

Commentary

A Northern Lawyer

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I am currently a settler lawyer practising at a small private firm in Yellowknife, Northwest Territories—Chief Drygeese Territory, traditional home of the Weledeh Yellowknives Dene and North Slave Métis. Currently my practice varies widely and includes a busy criminal law practice. About a year ago I returned to Yellowknife after articling and being called to the bar in Iqaluit, Nunavut, and, more importantly, living there for three years. I had left my job as a Crown prosecutor in Nunavut in part because as I was raised in Yellowknife, and have friends and family here, I felt that it was approaching time to return home, to my own northern community.

At the root of my reasons to leave Nunavut, I found myself questioning my position in the community and what it means to be a lawyer in a northern territory that was not and would not be my home without a serious commitment and effort on my part. This is not to say that I do not deeply miss the nuna¹ and Nunavummiut,² or that I did not love living in Iqaluit. I am grateful to have had the opportunity to spend those three years in Iqaluit, both professionally and personally. However, I found myself in a bubble of legal professionals and other transient southerners who typically did not intend to make Iqaluit their home. This does not mean I did not meet wonderful well-meaning people, or people who did in fact make Iqaluit their home. It is just a phenomenon I have observed working and living in the North: professionals move to the northern territories as a way of gathering work experience to bolster their careers, in order to secure better employment in the south.

During my third year of law school at the University of Victoria I had the opportunity to take a course—led by Jeremy Webber, the then dean, as well as a series of other brilliant professors—taught jointly through video conferencing with the law faculty at McGill University. The course consisted of discussions around and engagement with the very idea of a legal system, or legal order, as the university was working its way through creating the Juris Doctor in Indigenous Legal Orders. These discussions, among other courses and experiences at the University of Victoria, led me to conceptualize law and the legal profession differently.

As I entered the profession in Nunavut the discussions in this course, and the other intellectual debates and conversations during law school, continued to float around in my mind. Laws, constructed and interpreted through legal orders, are a way of organizing our societies, of requiring individuals to abide by rules and regulations the society considers necessary—especially in a place like Nunavut where, despite the territory’s origins,³ people like me enforce the Canadian law: Qallunaat⁴ removed from the community, unable to speak the language(s), mispronouncing names, and swooping in and out of their lives in the middle of episodes of trauma and violence. This is particularly so in criminal law but is still applicable to other areas of practice where language barriers and the lack of local lawyers create serious access-to-justice issues.

The average turnover of a lawyer in Iqaluit is around two years with people staying at most three to five years; lawyers filter in and out, and I did not want to be one of them but inevitably I was. There is a new law school program currently offered in Iqaluit by the College of Law at the University of Saskatchewan,⁵ which will see around twenty-five people completing the program in 2021. I am hopeful this will grow the bar in Iqaluit with local lawyers.

These are not the kind of discussions you will stumble on if you search for lawyers’ experiences working in northern regions. You often see blogs by people who have travelled “North” for a work term as part of law school or for a brief time for work. There are inevitably discussions of the richness of the experience you get as well as the adventure—the ability to run trials, to be in court, to get great experience you would not get in southern Canada. Not that none of this is true—it is true, and legal careers in any of the three northern territories and in northern regions of the provinces can be exciting and rewarding. But to me, as someone who, while not Indigenous, has grown up in a northern community and called it home, these discussions problematically centre generally around the premise that you can then leave, go back to the “real” professional world, and take this experience with you.

Here in Yellowknife I sit in my office and listen to statements floating down the hall, like “well no one is really from here,” while of course Indigenous peoples have been here for millennia, and I at the very least have been here since I was three years old. This is not to say that lawyers who come to practice in the North do not make it their home, that they do not contribute to the communities they arrive in, that the impact of legal professionals from the south is always negative. My responsibility as a northern lawyer is something I have been struggling with since my call to the bar, which incidentally was an unexpectedly touching experience filled with friends and family in the courtroom as I was the only articling student at the time in Nunavut.

I left Iqaluit, although I am still called to the bar in Nunavut and have the ability to practice there. I find myself now home in Yellowknife, and in between the tumultuousness of moving and entering into the world of private practice I still feel like I am not living up to my own words here. I have friends who have moved up from southern Canada and have truly made this place their home, having children, running for the legislature, and I am hopeful they will stay. I aim to try, to work on my ability to at the very least pronounce names in the local languages, to walk softly and respectfully on this beautiful land that is my home in a different way than it is for Indigenous Peoples.

Practising law in Nunavut, the Northwest Territories, or the Yukon is in and of itself a different experience. All of us who move north to practice need to engage with what it means to be a lawyer practising in the particular context of a northern community. While being a lawyer is a career, it is also a job that requires a person to work with the very rules and regulations that society has set up to govern itself. That is a responsibility that goes beyond whether or not you are advancing your career.

Notes

1. Inuktitut word for land.
2. Inuktitut word referring to people who reside in Nunavut.
3. The Territory of Nunavut was created by the Nunavut Land Claims Agreement between the Inuit of the Nunavut Settlement Area and Canada, online: <https://www.gov.nu.ca/sites/default/files/Nunavut_Land_Claims_Agreement.pdf>.
4. Inuktitut word referencing non-Inuit.
5. University of Saskatchewan College of Law Nunavut Law Program, online: <<https://law.usask.ca/programs/nunavut-law-program.php>>.

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