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Preliminary Report

# Lawyering for Reconciliation: The Legal Profession's Role in Truth, Accountability, and Systemic Change

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## Introduction

> *I personally would like to have the opportunity to one day believe in the "justice" system. For the time being, where my people are concerned, it continues to be the "injustice" system.*
>
> - *David Neel*[1]

On June 2, 2015, the Truth and Reconciliation Commission of Canada (TRC) released its Summary Report containing 94 Calls to Action. Of these, 21 were directed at the legal system and profession. Among the most pressing are Calls to Action 27 and 28, which urge law societies and law schools to ensure that lawyers and law students receive meaningful education on "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 requires "skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."[2]

To fully understand what reconciliation requires of the legal profession, one must go beyond the TRC's Summary Report and engage with the Commission's full final report, which contains two chapters on the role of the legal system. Chapter 5, in the Legacy volume, is entitled "A Denial of Justice." It exposes the deep-rooted injustices Indigenous Peoples have endured within Canada's colonial legal framework, as well as the complicity of legal institutions and professionals in maintaining those injustices.[3] Chapter 2 of the Reconciliation volume, "Indigenous Law: Truth, Reconciliation, and Access to Justice," emphasizes the richness, complexity, and ongoing relevance of Indigenous laws and legal orders. Across Turtle Island, every Nation holds distinct laws and legal orders that have been developed from their relationships to land, community, language, and history.[4]

The Commission found that Canada's legal system systematically denies Indigenous people the protections, safety, and opportunities that most Canadians take for granted. It noted how the legal system, far from supporting Survivors of Indian Residential Schools, often acted as a barrier to truth-telling, accountability, and justice. Colonial

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[1] Truth and Reconciliation Commission of Canada (TRC), *Canada's Residential Schools: The Legacy*, vol 5 (Montreal and Kingston: McGill-Queen's University Press, 2015), 196.
[2] TRC, *The Legacy,* 210.
[3] TRC, *The Legacy*, 185-276.
[4] Truth and Reconciliation Commission of Canada (TRC), *Canada's Residential Schools: Reconciliation*, vol. 6 (Montreal and Kingston: McGill-Queen's University Press, 2015), 45-79.

laws did not protect the children taken to Indian Residential Schools, nor did they uphold the rights of their families and communities.[5] Instead, the legal system became a tool of government oppression, fostering secrecy and concealment. When Indigenous children suffered abuse, the law, through its design and selective enforcement, functioned as a shield behind which governments, churches, and individuals could hide from accountability.[6]

The TRC made it clear: Canadian law has been, and continues to be, a significant obstacle to reconciliation and noted that reconciliation cannot be achieved until Indigenous Peoples' own laws and legal orders are recognized, respected, and meaningfully integrated into the broader legal landscape.[7]

The broader research paper will examine the legal profession's role in both obstructing and advancing reconciliation within Canada. It will explore the TRC's definition of reconciliation, and the resulting expectations placed on the legal profession in this era of accountability and provide case studies and systemic examples illustrating how lawyers and legal institutions have impacted, both positively and negatively, reconciliation efforts. This excerpt of the broader research paper focuses on law societies and disciplinary processes.

## Defining Reconciliation

> *…we even find the word reconciliation confusing. It raises basic questions: What exactly does it mean? Whose responsibility is it to reconcile? Does reconciliation have a beginning, middle, and end?"*
>
> - *Jody Wilson-Raybould*[8]

The concept of reconciliation has become a defining feature of Canada's legal and political discourse, yet its meaning is often contested and, at times, superficially invoked. Former Attorney General of Canada and Minister of Justice, Jody Wilson-Raybould believes that there are three interrelated and interconnected "core practices of true reconciliation: *learn*, *understand*, and *act*."[9] I do not disagree with these three practices; however, the TRC offered a clear and structured definition of reconciliation, that emphasized both relationships and responsibilities. According to the TRC, reconciliation is about establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous people in this country and: "In order for that to happen, there has to be **awareness** of the past, **acknowledgement** of the harm that has been inflicted, **atonement** for the causes, and **action** to change behaviour."[10] This

[5] TRC, *The Legacy*, 185-186, 190.
[6] TRC, *Reconciliation,* 47-48.
[7] TRC, *Reconciliation*, 48.
[8] Jody Wilson-Raybould, *True Reconciliation: How to Be a Force for Change* (Toronto: McClelland & Stewart, 2022), 19.
[9] Wilson-Raybould, *True Reconciliation,* 21.
[10] TRC, *Reconciliation*, 3.

definition includes an element of atonement. Something that Wilson-Raybould's definition seems to omit. Atonement involves actions to make amends for past wrongs, including apologies. Wilson-Raybould suggests that apologies are merely performative, and only "challenge, elevate and advance" reconciliation in "very limited ways".[11] I disagree.

