

# INDIGENOUS PEOPLES AND THE LAW

# CIAJ

Canadian Institute  
for the Administration  
of Justice

45<sup>th</sup> ANNUAL CONFERENCE | For all members of the legal community

Listening. Learning. Leading.

NOVEMBER 17–19, 2021 | IN PERSON IN VANCOUVER, BC, AND ONLINE



## *Sacred Circle*

*By Coast Salish  
artist from the  
Lyackson First Nation  
Dylan Thomas*

### Honorary Chair

*The Honourable Murray Sinclair*

### Chair

*The Honourable  
Robert J. Bauman  
Chief Justice of  
British Columbia and of the  
Court of Appeal of Yukon*

CIAJ's 45<sup>th</sup> Annual Conference on Indigenous Peoples and the Law will explore the current state and future of the self-government of Indigenous Peoples in Canada. Vital to the discussion will be the issues of the decolonization of legal institutions, reconciliation with Indigenous Peoples and the enduring legacy of a colonial relationship.

The recent finding of unmarked graves at residential school sites only reaffirms the Truth and Reconciliation Commission's vision of an "ongoing process of establishing and maintaining respectful relationships" with Indigenous Peoples. This conference will be a space for dialogue and exchange on the continuation of active education and exploration of the TRC's message.

**Registration:** <https://ciaj-icaj.ca/en/upcoming-programs/2021-annual-conference/>

*NOTE: Participants may choose to attend in person at the Fairmont Hotel Vancouver or online. The number of participants admitted on site will depend on public health measures. See full note on page 2.*

- *This program is offered by an accredited provider of professional content and is accredited in provinces where CLE requirements for lawyers are mandatory.*
- *Participation in this conference is approved under Section 41 (1) of the Judges Act.*

Event  
Partners:



MillerTiterle  
+Company



## SCHEDULE ACCORDING TO DIFFERENT TIME ZONES IN CANADA

**PT:** 9 am–2 pm   **HR:** 10 am–3 pm   **HC:** 11 am–4 pm   **ET:** Noon–5 pm   **HA:** 1–6 pm   **HT:** 1:30–6:30 pm

**IMPORTANT NOTE:** Participants may choose to attend in person at the Fairmont Hotel Vancouver or online. The number of participants admitted on site will depend on public health measures. If in-person attendance is limited, priority will be given to the first registrants. If public health does not allow in-person events, the program will remain the same but will be held entirely online. The program is set on Pacific Time.

### HONORARY CHAIR

**The Honourable Murray Sinclair**

### CHAIR

**The Honourable Robert J. Bauman**  
Chief Justice of British Columbia and of the Court of Appeal of Yukon

### PLANNING COMMITTEE

#### Co-Chairs

**The Honourable Justice James O'Reilly**  
Federal Court; President, CIAJ

**The Honourable Justice P. Colleen Suche**  
Court of Queen's Bench of Manitoba; First Vice-President, CIAJ

#### Members

**The Honourable Justice Thomas J. Crabtree**  
Supreme Court of British Columbia  
Chief Judicial Officer, NJI

**Jennifer Cox**  
Mi'kmaq Rights Initiative, Nova Scotia

**Professor Aimée Craft**  
University of Ottawa

**The Honourable Judge Tina Dion**  
Provincial Court of British Columbia

**The Honourable Justice Tracy Engelking**  
Superior Court of Justice (Ontario)

**The Honourable Chief Judge Melissa Gillespie**  
Provincial Court of British Columbia

**Mark Gervin**  
Lecturer/Legal Services Director  
Indigenous Community Legal Clinic

**Professor Jeffery Hewitt**  
Osgoode Hall Law School, York University

**Adam Letourneau, Q.C.**  
Founder and Managing Partner, Letourneau LLP

**Professor Bradford Morse**  
Faculty of Law, Thompson Rivers University

**The Honourable Justice Michelle O'Bonsawin**  
Superior Court of Justice (Ontario)

**Christine O'Doherty**  
Lawyer; Executive Director, CIAJ

**Professor Kent Roach**  
Faculty of Law, University of Toronto

**Scott Robertson**  
Associate, Nahwegahbow Corbiere  
Genoodmagejig Barristers & Solicitors

**The Honourable Chief Justice Michael Wood**  
Court of Appeal, Nova Scotia  
Second Vice-President, CIAJ

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## DAY 1 | WEDNESDAY, NOVEMBER 17, 2021 – Pacific Time Zone

