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Fostering Equity and Diversity in the Nova Scotia Legal Profession

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**FOSTERING EMPLOYMENT EQUITY AND DIVERSITY
IN THE NOVA SCOTIA LEGAL PROFESSION**

**Employment Equity Guidelines Committee
August 2000**

THE EMPLOYMENT EQUITY GUIDELINES COMMITTEE

The Employment Equity Guidelines Committee was established in February 1999 by the Honourable Russell MacLellan.

After consultation with the various constituents the following individuals were selected to serve on the committee:

Chair	Mr. Douglas G. Ruck, Q.C. Nova Scotia Office of the Ombudsman
Nova Scotia Barrister's Society	Mr. Craig M. Garson, Q.C. 2 nd Vice President Garson, Knox & MacDonald
	Mr. Robert G. MacKeigan, Q.C. Cox Hanson O'Reilly Matheson
Dalhousie Law School	Ms. Carol A. Aylward, Director Law Programme for Indigenous Black & Mi'kmaq
	Mr. Innis Christie, Q.C. Professor Dalhousie Law School
Dalhousie Black Law Student's Association	Ms. Cora States, President Dalhousie Black Law Students' Association
Dalhousie Aboriginal Law Students' Association	Ms. Candy Palmater, President Dalhousie Aboriginal Law Students' Association
Department of Justice	Mr. Douglas Keefe, Executive Director Legal Services
	Ms. Margaret MacDonald, Solicitor Legal Services
Black Lawyers' Association of Nova Scotia	Mr. Burnley A. (Rocky) Jones B.A. "Rocky Jones & Associates"
Mi'kmaq Justice Institute	Ms. Heidi Marshall Executive Director

Ms. Heidi Marshall was unable to continue as the appointee of the Mi'kmaq Justice Institute and was replaced by Ms. Heather McNeill. Ms. Cora States and Ms. Candy Palmater graduated from Dalhousie Law School and Mr. Calvin Gilpin was elected president of the Dalhousie Black Law Student's Association. Ms. Judith Ferguson replaced Ms. Margaret MacDonald as the Department of Justice appointee.

The committee presently consists of the following members:

Chair	Mr. Douglas G. Ruck, Q.C. Nova Scotia Office of the Ombudsman
Nova Scotia Barrister's Society	Mr. Craig M. Garson, Q.C. 2 nd Vice President Garson, Knox & MacDonald
	Mr. Robert G. MacKeigan, Q.C. Cox Hanson O'Reilly Matheson
Dalhousie Law School	Ms. Carol A. Aylward, Director Law Programme for Indigenous Black & Mi'Kmaq
	Mr. Innis Christie, Q.C. Professor Dalhousie Law School
Dalhousie Black Law Student's Association	Mr. Kelvin Gilpin, President Dalhousie Black Law Students' Association
Department of Justice	Mr. Douglas Keefe, Executive Director Legal Services
	Ms. Judith Ferguson, Solicitor Legal Services
Black Lawyers' Association of Nova Scotia	Mr. Burnley A. (Rocky) Jones B.A. "Rocky Jones & Associates"
Mi'kmaq Justice Institute	Ms. Heather McNeill Dalhousie Legal Aid

The Committee wishes to thank the following individuals for their assistance, advice and administrative support:

Non Voting	
Premier's Office Liason	Ms. Alana Patterson Advisor, Priorities & Planning Secretariat
Premier's Office Liason	Ms. Kandace Terris Advisor, Priorities & Planning Secretariat (replaced Mrs. Patterson following the 1999 provincial election)
Nova Scotia Barristers' Society	Ms. Catherine Meade, Equity Officer Nova Scotia Barristers' Society
Nova Scotia Barristers' Society	Ms. Heather Chandler, Equity Officer Nova Scotia Barristers' Society (assumed position of Equity Officer when Ms. Meade relocated to Ottawa)
Department of Justice	Ms. Aleta Cromwell, Solicitor

To the Honourable Michael Baker, Q.C.
Minister of Justice

The Employment Equity Guidelines Committee is pleased to present its report *Fostering Employment Equity and Diversity in the Nova Scotia Legal Profession*.

Mr. Douglas G. Ruck, Q.C.
Chair

Mr. Craig M. Garson, Q.C.

Mr. Robert G. MacKeigan, Q.C.

Ms. Carol A. Aylward

Mr. Innis Christie, Q.C.

Mr. Kelvin Gilpin

Mr. Douglas Keefe

Ms. Judith Ferguson

Mr. Burnley A. (Rocky) Jones

Ms. Heather McNeill

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PART I

FOSTERING EMPLOYMENT EQUITY AND DIVERSITY IN THE NOVA SCOTIA LEGAL PROFESSION

INTRODUCTION

The Province of Nova Scotia has, for many years, attempted, through a variety of means, to address issues of diversity and affirmative action. However, despite the lessons of history there are still those who question the need for programs and policies that promote, encourage and enforce equality. Even though significant advances have been made on many fronts Nova Scotia continues to struggle with issues of inequality. As with many problems faced by society acknowledging the existence of the problem is the first step towards developing solutions.

History has clearly shown that ignoring the problems or pretending they do not exist has never served as a means of resolution. The historical patterns of exclusion and differential treatment serve as one of the most significant hurdles to capitalizing upon the strength of our growing diversity. The answer to the problem is not to be found in catchy phrases and/or wishing for change. Private and public businesses and institutions must do more than simply state "we support equal opportunity". The barriers will not be removed as a consequence of simple pronouncements or one time cultural awareness programs.

In Nova Scotia we need only look at our history to see that equal rights have never been provided voluntarily. Repeatedly it has been shown that progress has only been achieved through enforcement mechanisms, including legislation, regulatory requirements and judicial review. This has been reflected in all segments of society, including education, housing and employment.

Affirmative action and equity programs are not to be viewed as the panacea to correct all the socio-economic problems of society. Unfortunately, however, such programs are often represented as concerned exclusively with quotas or having the result of lowering standards by hiring and promoting unqualified people. This position, however, has never been supported by reference to any specific laws, regulations or programs that required an employer to lower standards or hire the unqualified.

Diversity initiatives are required to meet the changes which are on the horizon for Nova Scotia. As the work force changes the pressure to accommodate different cultural values will increase. The issues are complex and will invariably affect the entire workforce of Nova Scotia. This report, however, is concerned primarily with employment of indigenous Black and Mi'kmaq in the legal profession.

