

JUSTICE IN OFFICIAL LANGUAGES- NEWSLETTER

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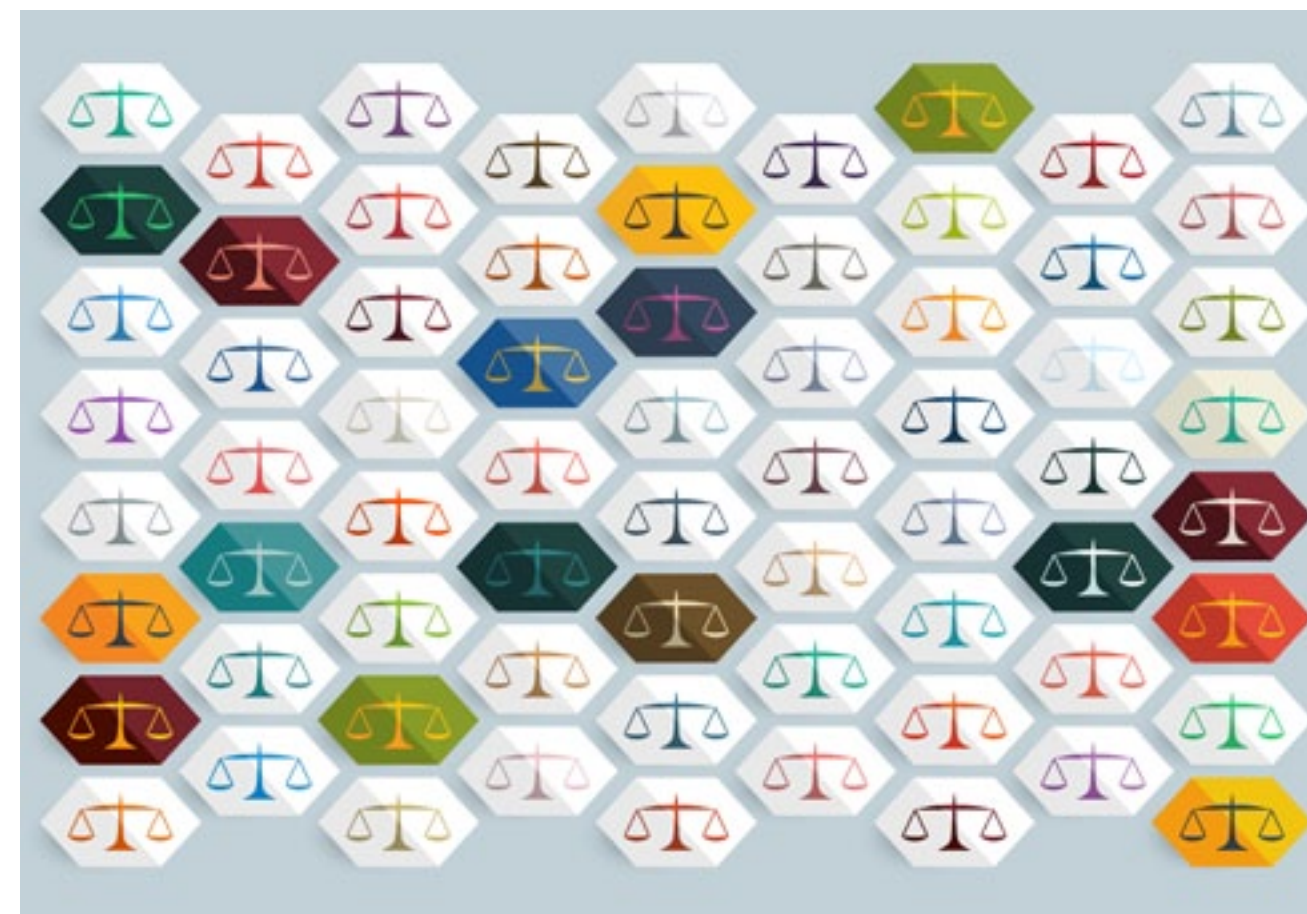
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Word of Welcome

On June 17, Canadian Heritage launched public consultations across Canada, which will be taking place until October 31, 2016. These consultations are part of the process to develop a new federal multi-year official languages action plan to be implemented when the *Roadmap for Canada's Official Languages* comes to an end in 2018. Over the summer and fall, the Department of Justice Canada is following suit by holding sectoral consultations with key justice stakeholders. In this issue of the newsletter, you will find more information on these consultations.

