

A Letter from the Dean

For almost half of the 112-year history of the College of Law, the promotion of the participation of Indigenous people in the legal education system (and thus the legal profession) has been one of the primary goals of this institution. This commitment is unwavering and in many ways is part of the fabric of this school. It is part of who we are. As a result, we have adopted long standing policies and procedures that are designed to promote the success of our Indigenous students following their admission into the College through a rigorous admissions process.

I am writing to you today to address recent discussions that have drawn this commitment into question and to explain why these discussions do not align with the College's historical and ongoing commitment to Indigenous legal education in Canada.

Almost 50 years ago Dean Roger Carter took the ground-breaking position that the systemic and societal barriers that ensured an almost complete lack of Indigenous participation in the legal profession in Canada were a problem that had to be addressed. At that time there were only a handful of Indigenous lawyers in Canada and a very small number of Indigenous law students. As a result, Dean Carter founded the Program of Legal Studies for Native People, the PLSNP or as it became known "The Summer Program." Shortly thereafter the Native Law Centre (now the Indigenous Law Centre) was founded as a place to support and promote teaching and research in the areas of Aboriginal and Indigenous Law. The Summer Program brought Indigenous students from across Canada to Saskatoon to take courses in advance of their studies at the Canadian law school of choice in the Fall following the Summer Program. Since the founding of the Summer Program over 1000 Indigenous students from all across Canada have begun their legal education at the College of Law and the Indigenous Law Centre and it is estimated that over 70% of all the Indigenous lawyers in Canada began their legal education here. The pictures on the wall outside the Indigenous Law Centre opposite Room 150 are a concrete and personal reminder of the success of the Summer Program.

Over the intervening years, the College of Law has routinely graduated more Indigenous students than any other law school in Canada often on both a *per capita* and sheer numerical basis. This year 13 Indigenous students will graduate with their J.D. which represents approximately 12% of the graduating class. In order to achieve this success, the College has routinely adopted internal policies, procedures and programs designed to attempt to overcome the historic and persistent systemic and societal barriers to the participation of Canada's Indigenous peoples in the legal profession. This work continues to this day. An example of one of the many policies adopted was the introduction of an application based accommodation for Indigenous students who had completed the Summer Program and attended our Academic Support/Success Program. These students could apply for some additional writing time on examinations. This policy predates my arrival at the College as a Professor in 1999. The College also instituted an Indigenous Admissions category (as have almost all other law schools in Canada) where students of Indigenous ancestry can submit supplementary information with their application in addition **to the same information that applicants in the regular admissions category provide** (GPA, LSAT and personal statement). The Indigenous Admissions Category was introduced following the receipt of an exemption granted by the Saskatchewan Human Rights Commission as a 'reasonable and justifiable measure' under section 48 of *The Saskatchewan Human Rights Code*.

In addition to making internal policy choices to advance Indigenous participation and success in legal education, the College has also taken on national roles in this area. A prime example of our commitment to the promotion of Indigenous legal education in Canada is the recently completed Nunavut Law Program. The College of Law ran a law school in person in Iqaluit from 2017 to 2021 and 22 out of 25 students admitted to the Program received our J.D. degree in 2021. A significant majority of those students were Inuit and most intend to practice law in Canada's North where they will transform the delivery of legal services in Nunavut by being able to speak to their clients in Inuktitut and bring Inuit cultural values into the practice of law in a territory where 85% of the population are Inuit.

With the publication of the Calls to Action of the Truth & Reconciliation Commission, the College developed a formal response to Call to Action 28 by being one of the first law schools to introduce a compulsory course (Kwayeskastasowin) to begin to attempt to address the obligations imposed therein. In addition, we are one of the few schools that requires all students to complete an additional 3 credit-unit Upper Year course in Indigenous or Aboriginal Law as part of the requirements for successful completion of our J.D. degree. We see this as an institutional imperative as we have an important role to play in the national project that is Reconciliation. As well, it has become clear that in the not-too-distant future an understanding of the issues raised by Call to Action 28 will become part of the National Requirement that all law students in Canada have to meet to graduate with an accredited degree. Similarly, competency in this area will also likely become part of the Licensing Requirements for membership in any of Canada's Law Societies (as they work on their corresponding obligations under Call to Action 27 of the TRC). As a result, if we do not provide classes and programming to our students that address Call to Action 28, we are not preparing our students properly. Finally, the introduction of these degree requirements extends our policies and practices of the last 50 years and underlines our historic and ongoing commitment to the promotion of Indigenous legal education in the College.

Kwayeskastasowin raises issues that many students find uncomfortable and challenging. In many ways this is what it is supposed to do. In our commitments to the Calls to Action, we must take steps that are difficult, that change the way that we have been doing things. I cannot stress enough that the practice of facing challenging and hard conversations is not a reason for abandoning or diluting our efforts and deeming them to be "too hard." Reconciliation work will take discussion and dialogue and require individuals to rethink long-held values and beliefs and to genuinely engage with those whose experiences and backgrounds are different from their own. In recent times, discussions in the College have fallen below that standard and we need to address that as a College and as a community. We must do better. Kwayeskastasowin must not be expected to do all of the "heavy-lifting" that is required if we are to make progress on the hard work of Reconciliation. We need to do more work in our college, on the part of faculty, staff, and students and we need to equip our students with the tools to engage in respectful discussions around the Calls to Action.

The College needs to be a place where everyone can flourish, and it takes collective work and a conscious effort to ensure the creation of such an environment. Faculty, staff and students need to work in partnership to create such an environment and I firmly believe that this is a shared responsibility of everyone in the College community.

In order to begin this important work, beginning next year the College will commit faculty resources to develop programming and educational materials that will help us to develop the skills and vocabularies needed for respectful and considerate dialogue on the path towards Reconciliation. This also includes

working to create a safe and inclusive environment for our students as genuine progress towards Reconciliation can only be made in an environment that is free from the damaging effects of discrimination and harassment. Such behaviours are simply unacceptable in a modern law school.

I reassert the College's historic and ongoing commitment to Indigenous Legal Education and a recognition of the critical importance of our role in ensuring that the legal profession reflects the communities that it serves. This letter also acknowledges that we need to work harder to equip our students with the skills and competencies to be able to engage in challenging discussions in a respectful and appropriate manner. Finally, this letter is a commitment that the College will play its part in ensuring our students obtain the skills and competencies required of them when they enter a legal profession that is also working hard to address issues pertaining to the Calls to Action from the TRC and issues surrounding diversity and inclusion. We will work in tandem with our partners at the Law Society of Saskatchewan and will participate fully in national initiatives with the Canadian Council of Law Deans and the Federation of Law Societies of Canada regarding many of these issues thus ensuring that our graduates have a qualification that prepares them for the practice of law in the 21st Century. I assure you that the College will be investing time and resources to ensure that we meet these important and essential obligations.

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