In February 1999, then premier, Russell McLellan, announced the formation of the Employment Equity Guidelines Committee to develop guidelines to increase the number of indigenous Black

and native lawyers employed at law firms in Nova Scotia. In particular the premier stated that the mandate of the committee is to recommend employment equity guidelines for all firms that do business with the provincial government. (Appendix "A").

The mandate of the Committee was confirmed by Premier John Hamm in his letter of December 1999 and attached hereto as Appendix "A".

THE COMMITTEE'S APPROACH TO THE TASK

As a consequence of varying levels of understanding and differences in background the first step in the process was to examine existing federal and provincial legislation, regulations, policies and programs. Particular attention was paid to Section 15 of the Canadian Charter of Rights and Freedoms

We also conducted a review of the programs and policies in place in other Canadian provinces and in the United States. See appendix 'A' for a complete list of the material reviewed by the committee.

The committee also invited several provincial and federal representatives to make presentations on their experiences with designing and implementing affirmative action and equity programs.

The consultation process served several important purposes:

- It provided for the involvement of others in the process to assist in developing sound and workable employment equity guidelines
- it gave the committee insight and an opportunity to discuss and explore the issues surrounding employment equity
- it provided an explanation of the rationale behind the existing programs

EMPLOYMENT EQUITY AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The Canadian Charter of Rights and Freedoms recognizes the need for special programs to eliminate discriminatory practices and redress imbalances. Section 15 states:

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program, or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

The committee accepts that the reduction and eventual elimination of the circumstances and conditions that have prevented certain groups from attaining employment equity is a constitutional goal and section 15 requires a broad and generous interpretation. Moreover the committee accepts that Section 15 supports the principle that employment equity means more than treating people in the same way but also requires special measures and the accommodation of differences.

THE NOVA SCOTIA BARRISTERS' SOCIETY AND RULE 24

The Nova Scotia Barristers' society has recognized that the legal profession must not only reflect the diversity of the society it serves, but also embrace the belief that fair representation and equal access are essential to ensure a system of justice that is unbiased. The Barristers' Society adopted specific language proscribing discriminatory practices by lawyers. In its Rules of Legal Ethics and Professional Conduct the Bar society at Rule 24 states:

24. Discrimination

Rule

A lawyer has a duty to respect the human dignity and worth of all persons and to treat all persons with equality and without discrimination.

Guiding Principles

A lawyer discriminates in contravention of this Rule when a lawyer makes a distinction based on an irrelevant characteristic or perceived characteristic of an individual or group such as age, race, colour, religion, creed, sex, sexual orientation, disability, ethnic, national or aboriginal origin, family status, marital status, source of income, political belief or affiliation, if the distinction has the effect of imposing burdens, obligations, or disadvantages on an individual or on a group not imposed on others or if the distinction has the effect of withholding or limiting access to opportunities, benefits, or advantages available to individuals or groups in society.

Commentary

24.1 A lawyer has a duty to ensure that no one is denied services or receives inferior service because of any irrelevant characteristics or beliefs including those enumerated in the Guiding Principles.

24.2 A lawyer has a duty to ensure that the lawyer's employment practices do not offend the Rule or the Guiding Principles.

24.3 This Rule should be read in conjunction with Chapters 1 and 23 and Commentary 18.9.1

24.4 This Rule does not preclude making distinctions

(a) based on a bona fide qualification, or

(b) where such discrimination is a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society.

24.5 This Rule does not apply to bona fide retirement or pension plans or terms and conditions of group or employee insurance plans based on age, or bona fide mandatory retirement plans, schemes or practices.

24.6 This Rule does not preclude any program, activity or affirmative action that has as its object the amelioration of conditions or disadvantages for individuals or groups including those who are disadvantaged because of a characteristic referred to in the Guiding Principles.

The Barristers' Society also provided the following notes to Rule 24 to assist its members to better understand and appreciate the significance of Rule 24:

Notes

1. A lawyer has a duty to become familiar with and understand section 15 of the Canadian Charter of Rights and Freedoms and provincial and federal human rights legislation. A lawyer should cultivate a knowledge and understanding of Canadian jurisprudence on the meaning of equality and discrimination and on adverse impact analysis, both of which warn of the danger of assuming that good intentions or uniform rules necessarily accomplish equality.

2. In the case of *Gene Keys v. Pandora Publishing Association* (March 17, 1992), a Nova Scotia Human Rights Board of Inquiry held that in order to achieve equality for a disadvantaged group, sometimes the different treatment of non-disadvantaged groups was necessary. That case involved a complaint by a man against a feminist newspaper that refused to print his letter to the editor in the newspaper. He claimed that he was being discriminated against on the basis of sex. The Board of Inquiry stated:

I am also satisfied that as a matter of law the concepts of equality and discrimination under the Act must be consistent with those concepts in the Charter. McIntyre, J. in *Andrews* stated that the promotion of equality in the prohibition against discrimination has a more specific goal than the mere elimination of distinctions and that identical treatment may produce inequality. It follows, accordingly, that a disadvantaged group may undertake a program or activity which has as its object the amelioration of conditions of disadvantaged individuals or classes of individuals including those discriminated against on the basis of sex even if that results in distinctions being made with respect to the advantaged group.

It is important to note that Rule 24 at 24.6 reflects and supports the same principle as found at Section 15(2) of the Canadian Charter of Rights and Freedoms. The role and need for special programs to eliminate discriminatory practices and redress imbalances.

TALKING ABOUT DIVERSITY AND RACISM

The members of the employment equity committee represent a microcosm of the Nova Scotia legal community. The committee consists of members of the private bar, academics, government lawyers, law students, senior counsel, African Canadians, First Nations and article clerks. It soon became evident that the members came to the committee with diverse views and varying levels of understanding, knowledge and experience of employment equity.

Talking about diversity and racism is not an easy task; particularly in a group that consists of people of other races, classes, gender and status. But if progress is to be made we must learn to discuss race openly and effectively in order to collaborate in programs and initiatives that will make our increasingly ethnic diverse society productive and functional.

As difficult as some may find it to talk about race it is equally true that it is often just as difficult to listen. The difficulty is sometimes due to the fact that we do not wish to listen or perhaps we do not know how to listen. Attempts at conversation often produce discomfort, heated interactions and patterns of attack and defense that deteriorate into debate and argument rather than dialogue.