Both Wilson-Raybould's and the TRC's definitions highlight that reconciliation is not a symbolic gesture or a one-time event. It is an active, ongoing process that requires both systemic reform and personal commitment. For the legal profession, reconciliation means more than incorporating cultural competency training - it requires direct engagement with each of the TRC's four reconciliation elements: awareness, acknowledgement, atonement, and action. This, I argue, must include acknowledging the legal profession's historic complicity in colonial harm, addressing present-day regulatory and systemic barriers, making meaningful amends, including issuing non-performative apologies, and adopting concrete actions that transform how law is taught, practiced, and applied in relation to Indigenous Peoples.

While the TRC's definition of reconciliation emphasizes structural change and sustained action, legal scholars such as Trevor Farrow have identified core features of Canada's legal culture that actively undermine these goals.[12] In his work on Indian Residential Schools litigation, Farrow critiques the adversarial nature of the legal profession, arguing that 'adversarial professionalism' - the dominant model in Canadian law - often prioritizes winning cases and protecting institutional interests over responding to the needs of vulnerable communities.[13] Farrow notes that in the context of Indigenous people and Survivors of Indian Residential Schools, this adversarial approach frequently failed to deliver justice, instead retraumatizing claimants through rigid legal procedures, evidentiary burdens, and technical defences such as limitation periods. For reconciliation to be meaningful, Farrow argues, the legal profession must move beyond this adversarial model and embrace a broader vision of professionalism that focuses on community healing, restorative processes, and Indigenous laws and legal orders.[14]

Lawyers and legal institutions must confront the colonial foundations of Canadian law, and actively create space for Indigenous legal orders. As the TRC concluded, reconciliation will remain elusive so long as Indigenous people are excluded from shaping the laws and legal systems that govern their lives.[15] Reconciliation demands the integration of Indigenous laws, recognition of inherent rights, and a fundamental reimagining of how justice is defined and delivered in this country.

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[11] Wilson-Raybould, *True Reconciliation*, 288, 291.

[12] Trevor CW Farrow, *Residential Schools Litigation and the Legal Profession* 64 Univ. of Toronto L.J. 596. Accessed August 18, 2025 https://www.law.utoronto.ca/utfl_file/count/users/alzner/Residential%20Schools%20Litigation%20and%20the%20Legal%20Profession%20(rev)%20Trevor%20C.W.%20Farrow.pdf,

[13] Farrow, *Residential Schools Litigation,* 4

[14] Farrow, *Residential Schools Litigation*, 23, 25.

[15] TRC, *Reconciliation*, 48, 77-79.

## Lawyering for Reconciliation

> *I had reached a moment when I could no longer ignore the mounting evidence that justice as I was practicing it was making things worse.*
>
> - *Harold R. Johnson*[16]

The TRC's Calls to Action make clear that the legal profession carries a specific, heightened responsibility in advancing reconciliation. As noted above, Calls to Action 27 and 28 focus explicitly on law societies and law schools, directing them to ensure that lawyers and law students receive meaningful education on the history and legacy of Indian Residential Schools, Indigenous rights, Treaties, Indigenous laws, and Indigenous-Crown relations.

Yet nearly a decade after the TRC released its final report, the legal profession's response remains inconsistent. While some law societies and law schools have introduced Indigenous-focused curriculum and cultural competency requirements, these efforts often fall short of the systemic change and accountability envisioned by the TRC.

