



April 14, 2025

Law Society of Ontario
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Via Email (*PolicyConsultation@lso.ca*)

*"The Voice of the
Practising Lawyer
in Ontario"*

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Dear Equity and Indigenous Affairs Committee:

Re: Response to Call for Comment: Indigenous Cultural Training course

The Federation of Ontario Law Associations [**"FOLA"**] is pleased to provide this response to the Law Society of Ontario [**"LSO"**] call for comment regarding the Indigenous Cultural Training course.

Introduction

FOLA represents Ontario's 46 county and district law associations, and through them, their members. Our association is the only provincial legal organization representing LSO licensees at the front-lines of legal services in communities in all parts of the province. Consequently, this submission carries the weight of a significant cross-section of licensees.

As part of the consultation process, the Committee has requested feedback both generally and on a number of specific questions. FOLA's submissions are focused on the first 4 questions asked.

FOLA recognizes the Truth and Reconciliation Commission's Call to Action 27 –

We call upon the Federation of Law Societies of Canada (FLSC) to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

FOLA is committed to supporting the Call to Action. In support of this, FOLA has implemented a policy that all current and future licensees on the Board of Directors must take the course once it is available, unless they have already completed similar training in law school or through a program approved by a provincial regulator.

FOLA believes that the LSO should create a high-quality course that is provided at no cost to all licensees. At this time, given its implementation as the first course of its kind with an eye toward making it mandatory in Ontario, we recommend the LSO develop ways to incentivize licensees to complete the course to meet their existing CPD requirements; and after rolling out the course, set a timetable to review participation in the course, review feedback, revise the course accordingly, and at that point revisit the questions below.

1. Should the Course be mandatory?

We recognize that the LSO has an obligation to ensure it is meeting the FLSC membership requirements. We do not believe that making the course mandatory, at this time, will achieve the Call to Action goals such as addressing injustices, hardships, and racism faced by Indigenous peoples.

FOLA cannot support the implementation of a mandatory course at this time, given the lack of details. Helpful details would include a curriculum and a list of who has been involved in the making of the course. We cannot comment on whether the course adequately engages the cultural sensitivities of a broad range of Indigenous cultures and First Nations' experiences, or only if a select few are highlighted in the course. Ideally FOLA could review the course, or at least a preliminary version of it. In the meantime, FOLA supports the implementation of this course on a voluntary basis with incentives for licensees to complete it. The incentives may include:

- a) **CPD Credit Carry-over:** An ability for licensees to carry-over the EDI CPD credit to future years (rather than have it apply to professionalism or substantive credits in the current year);
- b) **2:1 CPD Credit:** Increasing the value of the hours assigned to the course (for example, 1 hour of the course would count as 2 hours of EDI CPD credit); and
- c) **Licensing Fee Reduction:** A fee reduction for licensees to complete it in the first year.

2. Should the Course be targeted towards licensees outside of the “100%” category? If so, which categories should be included and why?

The course should be targeted to all licensees who are practicing in Ontario and across all practice areas. That is, a real estate practitioner needs to see and find as much value in the program as someone who practices criminal law. The substantive elements must cut across practice areas and be relevant to all practitioners.

3. If the Course is mandatory, should there be any exemptions to the Course? What are your suggested criteria for exemptions?

If the course is made mandatory, exemptions should be offered where previous experience or training is applicable, including:

- a. **Indigenous peoples:** Requiring an Indigenous person to take a mandatory course to receive appropriate cultural competency training may perpetuate colonialism.
- b. **Similar training in law school:** Licensees who have had appropriate training and education in law school, whether as law students or through post-call programs, may meet exemption requirements. Note that Call to Action 28 requires the implementation of training during law school to address the same issues as Call to Action 27; those law schools that have met Call to Action 28 may well matriculate students that are well-trained.
- c. **Similar training in other provinces or territories through the regulators:** Licensees who have had appropriate training through programming in other provinces/territories would likely meet exemption requirements. For example, Manitoba already has The Path, which licensees are required to complete.

4. Should the LSO administer suspensions for non-compliance with the Course? If not, do you have any recommendations on what compliance mechanisms should be used?

The LSO should not administer suspensions for non-compliance with the course. The LSO should focus on voluntary uptake of the course by making it a course that is seen by licensees as relevant and educational as opposed to checking a box on the Annual Report.

FOLA recommends the LSO to implement a timetable to review and revise the course. For example, after a period of 3 years, the LSO can review participation and evaluation of the course and make changes as necessary. At that time the LSO could revisit the questions of a mandatory course and penalties for non-compliance.

Conclusion

FOLA commends the LSO for pursuing the implementation of this course. All lawyers should take it. But it should be done with the confidence that the course is unimpeachable and come recommended by peers.

Should you have any questions please do not hesitate to contact Ian Hu, FOLA Director of Policy & Advocacy, at ian.hu@fola.ca.

Sincerely,

Allen Wynperle

Allen Wynperle
Chair