Talking about race forces us to look at ourselves, our own prejudices, privileges and suffering. As well, we bring to the table different levels of understanding or information about race and racism. We are sometimes reluctant to talk about race because of the fear of exposing our ignorance or lack of understanding of the issues.

Talk alone does not lead to change. The work of the committee must lead to action, to well conceived, well developed and well implemented programs that will address the systemic manifestations of racism that exist within the legal community.

The first step of the committee has been to talk and learn how to understand, explore and deal with personal and institutional racism and to collaborate with their fellow committee members to structure guidelines that in the words of Judge Rosalie Abella constitute a "strategy designed to obliterate the present and the residual effects of discrimination and to open equitably the competition for employment opportunities to those arbitrarily excluded. It requires a special blend of what is necessary, what is fair and what is workable."

If we are to effectively address discrimination and racism we must acknowledge their long history in language. In this world of politically dominant and sub dominant peoples the language of the dominant or elite will generally hold sway. In his book Elite Discourse and Racism, Newbury Park, CA: Sage, 1993, Teun A. van Dijk, contends that a politically dominant group's language can define situations and impose certain meanings on situations. Consequently the non dominant group may unwittingly find that it is ensnared in language which is pejorative. This occurrence may lead to loss of self esteem and self confidence. Therefore the move towards a

redefinition of terms by previously oppressed peoples is a regaining of self esteem and an increase in confidence.

Language may also be utilized as a smoke screen. Thus a person may be saying one thing while thinking and meaning something else. While this may be an unconscious occurrence it is also possible as conscious processing. It is not an uncommon occurrence to learn that someone has not been hired or kept on by a firm because it was not the right "fit". The term fit, however, may mask a conscious or unconscious discriminatory practice within the hiring process. "Fit" when used in this context is generally a reflection of one's personal or cultural assessments derived from shared values with candidates rather than a comparison of skills. If such is the case the result is an unfair barrier.

THE STATISTICAL PICTURE

The Royal Commission into the Donald Marshall Junior prosecution recognized that historically Blacks and Mi'kmaq have been excluded from the practice of law. The Royal Commission recommended that the Government of Nova Scotia, the Nova Scotia Barristers' Society and the Dalhousie Faculty of Law co-operate in the development of a program to identify, recruit and support qualified Black and Mi'Kmaq students aspiring to legal careers.

Prior to the Marshall Inquiry there were nine Black lawyers in the province of Nova Scotia not all of whom were practicing law. The first native born Black Nova Scotia to graduate from Dalhousie Law School was James Robinson Johnston in 1898. It was fifty-four years later that the next native born Black Nova Scotia graduated in 1952.

It was in the 1960's that the first Black lawyer was hired by a private law firm. From the 1970's to the time of the introduction of the Indigenous Blacks and Mi'Kmaq Programme at Dalhousie Law School in 1989 there were five indigenous Black Nova Scotia graduates.

In the case of Mi'Kmaq lawyers, prior to the Indigenous Black and Mi'Kmaq Programme there were no Mi'Kmaq lawyers in Nova Scotia. The 1876 Indian Act specifically provided that any Aboriginal person admitted to medical or law school would be enfranchised under the provisions of the Act. The provision was repealed in 1951 but it must be acknowledged that the defacto exclusion existed until the implementation of the Indigenous Blacks and Mi'Kmaq Programme in 1989. In 1992 The first Mi'kmaq graduated from Dalhousie Law School and it was in 2000 when the first Mi'Kmaq was hired as a lawyer by a private law firm.¹

The statistical information with respect to the number of Indigenous Blacks and Mi'Kmaq in the legal profession in Nova Scotia has shown a slight amelioration but in the absence of implementing employment equity guidelines the picture is not promising. There is a marked imbalance in the legal community particularly in the Private bar.

The current statistical information as set out at pages 12 to 15 indicates that there has been incremental progress. In other words the legal profession as a whole has shown an increase in the number of Indigenous Blacks and Mi'Kmaq lawyers. The most dramatic increase has been in the number of Indigenous Blacks and Mi'Kmaq students attending law school. There is little question that this dramatic rise relates directly to the IB&M program that was introduced at Dalhousie Law School in 1989.

Despite the increase in the number of law students and graduates there has been only incremental progress; particularly in the area of private practice. The increase has been marginal at best and

¹ The Race Relations Committee of the Nova Scotia Barristers' Society commissioned a report on the Aboriginal Lawyers Survey. The document is presently in draft form and was not available to the Committee.

advancement within the firms appears to be minimal. There continue to exist formidable obstacles to full and equal participation within the private bar.

The Nova Scotia government and in particular the Department of Justice, as shown by the statistical information, has hired graduates of the IB&M Program. It must be noted, however, that consistent with current government hiring policies the graduates have not been hired as permanent full time employees but rather on a contract basis. Government is therefore encouraged to examine its hiring policy in light of the impact it has upon the retention and promotion of Indigenous Black and Mi'Kmaq lawyers within government.

The difficulties and obstacles experienced by Indigenous Blacks and Mi'Kmaq lawyers at the private bar is indicative of the inequities that have existed historically within the province of Nova Scotia. The struggle however to remedy and redress past and present inequities is ongoing. The legacy of racism will not on its own volition wither and go away rather it requires the assistance of those in positions of power and influence. Government and our political leaders occupy such a position and by their efforts can make the greatest strides towards removing the systemic barriers to full and equal participation at all levels of society.

INDIGENOUS BLACKS AND MI'KMAQ PROGRAMME DATA:

GRADUATES

Number of Graduates since 1989	63
Number of Black Graduates	37
Number of Mi'Kmaq Graduates	26
Number of <i>Indigenous</i> Black Graduates	35
Number of <i>Non-Indigenous</i> Black Graduates	2

NUMBER OF STUDENTS CURRENTLY ENROLLED IN THE IB&M PROGRAM {28 First, Second, and Third Years}

Black Students

Number of <i>Indigenous</i> Black Students	12
Number of <i>Non-Indigenous</i> Black Students	09

Mi'kmaq Students

Number of Mi'kmaq Students

7

INDIGENOUS BLACKS AND MI'KMAQ PROGRAMME: *Employment data:*

Graduate Employment Report

[the following data tracks graduates from 1992 (first graduating class) through 2000]

1992

Four Graduates

One is a Private Sole Practitioner

One is a Government lawyer (Worker's Advocacy)

One is an RCMP officer

One Aboriginal Organization Legal Counsel (Treaty and Aboriginal Rights)