The Federation of Law Societies of Canada identified that, "as of 2023, only five law societies across Canada require their members (or have signalled plans to require their members) to complete mandatory continuing professional development programs in response to Call to Action 27." [17] The Federation also found that "not all programming and resources available to legal professions cover issues raised in the Call to Action, many cover at least some of the key elements."[18] Indigenous Watchdog, a non-profit organization dedicated to monitoring and reporting on the implementation of the TRC Calls to Action notes that only eight law societies, 57%, have fully addressed Call to Action 27.[19]

In my final report as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools, I identified the difference between being a 'bystander' to reconciliation and being an 'upstander' to reconciliation. A bystander is "a person, institution, or organization that fails to fully acknowledge that atrocities, genocide, and crimes against humanity have been committed against Indigenous Peoples. They remain silent or engage in performative gestures of reconciliation, taking no concrete and sustained action to

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[16] Harold R. Johnson, *Peace and Good Order: The Case for Indigenous Justice in Canada* (Toronto: McClelland & Stewart, 2019), 137.

[17] The Federation of Law Societies of Canada, *Law Society Truth and Reconciliation Initiatives Summary Report* (April 2024), 7. Accessed August 18, 2025 https://flsc.ca/resources/resource-library/?resource-category=truth-and-reconciliation

[18] The Federation of Law Societies, *Summary Report,* 8.

[19] Indigenous Watchdog, accessed August 18, 2025 https://www.indigenouswatchdog.org/subcategory/justice/

rectify injustice and prevent recurrence…"[20] An upstander however is "receptive to learning about, and fully acknowledging ...they take leadership roles in proactively fostering reconciliation based on truth, accountability, and justice, leveraging their power to implement concrete sustainable actions within their own sphere of influence."[21]

I believe that it is time for the legal profession to shift from being bystanders to upstanders. To do this the profession must first fully acknowledge the harms it has perpetrated against Indigenous people and communities. Harold R. Johnson points out that: "Everything that has been done to Indigenous Peoples has been legal,"[22] and he identifies several laws that were enacted to "diminish" rights. Lawyers, judges, and the legal profession have lacked the humility required to address this fact and have largely avoided a foundational step that the TRC identified as being essential for advancing reconciliation – apologizing.

Apologies are not merely symbolic or performative, they serve as public acknowledgments of harm, complicity, and institutional responsibility.[23] The TRC emphasized that repairing relationships requires both apologies and concrete actions to demonstrate real change. However, unlike other sectors there has not been any widely recognized, formal apology, issued by any Canadian law society, national legal association, or law school for their historic and ongoing role in upholding colonial laws, enabling systemic discrimination and racism, or contributing to the harms of Indian Residential Schools, and other genocidal institutions. The absence of such apologies reflects a broader reluctance within the legal system to address its past, and many would argue present, complicity in the harms perpetrated against Indigenous people and communities.

Without public acknowledgment of harm, followed by tangible structural reforms, the legal profession cannot fulfill its role in advancing reconciliation. The gap between the TRC's vision and the legal profession's current practices remains significant, with negative consequences for Indigenous people's access to justice.

## Regulatory Context

> *The very nature of the litigation process is often harsh, intrusive, culturally insensitive and costly. However, the point here is that those processes do not self-execute. They are deployed by the parties and their lawyers…*
>
> - *Trevor Farrow*[24]

[20] Independent Special Interlocutor for Missing Children and Unmarked Graves and Burials Sites Associated with Indian Residential Schools, *Upholding Sacred Obligation: Reparations for Missing and Disappeared Indigenous Children and Unmarked Burials in Canada*, v 2 (Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools, 2024) 1212.
[21] Ibid.
[22] Johnson, *Peace and Good Order*, 11.
[23] TRC, *Reconciliation*, 82-83, 92; Independent Special Interlocutor, *Upholding Sacred Obligations*, v. 2, 1017-1026, 1079-1080.
[24] Farrow, *Residential Schools Litigation*, 8.

Trevor Farrow has observed that litigation involving Indigenous people often exposes problematic conduct of lawyers, described in decisions as “unscrupulous”, “exploitive”, “undignified”, and “offensive”[25]. For some Indigenous clients, lawyers are seen as “vultures coming” for a “feeding frenzy”[26]. These perceptions persist despite the existence of codes of conduct, rules, and guidelines for the profession to follow, such as Ontario’s 2003 and 2012 *Guidelines for Lawyers Acting in Aboriginal Residential School Cases*[27], which were advisory and non-disciplinary, and seem to have done very little to compel accountability.

