

## **MILLER THOMSON RECONCILIATION RESPONSE PLAN**

We are pleased to announce the formation of Miller Thomson’s Indigenous Reconciliation Committee (IRC) which was created in response to the Truth and Reconciliation Commission’s Calls to Action and further to the strategies of Miller Thomson’s Diversity and Inclusion Committee.

The IRC’s mandate is to develop and implement a Reconciliation Response Plan to advance the reconciliation process, particularly surrounding cultural competency for lawyers, Indigenous access to education and scholarship opportunities, and promotion of Indigenous initiatives and businesses. This work is intended to add to Miller Thomson’s existing Indigenous Law Student Program and educational programming that will also align with some of the priorities in our inclusion and diversity strategy, namely, recruitment, policy review and implementation, focus on under-represented groups, the development of affinity groups, and education and resources.

The IRC is comprised of self-identifying Indigenous and non-Indigenous lawyers from across our offices and includes those with diverse legal practices from various industry sectors including Aboriginal law, Environmental law, Business law, Administrative law and Mining. The IRC members are: Sarah D. Hansen (Chair)(Vancouver), Megan Young & Shawnee Monchalin (Vancouver), Tari Hiebert (Edmonton), Yves Robillard (Montreal), and Sandra Gogal (Toronto).

The IRC’s work will be informed by Miller Thomson’s core values, our commitment to the growth of communities in which we work and live, and borrows heavily upon the guidance developed by the Canadian Bar Association (CBA), such as the CBABC Reconciliation Response Plan for Law Firms (RRP) released in January, 2020. The CBA’s RRP Toolkit offered strategies to law firms to respond to the Truth and Reconciliation Commission’s Calls to Action by, “work[ing] towards reconciliation and equality for Aboriginal people across the legal system in general, and specifically in the workplace, within client relationships and as part of community activities.

We recognize that the legacy of Canada’s residential school system is deeply rooted within the country’s history of colonialism, a history that included taking land from Indigenous people - action supported by law. We recognize the unceded traditional territories of Indigenous people across Canada. Indigenous people possess distinct cultures and identities, with unique relationships to the land, waters and resources.

We seek to understand and recognize Indigenous laws and governance and the cultural, linguistic, economic and geographic barriers between Indigenous people, the legal system, and self-government. We recognize the diversity among Indigenous peoples, over-representation of Indigenous people in Canadian prisons, and under-representation in the legal profession.

Our RRP has three key components, the first is a focus on internal education of our lawyers, students, and staff about Indigenous culture and access to justice issues, the second is expanding our existing initiatives and programs firm-wide to increase recruitment and retention of Indigenous people in the legal profession, and the last component is promotion of Indigenous-owned business.

Our RRP is intended to be a “living document” and will be reviewed on an annual basis to ensure accountability and improvement.

## **A. EDUCATION COMPONENT**

### **CULTURAL COMPETENCY**

#### *Develop a Miller Thomson Education Curriculum*

One aspect of MT's RRP is to assess and develop the cultural competency of our firm's lawyers, students and staff to learn more about our group by capturing baseline data on their understanding of Indigenous history, culture and contributions to help inform the design of an appropriate educational curriculum. This is in addition to CBA mandatory education. Topics and tasks may include:

- history of indigenous peoples in Canada (primer)
- role of the legal profession has played in suppressing indigenous people
- education about suicide rates, incarceration, poverty and education levels
- location of reserves and proximity to our offices
- determine who has taken a course on indigenous communities or law in the last 5-10 years
- determine who within the firm has taken seminars, courses, or accreditation in indigenous history or culture
- education about the Truth & Reconciliation Calls to Action
- highlights of most important cases that have dealt with aboriginal rights and title and treaty issues (\*relevant to practice)
- review of Jody Wilson-Raybould's Principles for Conducting Litigation with Indigenous Peoples written for the DOJ
- ensure our employees and counsel are aware of the availability of culturally appropriate justice forums, and pursue court advocacy opportunities for Indigenous litigants
- Consider annual curriculum to coincide with National Indigenous People's Day or Orange Shirt Day

We will consult with Indigenous practitioners, Elders, or teachers about our RRP and our education curriculum and hire Indigenous people to lead cultural awareness training for our staff.

We will provide education to increase understanding of diverse Indigenous culture, law, governance and practices and a list of available resources for self-education in the firm's resource database Absorb.

#### *Review of Miller Thomson Policies and Adoption of New Policies*

Work with human resources to ensure Miller Thomson policies present no barrier to participation in important cultural events and that Indigenous peoples are considered in diversity policies and programs.

Develop a firm-wide cultural protocol to raise awareness of the meaning and significance of a welcome and acknowledgement of traditional territories.

### *Recognition of Indigenous Culture in the Workplace*

Demonstrate sincere and tangible signs of respect at our workplaces by adopting a relevant oral “land acknowledgement” for use when appropriate. For example, consider installing a relevant permanent land acknowledgement such as a plaque at various offices.

Promote and support Indigenous artists through a relationship with a local Indigenous art dealer or arts collective or commission local Indigenous artists to create art for display in the halls or on the walls of your location.

Appropriately employ Indigenous techniques or practices such as a Talking Circle or smudging ceremony, where appropriate, for clients.