1993

Ten Graduates

Two are Private Sole Practitioners

One is a Government lawyer

One is working with an Aboriginal Organization

One is a University teacher/administrator

One is working for a Government Organization

One is unemployed

One is a University teacher

One is non-practicing

One returned to University (non-law)

1994

Ten Graduates

One is in a law firm in Saskatchewan

One is in a law firm in Ontario

One is in a law firm in British Columbia

One is in a law firm in New Brunswick

One is in a Government Agency in Alberta

Two Dalhousie Legal Aid Clinic

Two Per Diem Crown Attorneys

One is a Legal Advisor for an Aboriginal Organization

1995

Eight Graduates

Two are with law firms in Nova Scotia
Two are with the Provincial Government
Two are with the Federal Government outside Nova Scotia (Ontario)
One is with a Black Community Organization
One is with an Aboriginal Organization

1996

Eleven Graduates

Three are with Aboriginal Organizations
Three are with Nova Scotia Legal Aid
One is with Health Canada (Policy Analyst)
One unemployed
One is in-house counsel
One is in New Brunswick
One is in Ontario

1997

Five Graduates

One is in a Law Firm in Nova Scotia
One is in a Law Firm in Toronto
One is with the Federal Government
One is with Department Justice Nova Scotia
One is in the United States

1998

Six Graduates

One is in Toronto
One is with the R.C.M.P.
One is with an Aboriginal Organization
One is with the Department of Justice Nova Scotia
One is in a Law Firm in Edmonton
One is in a Law Firm in Newfoundland

1999

Six Graduates

One completing Master' degree (outside law)
One is with a Law Firm in Newfoundland
One is unemployed
One is the Federal Department of Justice
One is with a Law Firm in Nova Scotia
One is with the Department of Justice Nova Scotia

2000

Three Graduates

One is with Department Justice Nova Scotia

One is unemployed

One is with a Law Firm in New Brunswick

EQUITY HIRING GUIDELINES - AN OVERVIEW

The Committee recognizes that a commitment to employment equity and affirmative action will only be effective if law firms have good human resource practices in order to create a workplace that welcomes diversity and recognizes ability. Good intentions are not enough and a compliance regime is required if the government is to be fair to both indigenous Black and Mi'kmaq lawyers and law firms that achieve employment equity.

By adopting an employment equity policy and enforcing it, the government can ensure that law firms not only make a commitment to good practice but implement good practices.

The Committee drafted a policy that would not only require law firms to adopt an affirmative action program but also provide a checklist of steps any employer should undertake. The policy, as set out in Part II of this report, opens with a description of employment equity and affirmative action and a commitment to use only private law firms that are in compliance with the policy.

Law firms would be required to commit to employment equity and make the commitment known to its workforce. We believe law firms that make the commitment will wish to keep the commitment and that the commitment will itself create an impetus toward an open welcoming workplace for all members of equity seeking groups.

At the centre of the policy is the action plan. The action plan promotes good human resource practices such as up-to-date position descriptions and equitable hiring, promotion and retention practices. But it also allows the Department of Justice to monitor the performance of the law firm in achieving its affirmative action targets and goals. This entails numerical goals and objectives. In encouraging law firms to achieve numerical goals the Equity Hiring Guidelines do not require the hiring of a person who does not have the qualifications to perform the job properly, nor do the guidelines call for the hiring of an unqualified person in preference to a candidate who is qualified. The goal setting process is used to target and measure the effectiveness of the Equity Hiring Guidelines. Moreover the guidelines incorporate a flexibility designed to ensure that the numerical objectives are realistically established in consultation with the law firms. Compliance is measured by whether the firm has made good faith efforts to meet its goals. Failure to meet goals is not a violation of the equity hiring guidelines provided the firm satisfies the Minister it has made its best effort to comply.

The Department of Justice representatives on the Committee, Doug Keefe and Judith Ferguson expressed some concern about numerical goals and objectives and requested that an addendum be attached to this report.

The Committee recognizes that no two law firms in Nova Scotia are the same and as much as there is diversity among lawyers there is diversity among law firms. There are very few large firms in the Province. So, rather than laying down rigid rules and quotas, the Committee has instead recommended that the law firms develop action plans that are appropriate to their circumstances.

Central to enforcement of the policy is the Committee's view that the Province can use its commercial buying power to require employment equity and affirmative action programs of the law firms it does business with. No Nova Scotia law firm would be retained under this policy unless it is on an eligible list created by the Department of Justice. The policy outlines the steps a firm must take in order to be on the eligible list and how a firm can be removed by the Department of Justice if it fails to keep its commitments or to make best efforts to keep its commitment. The Committee believes that the requirements of this policy should be enforceable as regulations under the *Government Purchases Act*, (Part III of the report), and also as a term of retainer for each law firm doing business with government.

We believe the policy, together with the government's enforcement of it, will tip the balance in many firms that are well disposed to the practice but have not given affirmative action a high enough priority in any particular hiring opportunity. Affirmative action succeeds or fails in each hiring, promotion and retention decision made by a law firm.

An important aspect of the Equity Hiring Guidelines is public oversight. Public oversight will ensure accountability on the part of government and the law firms to achieve the goals and objectives of the Employment Equity and Affirmative Action Plan. Oversight will also help to ensure timely and effective progress.

Finally, the policy calls upon the Department of Justice to designate one of its lawyers to oversee the program and compliance by the law firms and to help law firms implement employment equity. The Department should make the mechanics of compliance as easy for law firms as possible by developing information packages and by working on a frequent basis with law firms in order to not only ensure compliance but to obtain whole-hearted co-operation and support for the policy.

PART II

NOVA SCOTIA DEPARTMENT OF JUSTICE
LEGAL SERVICES DIVISION

EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION POLICY

BACKGROUND

Employment equity, as a broad principle, ensures a fair and representative workforce. Employment equity is achieved through employment practices that prevent and correct disadvantages in employment through special measures, reasonable accommodation of differences, and programs to remove barriers to equitable employment opportunities.

This policy also incorporates an affirmative action requirement to promote the hiring of Indigenous Black and Mi'kmaq lawyers with the goal of achieving and maintaining a representative workforce within the Legal Services Division.

POLICY STATEMENT OF THE LEGAL SERVICES DIVISION

It is the policy of the Legal Services Division to:

1. provide equal access to employment and career opportunities to ensure equitable representation at all levels within the Legal Services Division;
2. develop, implement and maintain an affirmative action plan to ensure the equitable representation of Indigenous Black and Mi'kmaq lawyers within the Legal Services Division;
3. use private law firms in compliance with the Employment Equity and Affirmative Action Policy for Crown Law Agents; and
4. look for opportunities to direct legal work to lawyers of colour and aboriginal ancestry.

