

February 18, 2025

Sent by e-mail

Andrew Bisson, Chief Executive Officer
Assembly of First Nations
50 O'Connor Street, Suite 200
Ottawa, Ontario K1P 6L2
E-mail: ABisson@afn.ca

Andrew Bisson:

Re: Response to your letter dated January 30, 2025

I write as chair of the National Children's Chiefs Commission ("the Commission") in response to your January 30, 2025 letter addressed to the Commission's interim legal counsel.

We confirm that the letter sent January 22, 2025 from the Commission's interim legal counsel to Justice Canada did not indicate our interim legal counsel was representing the AFN. Rather, our interim legal counsel specifically identified themselves in the opening sentence of the letter as representing the Commission. The letter is clear on this point. Moreover, the letter was reviewed and approved by the Commission before it was sent.

The Commission has taken your concerns seriously that Aird & Berlis, the law firm of one of our interim legal counsel, Scott A. Smith, appears to be in a conflict of interest. We thank you for raising this important concern with us. We took the time to consider and deliberate on it over two meetings. We appreciate you taking steps to ensure that the long-term reform process is healthy, transparent, and free of conflict going forward and that it is free of shadows of doubt and focused on the best possible outcomes for our children and families. The Commission considered our legal counsel, Scott A. Smith's, role and the timelines of his previous limited-scope retainers. Specifically, we have determined that:

- Neither Mr. Smith nor his firm, Aird & Berlis, is pursuing potential litigation against the AFN or the National Chief.
- The previous Aird & Berlis limited-scope retainer brought to our attention ended well before the Commission appointed Mr. Smith as interim legal counsel, and, in any event, did not expose Mr. Smith to any confidential information that would compromise his ability to serve the Commission.
- Mr. Scott A. Smith's extensive experience in this area of law is unparalleled.

Accordingly, based on our review, the Commission has determined there is no conflict of interest that would prevent Mr. Smith from continuing in his role as our interim legal counsel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pauline Frost', with a stylized, cursive script.

Chief Pauline Frost
Chair, NCCC

C: National Children's Chiefs Commission
AFN Executive