In addition, you won't want to miss the article written by Mathieu Langlois, Counsel with the Department of Justice Canada's Official Languages Directorate, regarding the ethical duty of lawyers to inform clients of their language rights.

"Capsule 41" in this issue provides you with an opportunity to learn more about Alexandre Larouche, Deputy Regional Director General of the Department of Justice Canada's Northern Region and Section 41 Coordinator for the Northwest Territories and Nunavut.

Enjoy!

The Official Languages Directorate's
Justice in Official Languages Team

The Ethical Duty to Inform a Client of Their Language Rights

— BY —

MATHIEU LANGLOIS

COUNSEL

OFFICIAL LANGUAGES DIRECTORATE

DEPARTMENT OF JUSTICE CANADA



Having gone almost unnoticed until today, a small ethical revolution regarding language rights is underway in the country. The Federation of Law Societies of Canada has recently amended its *Model Code of Professional Conduct* (the *Model Code*) to include new rules to benefit Anglophone and Francophone minorities in Canada. The *Model Code* has already been adopted by

many professional associations and is being reviewed by the other law societies (see Table).

All lawyers in Canada (and notaries in Quebec) must observe the rules of professional conduct in the jurisdiction where they are licenced to practice. A lawyer who fails to comply with these rules may face various disciplinary actions, which could ultimately

lead to disbarment. Further to the *Model Code* amendments, members of the legal profession must advise their clients of their language rights.

In the provinces and territories where the *Model Code* has been adopted, jurists have the duty to advise their clients of their right to proceed in the official language of their choice before the federal courts according to Part III of the *Official Languages Act*, in criminal courts according to Part XVII of the *Criminal Code* or, where relevant, under the applicable provincial or territorial law. The choice of language is the client's, not the lawyer's, and the client must be advised of his or her language rights as early as possible in the process.

Other than the duty to inform their client, when lawyers agree to represent a client, they must ensure that they possess the language and professional skills needed to provide the services required by the client in the language chosen by the latter. In other words, regardless of the language chosen, whether it is the lawyer's mother tongue or not, nothing absolves the lawyer from his or her duty to provide all legal services in accordance with the standard of competence required of all lawyers. Clients have the right to quality legal services regardless of the official language chosen.

To date, ten professional law societies have enacted various provisions on information and competency with regard to language rights. Of these, eight have copied *in extenso* the provisions found in the *Model Code* of the Federation of Law Societies of Canada. In two other jurisdictions, New Brunswick and Nunavut, these language obligations already existed in their respective codes of conduct.

There is currently no ethical duty specifically identifying these rights for jurists licensed in Quebec, British Columbia and Prince Edward Island. In British Columbia and Prince Edward Island, where the Federation's *Model Code* was adopted, the rules governing language obligations have been excluded. In Quebec, the Barreau du Québec's new *Code of Professional Conduct of Lawyers*, adopted in 2015, incorporates the basic values reflected in the Federation's *Model Code*, but without any specific reference to language rights.



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Province/Territory	Concordance with Model Code	Adoption date	Language Provision(s)
Alberta	Yes	June 1, 2015	2.02(13)
British Columbia	Yes, without lang. obligations	January 1, 2013	--
Manitoba	Yes	April 9, 2015	3.2-2A & 3.2-2B
New Brunswick	No	August 18, 2003	Chap. 3 & 4
Newfoundland and Labrador	Yes	January 15, 2016	3.2-2A & 3.2-2B
Northwest Territories	Yes	April 1, 2015	4(4) & 4(5)
Nova Scotia	Yes	May 22, 2015	3.2-2A & 3.2-2B
Nunavut	No ¹	--	Chap. 2
Ontario	Yes	June 25, 2015	3.2-2A & 3.2-2B
Prince Edward Island	Yes, without lang. obligations	June 25, 2016	--
Quebec	No	--	--
Saskatchewan	Yes	February 13, 2015	2.02(2.1) & 2.02(2.2)
Yukon	Yes	May 28, 2015	3.2-2A & 3.2-2B