## **B. EXPANSION OF EXISTING INDIGENOUS INITIATIVES AND PROGRAMS FIRMWIDE**

### **INCREASE ACCESS TO JUSTICE & ADVOCATE FOR RECONCILIATION WITHIN THE LEGAL PROFESSION**

Our goal is to ensure that our lawyers, students and staff increase access to justice and advocate for reconciliation within the legal profession. We will take the following steps to achieve this goal and measure our progress:

- Build cultural competency by ensuring our employees and counsel are aware of the availability of culturally appropriate justice forums, and pursue court advocacy opportunities for Indigenous litigants.
- Connect with Indigenous advocacy groups to reach those needing legal assistance and develop an approach to prioritize our pro bono activity in support of Indigenous people.
- Conduct litigation involving Indigenous communities in accordance with principles of reconciliation, including being mindful of unique Indigenous cultural and social concerns.
- Advise the Court or other counsel of Indigenous laws or cultural considerations where appropriate.
- Communicate your RRP to staff and clients to engage them in reconciliation initiatives, and give regular RRP progress updates to all staff and encourage their participation. We will post our RRP on our website in a dedicated area for all activities and initiatives of the IRC including updates on what we are doing.
- We will offer to work with companies on pro bono basis to draft RRP and strive to find organizations to work with, to encourage their development and implementation of a RRP and our experience in completing our RRP.

## **C. INDIGENOUS EMPLOYMENT & EDUCATIONAL OPPORTUNITIES**

### *Expand Miller Thomson’s Existing Student Hiring Program*

Miller Thomson intent has always been to increase recruitment and retention of Indigenous students into the legal profession. We were the first national firm to put in place a targeted student hiring program and want to expand that program to include more opportunities for

students and also to attract recruitment and retention in all roles within the legal profession. We believe that targeted programs will help remove policies and practices that are barriers to Indigenous employment and retention.

Our current Student Hiring Program hires students in the second year of law school and provides a stipend to each student. The program is limited to one student each year across all locations. There will be phases to expanding our existing program including:

- Review how the Student Hiring Program is working in each office for the purposes of tracking progress and promoting accountability going forward
- Adopt a policy of hiring at least one Indigenous articulated student each year in at least two of our offices.
- Identify the barriers to long-term success and arrange for sponsorship of partners or appropriate mentors within the firm.
- Consider whether the program can be expanded to hire students from first year in the summer and whether a stipend is required in every case.
- Further develop the program to expand to recruit and retain Indigenous staff and paralegals into the legal profession.

#### *The Miller Thomson Essay Contest on Indigenous Laws & Governance*

We strive to increase awareness of Indigenous laws and governance and to engage with Indigenous students. The addition of a Miller Thomson Essay Contest will involve firm members in reviewing and judging the essays and selecting a winner to be announced as part of the education curriculum.

#### *Addressing Potential Bias in Our Hiring*

Bias exists in hiring generally and the IRC believes it to be useful to know how to incorporate the Indigenous perspective into our hiring practice to ensure there is no potential for bias in our hiring. Steps to review and ensure no potential for bias include:

- Review how the hiring of Indigenous peoples is working in each office for the purposes of tracking progress and promoting accountability going forward.
- Consider an outreach program for advertising for staff in the legal profession, legal assistants/shared services/IT/paralegals.
- Revising applications to ensure there is an opportunity to self-identify as Indigenous on all applications and, if you identify as Indigenous or visible minority, and ensure we recognize and value life and work experience as well as grades.
- Consider teaming up with a college to target/practicum training.
- Review the success of the Vaughn office Co-Op Program for legal assistants as a possible mechanism for a Co-Op Program for hiring.
- Provide annual funding for an Indigenous law student to attend a legal conference or event of the CBA, CBABC or Aboriginal Lawyers Forum (ALF) for promotion purposes.

## **D. SUPPORT INDIGENOUS-OWNED BUSINESSES**

Miller Thomson wants to support Indigenous-owned business, including the clients it currently works with (as has done so for decades) and the new clients it hopes to assist with their business needs.

There are several phases to our RRP for measuring and increasing our support of Indigenous-owned business.

### *Promote Indigenous-owned Business*

- Track and measure how many reconciliation events Miller Thomson lawyers and students attend, sponsors, or support.
- Compile a list of service providers near each office to include Indigenous services, suppliers, catering services, Indigenous owned restaurants, facilities, etc.
- Revive the Aboriginal Law Update and/or establishing a blog in lieu in Indigenous Law and Business Opportunities and highlighting our success stories and existing partnerships.

### *Provide Free Legal Advice for Indigenous Businesses*

- Consider free podcast topics such as steps to capacity building; the basics to business start-up, and creating strategic partnerships as well as topics of interest for existing clients and growth opportunities.
- Compile a list of existing Indigenous clients and consider topics of interest and capacity for growth opportunities.
- Use CFWE, a radio station owned by aboriginal multimedia society that broadcasts in Alberta and Northern BC by providing a radio segment and consider an equivalent in all jurisdictions.
- Explore non-legal educational opportunities to develop business knowledge, profile and leadership capability including corporate board training.

## **E. CONCLUSION**

We intend to track the identified targets, take action, and measure our accomplishments set out in this RRP annually and expand on our work over time.