The Legal Services Division fully supports employment equity and is committed to undertaking special measures, where necessary, to eliminate disadvantages.

It is also the policy of the Legal Services Division to encourage respect for, commitment to, and implementation of the principles of employment equity and affirmative action by law firms retained to perform legal work for the Province of Nova Scotia.

PROVINCE OF NOVA SCOTIA

EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION POLICY FOR CROWN LAW AGENTS

1. BACKGROUND

Employment equity, as a broad principle, ensures a fair and representative workforce. Employment equity is achieved through employment practices that prevent and correct disadvantages in employment through special measures, reasonable accommodation of differences and programs to remove barriers to equitable employment opportunities.

This policy also incorporates an affirmative action requirement to promote the hiring of Indigenous Black and Mi'kmaq lawyers with the goal of achieving and maintaining a representative workforce within the law firms retained to perform legal work for the Province of Nova Scotia.

Where it is appropriate to use a private law firm, the Province will:

- 1) use law firms that are in compliance with this policy; and
- 2) look for opportunities to direct legal work to lawyers of colour and aboriginal ancestry.

2. POLICY STATEMENT

Law firms that wish to be retained as Crown Law Agents must:

- (a) provide equal access to employment and career opportunities to ensure equitable representation at all levels within the law firm; and
- (b) develop, implement and maintain an affirmative action plan to ensure the equitable representation of Indigenous Black and Mi'kmaq lawyers within the law firm.

To this end, law firms must, as a condition of their retainer, comply with the requirements set out in this policy.

3. APPLICATION

This policy applies to all Nova Scotia law firms performing legal work for the Province of Nova Scotia.

4. CONDITIONS OF RETAINER

All law firms are required as conditions of their retainer as Crown Law Agents to:

- 4.1 sign the commitment for Crown Law Agents;
- 4.2 communicate their commitment to all current and prospective staff;
- 4.3 agree to develop an Employment Equity and Affirmative Action Plan (the "Action Plan") that meets the criteria set out in this policy;
- 4.4 implement an Action Plan that meets the criteria set out in this policy;
- 4.5 post the firm's commitment to employment equity and ensure that the Firm's Co-ordinator² has discussed the Action Plan with each partner and employee of the firm;
- 4.6 agree to report such information to the Legal Services Division Co-ordinator³ not less often than annually as well as upon request; and
- 4.7 not discriminate contrary to the *Human Rights Act*.

5. REQUIREMENTS FOR AN ACTION PLAN

An Action Plan may include any measures the law firm deems appropriate to achieve a representative workforce but must include:

- 5.1 Designation of a senior partner of the firm (the Firm's Co-ordinator) who shall be responsible for:
 - a) developing the firm's Action Plan;
 - b) day-to-day monitoring of the implementation of the Action Plan; and
 - c) communicating with the Legal Services Division's Co-ordinator (the Legal Services Division Co-ordinator).

All law firms having 15 or more lawyers shall establish a committee to advise the Firm's

² See 5.1 below

³ See 5.1c) below

Co-ordinator on employment equity and affirmative action issues.

- 5.2 A description of the responsibilities of supervisory and management personnel for implementation of the Action Plan and their accountability through performance appraisals and compensation reviews.
- 5.3 Development of measurable goals for the recruitment, hiring, retention and advancement to partnership of Indigenous Black and Mi'kmaq lawyers within the firm including the establishment of :
- a) numerical goals and timetables for the hiring, training and promotion of Indigenous Black and Mi'kmaq lawyers; and
 - a) a detailed description of how the law firm will achieve its measurable goals and remedy any inequities.
- 5.4 A system to collect information and report periodically on the employment status of Indigenous Black and Mi'kmaq lawyers within the law firm in terms of hiring, promotion and termination in relation to all other lawyers within the law firm.

Each report must contain the following for each job category:

- total number of lawyers
- number and percentage of Indigenous Black females; Indigenous Mi'kmaq females; Indigenous Black males; and Indigenous Mi'kmaq males.

Job categories include, but are not limited to:

- Articled Clerks
- Summer Research Assistants
- Paralegals
- Associates
- Partners

Law firms may report other employment status information which demonstrates the furtherance of employment equity.

- 5.5 A review of the recruitment, hiring, retention and advancement policies, practices and systems, whether formal or informal, to remove barriers to equitable employment opportunities and ensure a fair and representative workforce.

- 5.6 A review of job descriptions to ensure that they accurately reflect the job and employment requirements.
- 5.7 Broadening the distribution of recruitment notices to include diverse organizations/groups likely to promote employment equity and affirmative action.
- 5.8 A requirement that the firm's recruiters complete employment equity and diversity education.
- 5.9 Development of interview procedures for all positions using only job-related questions based on the job description.
- 5.10 Identification of other means to strengthen the law firm's equitable recruitment, hiring, retention and advancement.
- 5.11 Implementation of a voluntary exit interview program and employee assistance program.
- 5.12 Onsite education on employment equity and affirmative action issues and initiatives for all partners and employees.
- 5.13 Establishment of a method or system for internal monitoring to regularly review results of the Action Plan that specifies the frequency of reviews, the individuals performing the reviews and the results of the review.
- 5.14 Establishment of an internal complaint resolution procedure to address complaints dealing with employment equity and affirmative action.

6. MONITORING AND REMEDIES

- 6.1 No Nova Scotia law firm will be engaged to perform legal work until a signed Commitment For Crown Law Agents is filed with the Department of Justice (the Department).
- 6.2 Law firms that comply with clause 4 will be placed on an eligibility list.
- 6.3 The law firm's Action Plan must be filed within 3 months of the Department receiving the firm's signed Commitment For Crown Law Agents.
- 6.4 The Department will determine whether the Action Plan is acceptable. If the Action Plan is not acceptable, the Department will contact the firm, suggest changes and provide the firm with a deadline to file an amended Action Plan.
- 6.5 The law firm may amend its Action Plan at any time with the approval of the Department.

6.6 The law firm will report to the Department, in accordance with the following procedure:

Initial Report to be filed within 3 months of filing an acceptable Action Plan with the Department. The report will describe the implementation of the firm's goals and objectives as outlined in its Action Plan.