¹Model Code of the Canadian Bar Association 2009

Consultations for a New Federal Multi-Year Action Plan for Official Languages



Canadian Heritage Consultations

On June 17 this year, Canadian Heritage launched [cross-Canada public consultations](#), which will be taking place until October 31, 2016. These consultations are part of the process to develop a new federal multi-year official languages action plan and are intended to gather the views of Canadians and obtain input from many key stakeholders on their official languages priorities.

“I was given the mandate to develop a new multi-year action plan for official-languages in order to rejuvenate government action, especially when it comes to supporting English- and French-speaking minorities. Our approach is based on open and accessible consultations with Canadians and on sincere co-operation with key stakeholders.”

- The Honourable Mélanie Joly, Minister of Canadian Heritage

There are two main ways to provide input, either by completing an [online questionnaire](#), or by joining one of the [roundtables](#) that will be webcast. In addition, key organizations representing Anglophone and Francophone minorities as well as organizations promoting linguistic duality will be invited to targeted consultation events.

Department of Justice Canada Sectoral Consultations

Some federal institutions active in the area of official languages will be holding sectoral consultations with key stakeholders working in their respective fields.

The sectoral consultations led by the Department of Justice Canada are set to begin in August 2016. These consultations aim to provide the Department with information on the justice needs of official language minority communities and the priorities for the next federal action plan with respect to access to justice in both official languages.

In undertaking these consultations, the Department seeks in particular to have a better understanding of the key issues and context for the next federal action plan, as well as anticipated challenges for its implementation.

You are encouraged to send your ideas and comments to the following address: jelo-jol@justice.gc.ca

The Creation of Justice Information Hubs: Another Centre Is Inaugurated

In the last few issues of the Newsletter, we presented a new approach to offering legal information services, support and guidance to Francophone and Anglophone minorities: justice information hubs. After Halifax, Ottawa and Edmonton, we present the Regina hub.

REGINA



Source: Info-Centre Saskatchewan

Daryl Schatz, Section 41 Coordinator in Saskatchewan and AJEFS member (left), and Francis Poulin, President of the AJEFS, at the time of the opening.



The Info-Justice Centre of Saskatchewan, an initiative of the [Association des juristes d'expression française de la Saskatchewan](#) (AJEFS), officially opened its doors on November 16, 2015. The Centre provides information services and legal resources in French free of charge to the general public and legal professionals across the province. For further information, please visit the Info-Centre Saskatchewan website: saskinfojustice.ca

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A LOOK

at some of the projects funded by the Department of Justice Canada under the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*



Common Law Certificate in French

The [Common Law Section of the Faculty of Law at the University of Ottawa](#) will pilot a project for developing an undergraduate common law certificate in French to be offered at English-speaking host institutions. In addition to law courses in French, the certificate will also include a semester in the French Common Law Program at the university, a moot court exercise, mentoring and an internship in an organization offering legal services in French.



Canada-Wide Court Support Worker Training Program

The [Collège Boréal](#) will work in partnership with members of the [Réseau national de formation en justice](#) to offer a court support worker training program in French in several provinces to address the shortage of bilingual support staff. The program will be aimed at training court support workers such as court clerks, court reporters, court transcribers and sheriffs.



Access to Justice for English Speaking Quebecers Research Project

The [Quebec Community Groups Network \(QCGN\)](#) will explore access-to-justice issues experienced by the English-speaking community of Quebec. This research project seeks to establish parameters for measuring whether the needs of the members of this community regarding access to justice are being met. The QCGN would also like to make recommendations on how to mitigate or overcome the challenges of access to justice for the English-speaking community of Quebec.

CAPSULE 41

Meet Alexandre Larouche, Deputy Regional Director General of the Department of Justice Canada's Northern Region and Coordinator 41 for the Northwest Territories and Nunavut.



