

Evaluation of January Ethics Training Session  
12:30 pm – 4:45 pm, January 29, 2016

Essay Assignment

Due: February 19, 2016 in Falconer 109 at 4:00 pm (or by assignments.law). 500 word limit—approximately 250 words for each question. Please use the Faculty of Law written work cover page, identify yourself by your pseudonym, and be sure to include the word count.

Choose **two** of the following **four** questions to answer:

1. Discuss the behaviour of counsel acting for Residential School claimants in terms of the Rules of Professional Conduct. Use at least one example of conduct you find to be ethical, and one example of conduct you would challenge under the Law Society of Upper Canada's rules.
2. "Lawyers should recognize and respect that claimants may be seriously damaged from their experiences, which may include cultural damages resulting from being cut off from their own society, culture and traditions and removed from their parents. These experiences may be aggravated by claimants having to relive their childhood abuse, and healing may be a necessary component of any real settlement for claimants. Accordingly, lawyers should take into account that any redress provided to claimants may include a broader range beyond the monetary. Lawyers should endeavour to understand and respect claimants' cultural roots, customs and traditions." General Principle #3, LSUC's *Guidelines for Lawyers Acting in Aboriginal Residential School Cases*.

As a lawyer working with a claimant in an aboriginal residential school case, what specific steps and actions might you take to make sure you are conforming to this principle? What interviewing and counseling techniques would be most effective?

3. Discussions around privilege are often difficult, in part because most people benefit from one category of privilege or another (race, gender, gender identity, or health), and can understandably become defensive when that privilege is identified. What kinds of measures can members of the law school community take to reduce or minimize that defensiveness? What is the difference between acknowledged and unacknowledged privilege?
4. Student # 1: "I resent the advice I received from Steve, an employment counselor. He told me I should dress conservatively for employment interviews, and avoid what he referred to as my "ethnic" clothing and jewelry. What a racist!"  
  
Student #2: "Well, if your goal is to get the highest possible number of offers, that may have been useful advice. He is just trying to give you information that will maximize your job offers."  
  
Student #1: "I disagree. I want to have decent employment offers, but that is not my only priority. By passing on that advice, Steve is endorsing racism."

Please comment on this exchange. Can you reconcile these views? How might the employment counselor articulate his point in a way that recognizes and respects both views?