Annual Report to be filed by June 1st. The Annual Report will describe the law firm's compliance with the Conditions of Retainer as outlined under clause 4, the law firm's compliance with the reporting requirements under sub-clauses 5.3 and 5.4, the law firm's compliance with its Action Plan and highlight any changes since the filing of the last report.

Additional Reports are to be filed as may be requested by the Department.

6.7 All law firm Co-ordinators must attend an annual meeting hosted by the Department to discuss progress in implementing Action Plans, review best practices and discuss employment equity and affirmative action issues.

6.8 Non-compliance with sub-clauses 6.3, 6.4, 6.6 or 6.7 will result in firms being removed from the eligible list.

6.9 If upon receipt of the Reports as outlined in sub-clause 6.6, the Department determines that the law firm has not complied with the reporting requirements and no explanation acceptable to the Department is given, the law firm will be removed from the eligible list and the Department may hold back 20% of the fees owing to the law firm.

6.10 The Department will exercise its discretion to accept an explanation in sub-clause 6.9 only in the clearest of cases, where the law firm has satisfied the Department of its best efforts to comply.

6.11 It is desirable that the public understand the steps law firms are taking to comply with this policy. It is the Department of Justice's position that, subject to the *Freedom of Information and Protection of Privacy Act* (FOIPOP), the public should have access to information contained in Action Plans. However, the Department recognizes that Action Plans may contain information that is confidential within the meaning of FOIPOP and will be dealt with in accordance with FOIPOP.

Disclosure of confidential information requires that:

- notice be given to the third party that a request has been made for the record unless the third party views have already been communicated to government;
- and

- where notice is given, the third party be given an opportunity to make representations concerning disclosure.

In order to assist in assessing whether an Action Plan contains confidential information, law firms are advised to identify portions of the Action Plan that, in their view, are confidential.

7. DEFINITIONS

- 7.1 **Indigenous Black-** means for the purposes of this policy, a person of African ancestry who was born in the Province of Nova Scotia or who has been primarily educated in the Province of Nova Scotia.
- 7.2 **Primarily educated-** means a person of African ancestry who attended primary or secondary school in the Province of Nova Scotia for a minimum period of five years.
- 7.3 **Mi'kmaq-** means for the purposes of this policy, a person of Mi'kmaq ancestry whether born in Nova Scotia or not.
- 7.4 **Lawyer-** means a graduate of a law school and, for the purposes of this policy, includes a person enrolled in a law school.
- 7.5 **Regulation-** means a regulation made under the *Government Purchases Act*.
- 7.6 **Employment Equity and Affirmative Action Plan (the "Action Plan")-** a written document as defined in clause 5 committing the law firm to a program designed to achieve a balanced workforce within a reasonable period of time.

COMMITMENT FOR CROWN LAW AGENTS

This law firm is committed to achieving and maintaining a fair and representative workforce by:

- a) the elimination of barriers to employment and success in employment of members of under-represented groups through the establishment of a favorable climate within the law firm; and
- a) developing and implementing an affirmative action plan in respect of Indigenous Black and Mi'kmaq lawyers.

Date:

Law Firm Representative:

PART III

**REGULATIONS MADE UNDER THE
GOVERNMENT PURCHASES ACT,
R.S.N.S., 1989, c. 188, subsection 9(3)(c)**

Citation

- 1 These regulations may be cited as the employment equity and affirmative action requirements for legal services.

Definitions

2 In these regulations

- (a) "action plan" means an employment equity and affirmative action plan filed by a law firm and approved by the Minister;
- (b) "commitment for Crown law agents" means an undertaking given on behalf of a law firm regarding employment equity and affirmative action that is acceptable to the Minister;
- (c) "coordinator" means a coordinator of employment equity and affirmative action designated by a law firm as responsible for
 - (i) developing the law firm's action plan,
 - (ii) day-to-day monitoring of the implementation of the action plan,
 - (iii) communicating with the coordinator appointed by the Minister;
- (d) "Indigenous Black" means a person of African heritage who was born in the Province or who attended a primary or secondary school in the Province for a minimum of five years;
- (e) "law firm" means a law firm maintaining a permanent office for the practice of law in the Province;
- (f) "lawyer" means a graduate of a law school and includes a person enrolled in a law school;
- (g) "Mi'kmaq" means a person of Mi'kmaq ancestry whether born in the Province or not;

(h) "Minister" means the Minister of Justice.

3 (1) The Minister shall maintain a list of law firms eligible to provide legal services to the government of Nova Scotia.

(2) No law firm shall perform legal services for the government of Nova Scotia except an eligible law firm.

4 A law firm is eligible if the law firm has:

(a) filed its commitment for Crown law agents;

(b) appointed a coordinator and filed an action plan acceptable to the Minister within three months of filing the law firm's signed commitment for Crown law agents.

5 (1) An eligible law firm becomes ineligible if it fails to

(a) comply with its commitment for Crown law agents or its action plan;

(b) report in accordance with Section 10;

(c) appoint a coordinator.

(2) Notwithstanding subsection (1) where the Minister determines that a law firm has made its best effort to comply with subsection (1), the Minister may determine the law firm is eligible.

(3) The Minister will exercise the discretion in subsection (2) only in the clearest of cases where the law firm has satisfied the Minister of its best efforts to comply.

6 The law firm may amend its action plan at any time with the approval of the Minister.

7 (1) The law firm will file with the Minister

(a) within three months of approval of its action plan, an initial report describing the implementation of the law firm's action plan;

(b) an annual report, during the month of May each year describing

(i) the law firm's compliance with its action plan,

(ii) any events of significance to the action plan since the last report.

- (2) The Minister may require such additional reports as the Minister deems appropriate.

DRAFT

APPENDIX A



THE PREMIER
HALIFAX, NOVA SCOTIA
B3J 3B7

By facsimile: 424-6675

Mr. Douglas Ruck
Ombudsman
Lord Nelson Building, Suite 300
5675 Spring Garden Road
PO Box 2152
Halifax, NS B3J 3B7

Dear Mr. Ruck:

Thank you for your letter of March 31, 1999. I will respond to each of your inquiries in turn:

1. Composition of the Committee

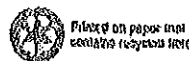
I am pleased to hear that the composition of the Committee will be expanded to include a representative from the Black Lawyers Association of Nova Scotia (BLANS) and from the aboriginal lawyers' community.