Law Societies across Canada are mandated to regulate competence and protect the “public interest”, yet this term is undefined in their enabling legislations. Historically, these mandates excluded Indigenous Peoples from the conception of “the public” that law societies served, unsurprising in an era when First Nations persons could not vote, practice law, or even hire lawyers. Today, only British Columbia and the Northwest Territories require Indigenous representation on their governing bodies. The province of British Columbia has taken additional steps to support reconciliation which is discussed in detail further below.

## Disciplinary Cases

In Manitoba, the case of *Law Society of Manitoba v Tennenhouse* (2012) can perhaps be seen as the ceiling for sanctioning lawyer misconduct against Indigenous clients. Howard Tennenhouse, acting for 47 Independent Assessment Process (IAP) claimants, took nearly $960,000 in additional contingency fees beyond what was permitted under the Indian Residential Schools Settlement Agreement (IRSSA). The conduct was described as deliberate financial exploitation of some of the most vulnerable clients in the legal system.[28] The penalty, disbarment, sent a clear signal that the profession was prepared to take the strongest possible disciplinary action.

A commitment to protecting the integrity of the IRSSA processes can also be seen in *Law Society of Saskatchewan v Merchant* (2020). In 2014, Merchant and his law firm sought to deduct legal fees from a Survivor’s IAP payment, in violation of the IRSSA. The Survivor initially refused to provide the assignment, but then signed instructions to permit Merchant to take her IAP funds after Merchant sent an intimidating letter threatening to sue her, seize her assets, and garnish her accounts.[29] The courts later ruled that the transaction violated the IRSSA and ordered repayment. The Law Society of Saskatchewan found Merchant guilty of conduct unbecoming a lawyer and issued an 8-month suspension.[30]

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[25] Farrow, *Residential Schools Litigation*, 19-21.
[26] Farrow, *Residential Schools Litigation*, 20.
[27] Law Society of Upper Canada, *Guidelines for Lawyers Acting in Aboriginal Residential School Cases* Accessed August 18, 2025. https://www.law.utoronto.ca/utfl_file/count/users/alzner/lsuc.guidelines_for_lawyers_amended_feb_2012.pdf
[28] *The Law Society of Manitoba v. Tennenhouse*, 2012 MBLS 14, 4-5.
[29] *Law Society of Saskatchewan v. Merchant,* 2020 SKLSS 6, 16, 27.
[30] *Merchant*, 28.

Together, *Tennenhouse* and *Merchant* prioritize the protection of Indigenous claimants' and highlight the fact that the IRSSA was meant to provide some redress for past wrongs, and that lawyers practicing within such regimes must uphold their protective intent. The vulnerability of Survivors was an aggravating factor which led to the imposition of stringent sanctions.

By contrast, in *Bronstein (Re)* (LSBC, 2021), the disciplinary response was markedly more lenient. Stephen Bronstein, a lawyer whose practice focused exclusively on IRSSA claims, is noted to have represented 624 Tsilhqot'in IAP claimants. He was found to have engaged in professional misconduct that included: failing to adequately supervise a staff member who had contact with vulnerable IAP claimants; provided seriously deficient services to many clients, including failures in communication and case management; and discredited client complaints based on harmful stereotypes.[31] The Law Society disciplinary panel, in a 2-1 decision, accepted a joint proposal for a mere one-month suspension. The dissenting panel member, Karen Snowshoe, the only Indigenous person on the panel, found the sanction "grossly inadequate" and stressed the need for discipline to be proportionate to the historical, political, and legal importance of the misconduct, which risked retraumatizing Survivors and impacting the public confidence is the legal profession.[32]

## Law Society of Upper Canada v Keshen

One of the most prominent and troubling examples of the legal profession's failure to align with the TRC's vision of reconciliation is the case of *Law Society of Upper Canada v. Keshen*.[33] This case not only exposed unethical legal practices that harmed Indigenous clients, but also revealed how regulatory bodies themselves can become vehicles for reproducing systemic injustice. *Keshen* highlights how, even after the release of the TRC's Calls to Action, parts of the legal profession and its governing institutions continue to function in ways that protect professional reputation at the expense of Indigenous rights, dignity, and access to justice.

