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JURISDICTION IN RELATION TO LAWYER LICENSING

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OVERVIEW

- In Ontario, the Law Society of Ontario (LSO) regulates licensing to practice law.
- Our goal is to restore Indigenous jurisdiction in relation to lawyer licensing in order to practice Indigenous law in the province.

WHERE THE AUTHORITY LIES NOW	***WHERE THE AUTHORITY SHOULD LIE***
Law Society of Ontario	Indigenous Nations of Turtle Island

PATHWAYS TO IMPLEMENT INDIGENOUS JURISDICTION IN RELATION TO LAWYER LICENSING IN ONTARIO

Pathway 1: Hybrid accreditation/licensing from Indigenous Nations and LSO

- Following University of Victoria's Juris Doctor & Juris Indigenarum Doctor (JD/JID) program, we propose Indigenous law programs offered in universities in Toronto that are regulated by the Anishinabek, Haudenosaunee, Wendat, and LSO.

- Accreditation and licensing in this pathway ultimately remain dependent on the LSO, meaning Indigenous legal education continues to rely on state recognition and validation.

Pathway 2: Assertion of inherent Indigenous jurisdiction

- Follow a more radical and transformative approach places authority entirely with participating Indigenous Nations through Indigenous-led educational institutions and licensing requirements. Rather than seeking inclusion within state institutions, this pathway prioritizes the direct exercise of Indigenous jurisdiction.

OPPORTUNITIES	BARRIERS
A society of lawyers trained in Indigenous law may be able to more meaningfully challenge and disrupt the Canadian legal system and work towards rebuilding Indigenous governance and jurisdiction.	Courts may not interpret or apply Indigenous laws accordingly and therefore Indigenous laws should only be adjudicated by Indigenous Nations themselves (see, e.g., Cribb et al., 2024, as cited in Clark, 2025, p. 216).
A focused program rather than a "required course" provides increased access for law students and future lawyers to be immersed and trained in Indigenous legal studies.	Most universities in Toronto do not have access to land to meaningfully implement the component of land-based education that is required to learn Indigenous laws.
Provides law students an opportunity to learn Indigenous law based on their gifts and in accordance with persuasive compliance (Drake, 2020; Simpson, 2017).	Indigenous laws are embedded in Indigenous languages (Craft et al., 2021). However, Indigenous languages are not recognized as official languages in Ontario.

OPPORTUNITIES	BARRIERS
Recognizing Indigenous law and jurisdiction can push the federal and provincial government to establish models of co-governance with Indigenous Nations that provide resources and capacity-building.	Indigenous law programs and licensing processes require investment in time and funding that may not align with current political and economic goals of the Ontario government.
Legitimizing Indigenous law can redress the epistemic violence faced by Indigenous Peoples for their languages, knowledges, and legal systems.	The time commitment for aspiring law students may be longer than 4-5 years and requires meaningful relationship-building with Indigenous Peoples.



NEXT STEPS

- Pressure the Ontario and Canadian governments to recognize inherent Indigenous jurisdiction
- Meaningfully implement the Indigenous Languages Act (2019) in Ontario
- Leverage funding for Indigenous legal education
  Establish partnerships with Indigenous land-based camps and programs
- Develop Indigenous law programs and licensing processes that are Indigenous-led and governed by Indigenous Nations

POSSIBLE COALITIONS & OPPONENTS

- Land Defenders and Water Protectors, not-for-profits that advocate for Indigenous justice, Indigenous Nations, Indigenous communities, Indigenous scholars, knowledge Keepers, Elders, and Indigenous organizations
- Law schools, law firms, land-based camps, and grassroots organizations working towards reconciliation and rematriation
- Potential opponents may include federal and provincial governments, corporations, proponents of extractive industries, universities, the LSO, and Indigenous Nations themselves

COMPROMISES AND TENSIONS

- Indigenous Nations may consider that Indigenous law programs and lawyer licensing processes may override or replace their models of governance (Clan system, etc.). We recognize that Indigenous kin and Clans who carry Indigenous laws and expert knowledge may feel accreditation is counterproductive.

- Gender in Indigenous models of governance may be overlooked (Hurlbert et al., 2024; Sy, 2025). We need to ensure that Indigenous women, gender diverse people, and queer people are included in the development and implementation of Indigenous law programs and lawyer licensing.

- Nations and specific communities may wish to keep their legal traditions in the oral tradition and have knowledge passed on using their methods in their communities, rather than partnering with universities.

- Nation-to-Nation agreements need to be maintained, renegotiated, and respected in the process. Land and territorial claims are ongoing and there needs to be mechanisms for conflict resolution.

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