I understand that Alana Patterson has spoken with Ms. Heidi Marshall, Executive Director of the Mi'kmaq Justice Institute, and has asked the Institute to canvass the aboriginal lawyers' community for a nominee to serve on the Committee. Ms. Marshall has accepted this task on behalf of the Institute, and will advise in due course. A representative of the Institute will attend any Committee meetings scheduled in the interim.

I enclose for your reference copies of correspondence sent to Mr. Burnley A. (Rocky) Jones and to Ms. Heidi Marshall.

2. Administrative Support and Resources

You have indicated that the Committee will require administrative support to complete its task. Alana Patterson is representing my office at the Committee meetings, and will coordinate whatever support is needed. Ms. Patterson will ensure that the proceedings of the meetings are accurately recorded and circulated in a timely manner. My office will coordinate the scheduling of meetings and booking of meeting spaces. If additional support is required, please feel free to discuss the Committee's needs with Ms. Patterson.



04/23/99 FRI 12:30 FAX 84247088

PREMIER

You have also indicated that the Committee would benefit from the input of administrators of existing equity programs. I am pleased to confirm that the Committee will have access to the resources which in your judgement are necessary for the Committee to complete its task in a thorough and expeditious manner. You may wish to work with Ms. Patterson to develop an appropriate budget for the Committee.

3. Committee Mandate and Deadline

Government's foremost goal is to improve the record among private law firms for hiring ~~lawyers who are visible minorities~~. In pursuit of that goal, the Committee's mandate is to recommend employment equity guidelines for all firms that do business with the provincial government. Should the Committee wish to discuss additional related matters, my government would be pleased to consider any recommendations advanced by the Committee.

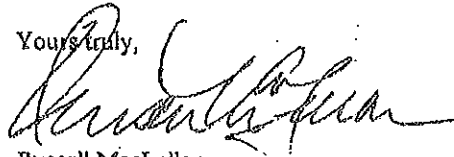
With respect to the Committee's time frame, I indicated in preliminary discussions that we would like to implement the guidelines before completion of this school year. However, members of the Committee themselves are best positioned to assess the time required to complete the recommendations in a thorough and effective manner. I wish only to add that my government looks forward to receiving the Committee's report at the earliest opportunity.

4. Media Relations

My office would be pleased to coordinate all media relations, in consultation with yourself as Committee Chair. Margaret Murphy, my Communications Director, will assume this responsibility. She can be reached at 424-4880, or on her cellular phone at 499-8569.

I would be pleased to discuss any of the above items with you further if necessary. Thank you for your continued assistance with this most important initiative.

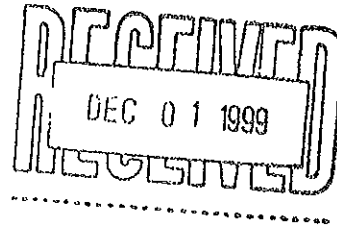
Yours truly,



Russell MacLellan



THE PREMIER
HALIFAX, NOVA SCOTIA
B3J 2T3



Mr. Douglas Ruck, Q.C.
Ombudsman
Office of the Ombudsman
Suite 300
Lord Nelson Building
Halifax, Nova Scotia

Dear Mr. Ruck:

I have recently reviewed the letter sent to you on April 23, 1999, from the Honourable Russell MacLellan, in which the mandate and administrative structure of the Indigenous Black and Mi'kmaq Employment Equity Committee is set out.

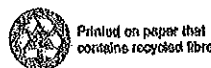
It is the position of Government that we support equal participation of all minorities in the work place. In keeping with this position, we support the initiative started by the Honourable Russell MacLellan to improve the record of private law firms for hiring lawyers who are visible minorities. I look forward to receiving the Committee's report.

If you have any questions you wish to address arising from the Committee's mandate or work, the Minister of Justice will meet with you on behalf of the Province. Thank you for the commitment to this very important initiative.

Sincerely,

John F. Hamm

c.c. The Honourable Michael Baker
Mr. Gordon Gillis



Printed on paper that
contains recycled fibre

APPENDIX B

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OFFICE OF THE ATTORNEY GENERAL

The following offices of Attorney General were contacted:

- *California*
- *Connecticut*
- *Massachusetts*
- *Washington*

LAW LIBRARIES

The following law libraries were contacted:

- *Chicago*
- *Florida*
- *Los Angeles*
- *New York*
- *U.S. Court of Appeals 1st Circuit Satellite Library*
- *U.S. Courts Library*
- *U.S. District Court Library*

ADDENDUM

Douglas J. Keefe
Executive Director

File No.: 00-0305

August 25, 2000

Mr. Douglas G. Ruck, Q.C.
Ombudsman
Lord Nelson Arcade, Suite 300
5675 Spring Garden Road
P O Box 2152
Halifax NS B3J 3B7

Dear Mr. Ruck:

Re: Employment Equity - Addendum

Introduction

As government representatives on a committee established to advise government, our role is not so much to give advice to government as to ensure the government gets good advice from the committee. It is unusual for government representatives to take a separate public position in a consultation process.

This is an expression of doubt about two elements of the committee's recommended policy. We ask that it be included with the report.

The committee has done important work and we want its work to be effective. Our doubts are about effectiveness. That is, we, like everyone else on the committee, want to improve the hiring, retention and advancement of indigenous Black and Mi'kmaq graduates of Dalhousie Law School, and of equity seeking groups generally, in the legal profession. So, to the extent we have doubts they are about the tactics, not the goal.

Mr. Douglas G. Ruck, Q.C.
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We have doubts about two items.

I. Numerical Objectives

The first is about numerical objectives - essentially hiring targets for indigenous Black and Mi'kmaq. The committee suggests each law firm be required to develop and implement an employment equity and affirmative action plan. The action plan would require law firms to review their employment practices and eliminate barriers to employment and advancement of indigenous Blacks and Mi'kmaq and equity seeking groups. Every law firm should welcome the opportunity to do that. That not all firms will, doesn't trouble us. Properly presented, enough will and the rest will eventually follow.

The committee is right to recommend that each firm review its human resource processes and plan its own equity measures. Law firms are as diverse as people. One affirmative action plan does not fit all. An imposed plan does not encourage "buy in" and, in any case, it is important that a firm actually think about its employment practices. Preparing an action plan is a good way to confront practices that cause a firm to miss opportunities to hire and develop talent.