The *Law Society of Upper Canada v. Keshen* arose from complaints made by numerous Indigenous clients of Douglas Keshen, a Kenora based lawyer in Ontario, who represented Indian Residential School Survivors with their IAP claims under the IRSSA. Between 2013 and 2014, the Law Society received 57 individual complaints against Keshen including that he mishandled client funds, charged unfair legal fees, failed to properly explain settlement processes, and, in some instances, deducted fees from

[31] *Law Society of British Columbia v. Bronstein 2021* LSBC 19, 2-3.
[32] *Law Society of British Columbia v. Bronstein 2021* LSBC 19, 68, 106 and 111.
[33] *Law Society of Upper Canada v. Keshen* 2017 ONSLTH 90.

settlement amounts without providing accurate or timely billing, and he failed to communicate with his clients in ways that respected their rights, and dignity.[34]

Despite the serious nature of the complaints, the Law Society's disciplinary proceedings revealed systemic shortcomings within the regulatory framework. Twenty-five days of hearings occurred from June 2016 and February 2017.[35] Survivors described the hearing process as confusing, culturally unsafe, and retraumatizing. Many felt the proceedings focused on Keshen's rights as a legal professional over their experiences as Indigenous Survivors of abuse.[36]

The Tribunal determined that a settlement was appropriate and issued an "invitation to attend". After Keshen attended before the panel, the application was dismissed, and no formal findings of professional misconduct were made. In exchange for the dismissal, Keshen agreed to participate in restorative justice Circles and to take additional continuing legal education courses.[37] Many Survivors viewed these voluntary measures as inadequate, symbolic, and disconnected from the TRC's vision of truth, justice, and reconciliation. Survivors felt betrayed by a regulatory system that, in their view, failed to hold a lawyer accountable for serious exploitative practices.[38]

## Review Panel on Regulatory and Hearing Processes

The outcome of *Keshen* sparked widespread criticism and led the Law Society to establish a Review Panel on Regulatory and Hearing Processes Affecting Indigenous Peoples. The Panel's 2018 final report acknowledged systemic shortcomings, including the Law Society's lack of cultural competence, failure to communicate effectively with Indigenous complainants, and the adversarial nature of the regulatory proceedings, which do not serve Indigenous people well.[39]

The Review Panel identified several critical gaps in the Law Society's approach. It found that regulatory processes were designed primarily for legal professionals, not for protecting or supporting complainants, especially those from Indigenous communities. The Panel found that the Law Society lacked cultural competency at both institutional and individual levels, its processes were culturally unsafe and retraumatizing for Indigenous complainants, communications were often confusing, legalistic, and inaccessible, and that Indigenous legal orders and cultural protocols were not

[34] *Report of the Review Panel on Regulatory and Hearing Processes Affecting Indigenous Peoples* (May 2018), 20.
[35] ibid
[36] *Report of the Review Panel*, 32-33, 39.
[37] *Law Society of Upper Canada v Keshen*, 2017 ONSLTH 90; *Report of the Review Panel*, 31-32.
[38] https://www.cbc.ca/news/canada/thunder-bay/ontario-law-society-independent-review-1.4980648; https://www.aptnnews.ca/national-news/ovide-mercredi-report-rips-ontario-law-society-on-handling-of-keshen-file/
[39] *Report of the Review Panel on Regulatory and Hearing Processes Affecting Indigenous Peoples* (May 2018)

incorporated into regulatory frameworks or disciplinary hearings and did not respect Indigenous values or worldviews.[40]

In response to these findings, the Review Panel put forward several recommendations aimed at transforming the Law Society's regulatory approach. It is difficult to determine how many of the Review Panel's recommendations have been fully implemented as there is no single, consolidated, publicly available, implementation report. After reviewing the Law Society's website, and its reports to convocation, it does appear that most of the panel's recommendations have been implemented, to some extent, but none are fully implemented. For example, there may be a commitment to cultural competency, but there is no movement on the creation of a dedicated Indigenous office. No formal policy yet exists embedding Indigenous legal principles in Law Society investigations, and there does not appear to be any structured or mandatory curriculum established for staff, adjudicators, or lawyers in the province.

