

First Nations LEGAL CLINIC

by Joe Wiebe

Answering the need for access to justice in the Aboriginal community, the UBC Law First Nations Legal Clinic (FNLC) serves a broad range of clients that includes primarily individuals, but also Band Councils, Aboriginal societies, organizations and groups. It also serves as a training ground for future lawyers, providing opportunities for law students to work with real clients, by offering legal advice and even serving as counsel in court.

The clinic's mandate is to serve the Aboriginal population, and any member of that community who does not qualify for legal aid. Founded in 1996, the clinic is based in the heart of Vancouver's Downtown East Side. It is directed by UBC Law graduate Sarah Rauch ('01) and receives financial support from the Law Foundation of British Columbia.

According to Rauch, who worked there as a student in the spring of 2000, the clinic provides students with "a combination of practice and academic work." Students have one lecture per week at UBC and work three days a week at the clinic itself. In addition, students write a paper at the end of the term.

"The idea is that the term paper will draw upon the readings we do each week and independent research, and will in some way contribute to the work that we do at the clinic," says Rauch.

The clinic operates with a lean staff complement—just Rauch and the equivalent of 1.6 legal assistants funded

by UBC. The workload is carried by six second- or third-year students each term. In the summer, the clinic operates by hiring two or three students on full-time.

Students receive temporary articles through the Law Society of British Columbia with Rauch acting as their principal, enabling them to represent their clients in court if needed. While this does not count towards their articling for becoming practitioners, it is invaluable experience.

"It gives them exposure to the legal community," Rauch elaborates. "A lot of our students go on to article with people that they meet during their terms at the clinic."

Rauch's main role is to supervise the students. "The students are in charge of the file, from beginning to end," she explains, "they do everything, from interviewing clients to determining what the legal issues are, to figuring out what their options are, giving them opinions, to going through to court appearances and making submissions for tribunals."

Since they only work for one term, files are transferred from student to student as the term changes. "Our clients are really familiar with that and some of them joke that, 'Oh, yeah, I'm on my fourth or fifth student and I'm training them all right,'" says Rauch. "So, our students do learn a lot from the clients."

"What's really rewarding for a student is that they usually get an opportunity during their term to do a full-blown trial



The new FNLC office on Alexander Street in Vancouver

This spring the UBC First Nations Legal Clinic moved to a new office on Alexander Street in downtown Vancouver. The Clinic would like to acknowledge the Native Courtworkers and Counsellors (NCC) and express gratitude for the hospitality and welcoming environment the NCC provided for the many years they shared office space.

The Clinic would also like to acknowledge the Law Foundation of British Columbia, UBC Faculty of Law and UBC Properties Trust for the support, assistance, and preparation regarding their move. They are also grateful for the wonderful work the articulated law students do at the Clinic and extend thanks to the students for all their hard work and success.

The Clinic looks forward to providing many more opportunities of clinical experience for law students and to providing much needed legal service to First Nations.

in court, at least one trial," Rauch explains. "They have to prepare cross examination questions, and determine what the defence is and actually go to court and run the trial."

The clinic is not intended only for Aboriginal students, but usually about half of the students on staff identify as Aboriginal. Karen Osachoff, a spring 2009 graduate, identifies herself as a Cree from Saskatchewan. She took the clinic in her final term in January and then was hired on for the summer.

"It's an honour to work here and to work for Aboriginal people," says Osachoff. "The reason I went to law school was so that I could advocate for people who often can't speak for themselves."

It turns out that the clinic itself is actually one of the reasons why Osachoff chose law school in the first place.

"I was a Native court worker at the courthouse on Main Street, so I had experience with the clinic," she explains. "Actually, Renee Taylor, who was the previous supervising lawyer here, pretty much told me I had to apply."

The experience has been everything she hoped it would be.

"I'm an advocate," Osachoff enthuses. "I'm an intermediary. I explain the law to Aboriginal people, but then I also explain the Aboriginal experience to the people in the system. And it's so exciting, walking into the courtroom."

For students who might consider taking the First Nations Legal Clinic during their time at UBC, Osachoff offers a glowing recommendation, citing the many rewards the clinic offers particularly for Aboriginal students.

"It makes me feel like I'm making a difference." ●