reconciliation action plans.

The firm also serves as a partner in the

Indigenous Human Rights Program with Pro Bono Students Canada and other organizations to assist Indigenous community members.

“We help them with advice, guidance, and if necessary, taking them to the tribunals for hearings,” says Brown.

The firm also has an Indigenous speakers’ series, which brings in experts from various fields to spark discussion.

Aaron Runge, managing partner of MLT Aikins LLP in Western Canada, says his firm has also “embraced the direction from the Truth and Reconciliation Commission.”

A key priority for the firm is education, specifically ensuring that lawyers and staff learn about the historic injustices towards Indigenous people.

His firm hosts events showcasing Indigenous speakers and perspectives and shares educational resources with its lawyers and staff. There’s also an online resource centre, which includes recommended readings, films, podcasts and courses.

On September 30, Truth and Reconciliation Day, the firm closes its offices to give employees an opportunity to continue their education on Indigenous issues.

MLT Aikins LLP is also looking to increase equitable access to jobs by cre-

ating an Indigenous scholarship designed to reduce barriers for Indigenous students pursuing legal careers.

Runge says that a commitment to truth and reconciliation makes sense from both a moral and a business perspective.

“First, we think it's the right thing to do. As lawyers, we have an important role in access to justice and a professional moral obligation to support Indigenous communities,” he says.

“If you look at the Indigenous population which is one of the fastest growing in Canada, from a business perspective, we recognize the strength and influence that Indigenous communities are having now and will have on the future of business in Canada.”

Runge says his firm also serves as legal counsel to Indigenous clients.

“Indigenous communities have developed into very sophisticated institutional clients and significant players in multiple sectors in the Canadian economy, and they require sophisticated legal advice to navigate complex transactions,” he says.

For other firms, especially smaller ones, looking to increase their commitment to truth and reconciliation with Indigenous people, Runge recommends starting with education on topics such as uncon-

scious bias, and learning about historical injustices.

However, he cautions that law firms need to ensure that their efforts are not simply performative. For example, if a firm shares educational resources but does not take any other steps to address the Truth and Reconciliation Commission’s calls to action.

“Focus on how to hire and retain Indigenous lawyers and staff,” Runge says.

“You can’t really learn from Indigenous peoples if they’re not in the room with you.”

Theodore says that her firm treats the Truth and Reconciliation Commission of Canada’s calls to action as an obligation.

“As leaders in our communities, lawyers have the ability and the obligation to help make things better,” she says.

This article was written by Caroline James and originally included in the Canadian Bar Association’s National Magazine. You can find it at <http://www.nationalmagazine.ca/en-ca/articles/legal-market/law-firms/2024/concrete-steps-towards-reconciliation>

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