However, the proposed policy would also require each firm to set hiring targets for indigenous Black and Mi'kmaq lawyers. Here is where our doubt resides. Targets - whether they be for affirmative action or any other thing that can be measured - can serve a useful purpose. In this case the attraction of targets is they clearly take affirmative action beyond the realm of good intentions (and not so good intentions) to the concrete world of numbers. We want affirmative action to go beyond intentions. For this reason we both initially saw targets as attractive. We want something concrete to happen, and promises of a specific number of jobs sounds concrete. But when we asked ourselves if targets would really help achieve the result we were reminded that Einstein said "Not everything that counts can be counted and not everything that can be counted counts."

The first concern with targets for indigenous Black and Mi'kmaq lawyers is that there are relatively few of them. There have been 63 Dalhousie graduates who have come through the IB&M program in its first ten years. We can't know how many would have stayed in Nova Scotia and worked for law firms if they could have but, even assuming all of them wanted jobs with Nova Scotia firms, that's only 63 in ten years or 6.3 per year. We wonder if that is a big enough number for targets to work. We acknowledge there are two strong answers to this concern. First, the current graduates constitute a pool that is augmented annually by new graduates so the number, though small, is not insignificant. Second, we know that a scarcity of indigenous Black and Mi'kmaq lawyers for recruitment is so far from the current situation that our concerns will seem laughable to today's students. However, the fact remains that requiring each firm that does business with government to promise to hire one or more indigenous Black and Mi'kmaq in a reasonable time frame, say three

Mr. Douglas G. Ruck, Q.C.
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years, would clearly exceed the total number of graduates. That is targets as recommended would require firms to make unrealistic promises and the government to accept them, knowing they would fail.

Then there is the complication of applying numerical targets to small and medium firms. Hiring in these firms is not as steady and routine as in the handful of large firms in the Province. Small firms can't commit to hire any graduates in any reasonable time frame. So how many firms would targets really address? After a few years how many Nova Scotia firms would be able to do work for the government if the target rule were enforced?

And that makes us wonder whether firms that might have been inclined to participate in an employment equity initiative would shy away if it required a promise they have no way of knowing they can keep.

Some have suggested that firms would conform to any government policy because the government is a major consumer of legal services. We do not share this confidence. With a few exceptions, government legal work is spread out among many firms across the Province and the fees are not high or regular. The government simply does not routinely spend a great deal of money on a lot of private lawyers and it appears intent on spending less on them in the future. We doubt that the government has the financial clout to compel a large number of law firms to adopt targets.

There are concerns about numerical hiring targets per se. Do they or don't they help? We are not experts on targets. We leave to others the debate whether targets actually achieve the desired results or inhibit them; whether they get people through the door or marginalise them. Suffice to say that such questions did not prompt our doubts but they didn't give us confidence in targets either.

Given these concerns we can't recommend numerical hiring targets. The chief attraction of targets seems to be that persuasion has failed, not that targets promise success. We think one more push, this time with the backing of the government, the Bar Society's diversity management training, and accurate hiring statistics offers the best chance and is worth a try. But we also note that we detect a sense among some students and graduates that nothing will change without targets. We have to acknowledge that they could be right and we could be wrong.

Definition of Indigenous Black and Mi'kmaq.

The committee was established to address poor hiring results among Nova Scotia law firms of law graduates in the Indigenous Black and Mi'kmaq program. Early in its work the committee considered whether it ought to recommend measures for all equity seeking groups such as women,

Mr. Douglas G. Ruck, Q.C.
August 25, 2000
Page 4

First Nations people generally, visible minorities and the disabled. We decided that, however worthy a concept that might be, our mandate was indigenous Black and Mi'kmaq. As work progressed we were told by the Dalhousie representatives that not all the Black students in the program have sufficient connection to the Province to be considered indigenous. The committee adopted a definition of indigenous Black that is confined to persons who are Black and either born in Nova Scotia or who received their primary or secondary schooling here.

We know this is a sensitive issue for the Black community and, as a principle, the committee's definition seems sensible to us. Our problem is not the definition. We simply do not believe government or a law firm should be able to tell someone who has spent three years as an indigenous Black law student that he or she is not an indigenous Black lawyer. If a Black person is considered indigenous for the purposes of the Indigenous Black and Mi'kmaq program, the legal profession ought to abide by that and be able to rely on it. If there is a problem with the application of the definition at the Law School, the problem ought to be addressed there.

Regret

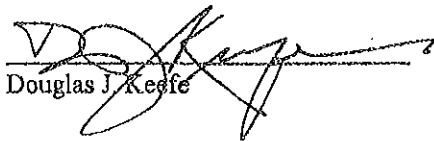
We close as we opened by expressing regret that a unanimous report is not possible. We have not taken our responsibility to the students and lawyers, and to the government, lightly. The government no doubt hoped we'd help bring the profession and the program closer together. The gap between the program and the firms is a matter of considerable concern to us.

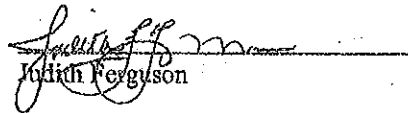
Employment equity is first and foremost about finding, recognizing and rewarding talent - not being thrown off by irrelevant characteristics. There is always a need in the profession for acceptance and investment in people. Some law firms have been willing to offer articles to indigenous Black and Mi'kmaq but, with the best will in the world, have found few takers. Image, it seems, is a problem for both law firms and students. There needs to be a bridge between the program and the profession. Even if we are wrong about targets and the buying power of government, sullen compliance by the few firms that need government work is not a good bridge for the students to cross.

In case there is any doubt, we support the requirement of a commitment to employment equity and affirmative action by law firms. We believe law firms will want to keep their signed commitments - particularly if they are communicated to staff, as is recommended. Such a commitment should be a source of pride for a law firm - that it has examined itself and its HR practices and made improvements. Having done this in the Legal Services Division we can say the effort pays off in many ways.

Mr. Douglas G. Ruck, Q.C.
August 25, 2000
Page 5

We want to change minds. Former Premier MacLellan's uninformed remarks about the quality of indigenous Black and Mi'kmaq law graduates started this whole exercise. He changed his mind and we believe he changed it during a meeting he had with some indigenous Black and Mi'kmaq law students that one of us attended. They demonstrated intelligence and poise and they made their arguments forcefully but with professionalism. In short, they demonstrated to him they could be good lawyers. They should have that same chance with the law firms. Subject to our reservations about targets and definition of indigenous Black and Mi'kmaq, the committee's recommendations will help them do that.


Douglas J. Keefe


Judith Ferguson