## Legal Professions Act, BC

The *Legal Professions Act* (Bill 21, 2024) amalgamates the Law Society of British Columbia and the Society of Notaries Public of British Columbia into one regulatory body known as "Legal Professions British Columbia". The legislated duties of this new body include regulating the practice of law and establishing standards and programs for the education, training, competence, practice and conduct of lawyers and law firms.[41]

The new regulator must have regard to several guiding principles including "supporting reconciliation with Indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples" and "identifying, removing or preventing barriers to the practice of law in British Columbia that have a disproportionate impact on Indigenous persons…"[42] The Act includes several other references to Indigenous people such as requiring the appointment of Indigenous people to the board of directors[43] and various committees[44], appointing an Indigenous person to lead reconciliation initiatives,[45] and increasing the number of Indigenous employees, and Indigenous persons practicing law.[46] Importantly, it also creates an Indigenous Council[47] whose role is to "advise and work in collaboration on any matter relating to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples"[48]

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[40] ibid
[41] Legal Professions Act, SBC 2024, c. 26, https://canlii.ca/t/56hlb retrieved on 2025-08-18, s. 6.
[42] Legal Professions Act, s. 7.
[43] Legal Professions Act, s. 8.
[44] Legal Professions Act, ss. 20, 51, 89.
[45] Legal Professions Act, s. 22.
[46] Ibid.
[47] Legal Professions Act, ss. 29-34.
[48] Legal Professions Act, s. 30.

This Act make BC the first province to embed reconciliation explicitly in the regulation of lawyers and other legal service professionals. However, the Act's constitutionality is being challenged by the Law Society of British Columbia (LSBC) and the Trial Lawyers Association of BC (TLABC). While professing support for reconciliation, their court pleadings resist the very measures designed to provide Indigenous people with a meaningful role in regulating a profession that has historically harmed them. LSBC warns of "irreconcilable impasses" with the Indigenous Council[49]; TLABC objects to "a functional majority of non-lawyers, government appointees, and other governments" influencing regulation[50], language that casts Indigenous governance participation as a threat to professional independence. In effect, these arguments treat reconciliation's structural reforms as incompatible with the self-regulation of lawyers, reasserting a monopoly over professional governance at the expense of the legislated commitments to reconciliation and Indigenous inclusion.

## Comparing Ontario and British Columbia Approaches

A comparison between Ontario's and British Columbia's approaches to embedding reconciliation within their law societies reveals a fundamental difference in governance design. Ontario's Law Society is guided through a non-statutory Indigenous Advisory Group. While the Advisory Group may be influential in shaping policy and programming, this advisory model does not have a legislated role in rulemaking or code development. By contrast, British Columbia's new *Legal Professions Act* creates a statutory Indigenous Council, with defined appointments from Indigenous governing bodies and a mandated partnership with the Transitional Board to co-develop the regulator's inaugural rules and professional code of conduct. The BC model embeds reconciliation principles, explicitly including the UN Declaration, into the governance framework.

The contrast with British Columbia's statutory model highlights the limitations in Ontario's partial implementation of its 2018 Review Panel recommendations. While the Law Society of Ontario has made measurable progress by; expanding cultural competency training, attempting to improve communication with Indigenous complainants, and strengthening engagement through the Indigenous Advisory Group, these measures remain programmatic rather than structural. Without a legislated governance role for Indigenous people, Ontario's reforms depend on institutional priorities and leadership continuity, creating potential fragility in long-term commitments. In British Columbia, by legislating Indigenous participation and mandating co-development of rules and codes, the *Legal Professions Act* ensures that reconciliation principles, including the UN Declaration, are not only advisory but integral to the regulatory framework. This legislative structure offers a degree of permanence and accountability that Ontario's current model does not guarantee.

[49] *Law Society of British Columbia v. British Columbia* 2024 BCSC 1292, 18-19.
[50] *Law Society of British Columbia*, 14.

## Conclusion

If the legal profession is to have a meaningful role in reconciliation, it must first acknowledge its own failures - past and present. As the Truth and Reconciliation Commission made clear, Canada's legal system has too often functioned as a shield for those in power and created barriers to justice for Indigenous people and communities. The legacy of Residential Schools, the ongoing denial of Indigenous laws, and the persistent exclusion of Indigenous voices from legal processes are not abstract historical problems - they are active, current, systemic realities. The legal profession, as both a historic barrier and a potential catalyst, must now decide whether it will continue to uphold the 'injustice system', or whether it will actively become an upstander to reconciliation.

*This preliminary report was prepared with the research assistance of Queen's Law students Amarachukwu Elekwa, Karishma Doodnauth, Samuel Powless, and Despina Tsamis.*

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