Source: Alexandre Larouche

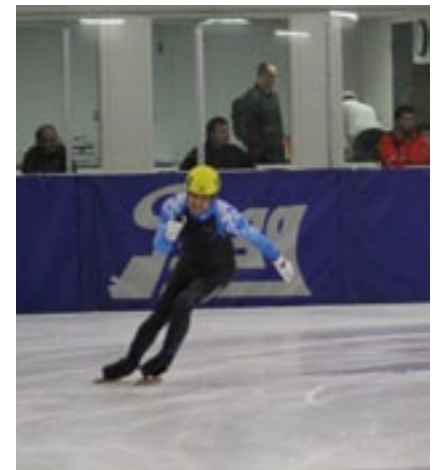
Section 41 Coordinator

Since moving to the Northwest Territories, Alexandre has been involved in the French-speaking community of the Northwest Territories. His children attend the [École Allain St-Cyr](#), Yellowknife's French school. In addition, he is a member of the Board of Directors of the [Fédération franco-ténoise](#) where he serves as Second Vice President and he is also involved with the [Association des parents ayants droit de Yellowknife](#). This has allowed Alexandre to establish and maintain ties with the French-speaking community and to keep abreast of its issues and concerns. His commitment has contributed greatly in strengthening his role as a Section 41 Coordinator.

Alexandre Larouche holds a licentiate in civil law and a bachelor's degree in common law from the University of Ottawa. He started his career at the Department of Justice in 1997 as counsel in the Official Languages Law Group. He then joined the Department of Indian and Northern Affairs Legal Services Unit, which gave him the opportunity to work in Whitehorse. Shortly after he returned to Ottawa, he became Executive Director of the Parks Canada Agency Legal Services Unit. After more than seven years in this position, he was appointed Chief Knowledge Officer at the Department of Justice Canada and led the development of *Justipedia* until its launch as the Department's legal knowledge portal. Since 2013, Alexandre has lived in Yellowknife, where he carries out his duties as the Deputy Regional Director General of the Northern Region, overseeing the provision of legal services offered to federal departments and agencies in the Northwest Territories and Nunavut.

Did you know?

Shortly after arriving in Yellowknife, Alexandre and his children took up short-track speed skating. He is also an active member of the Yellowknife Speed Skating Club, where he teaches ice skating basics to children ages 4 to 8. He even participates in competitions - after all, each race needs someone to come in last!



Source: Alexandre Larouche



Alexandre Larouche

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New Faces at the Department of Justice Canada's Official Languages Directorate

Katerine Larouche and Patricia Ojeda recently joined the Official Languages Directorate's Justice in Official Languages Team as Senior Policy Analysts.



Source: Patricia Ojeda

Over the past eight years, Katerine has worked at Canadian Heritage's Sport Canada Branch, as a policy analyst in the Official Languages Unit. During her time at Sport Canada, she worked on files that included the Toronto Pan Am and Parapan American Games, the FIFA Women's World Cup and communications with the Office of the Commissioner of Official Languages while helping funding recipients meet their official language obligations.

Joining us from the Translation Bureau, Patricia is trained in linguistics and has more than thirteen years of experience in building partnerships with organizations in Canada and abroad, such as the United Nations Office at Geneva, the European Commission, the governments of Quebec, Ontario and Nunavut, as well as Canadian and foreign universities. Patricia has a strong desire to further her knowledge of the official languages community and will be on secondment to support the team until April 2017.

Katerine and Patricia are now the points of contact for all members of the Departmental Network of Coordinators for the Implementation of Section 41.

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OLQUIZ



Which international organisation does this emblem represent?

This is the emblem of the International Organisation of La Francophonie (IOF), which includes 80 member states and governments (57 members and 23 observers). In total, IOF's members represent almost 900 million people sharing the French language and universal values.

To learn more about the IOF, visit its website at : francophonie.org

Relocation of the Official Languages Directorate

Please note that the Official Languages Directorate is now located at the Constitution Square Building, 350 Albert Street, 3rd Floor, Ottawa.

HOW TO REACH US

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