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**8:00 – 9:00 am**      **REGISTRATION AND BREAKFAST – PACIFIC BALLROOM**  
**LOG IN & ONLINE PROGRAM SET UP**

**9:00 – 10:00 am**      **LAND ACKNOWLEDGEMENT AND WELCOME REMARKS**

*Program Co-Chair*  
*Knowledge Keeper*

- The Honourable Justice James W. O'Reilly, Federal Court, CIAJ's President
- Debra Sparrow, Knowledge Keeper of the Musqueam First Nation, weaver and artist, Vancouver

*Chair*

- The Honourable Robert J. Bauman, Chief Justice of British Columbia and of the Court of Appeal of Yukon

*Program Co-Chair*

- The Honourable Justice P. Colleen Suche, Court of Queen's Bench of Manitoba, CIAJ's First Vice-President

*Honorary Chair*

- The Honourable Murray Sinclair

*Special Guest*

- Chief Dr. Robert Joseph, OBC, OC, Reconciliation Canada

*Master of Ceremonies*

- Scott Robertson, Senior Associate, Nahwegahbow, Corbiere

**10:00 – 11:30 am**      **PANEL ONE | Voices Past, Present and Future**

*Keywords: people's experiences, aspirational and inspirational panel*

*Panel Chair*

- The Honourable Justice Michelle O'Bonsawin, Superior Court of Justice (Ontario)

*Speakers*

- Georges Erasmus, OC, Former Assembly of First Nations National Chief; Former Royal Commission on Aboriginal Peoples Co-Chair
- Phil Fontaine, OC, OM, Former Assembly of First Nations National Chief
- Elder Kathy Louis, OBC

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**11:30 – Noon**      **LUNCH BREAK** (lunch boxes will be served to on-site participants)

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**Noon – 2:00 pm**      **PANEL TWO | Review of the Legacy and Impact of the *Truth and Reconciliation Commission of Canada* (TRC)**

*Keywords: review of ongoing initiatives, changes at the governmental and legislative levels from the TRC's final report, access to justice, decolonialization, "Land Back" movement, preserving and restoring languages*

*Panel Chair*

- The Honourable Judge Alexander Wolf, Provincial Court of British Columbia

*Speakers*

- Professor Aimée Craft, Faculty of Law – Common Law Section, University of Ottawa
- The Honourable Justice Shannon Smallwood, Northwest Territories' first Dene Supreme Court Judge
- Professor Sheryl Lightfoot, Senior Advisor to the President on Indigenous Affairs; Canada Research Chair in Global Indigenous Rights and Politics; Associate Professor, First Nations and Indigenous Studies and Political Science, University of British Columbia

**2:30 – 3:00 pm**      **CIAJ MEMBERS ANNUAL GENERAL MEETING**

**5:00 – 7:00 pm**      **NETWORKING COCKTAIL | VANCOUVER ROOM**

**ARTS & INFO** | EVERY DAY IN VANCOUVER ROOM: Meet with Indigenous artists, discover beautiful art & craft, and find information at our partners' booths.

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## DAY 2 | THURSDAY, NOVEMBER 18, 2021 – Pacific Time Zone

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### 8:00 – 9:00 am CONTINENTAL BREAKFAST – LOG IN & ONLINE PROGRAM SET UP

*Master of Ceremonies* • Scott Robertson, Senior Associate, Nahwegahbow, Corbiere

### 9:00 – 10:30 am PANEL THREE | Indigenous Laws and Justice System

*Keywords: United Nations Declaration on the Rights of Indigenous People, decolonialization, national UNDRIP implementation, legal pluralism, self-determination, s.35 of the Canadian Charter, Indigenous legal orders, Indigenous jurisdiction*

*Panel Chair*

- Professor Bradford Morse, Faculty of Law, Thompson Rivers University

*Speakers*

- Professor Val Napoleon, Director, JD/JID program; Law Foundation Chair of Indigenous Justice and Governance, University of Victoria
- Joyce King, Director of Justice for the Mohawk Council of Akwesasne, Akwesasne Court; Justice of the Peace under section 107 of the *Indian Act*
- The Honourable Judge Garth Smith, First Nation Court of New Westminster, British Columbia

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### 10:30 – 10:45 am BREAK

### 10:45 am – Noon PANEL FOUR | Student Panel: Navigating Law School as an Indigenous Student

*Keywords: cultural competency, cross-cultural training, Indigenous perspectives on education, place of Indigenous law in law school curriculum, Indigenous expertise and authority*

*Panel Chair*

- Mark Gervin, Lawyer; Director of the Indigenous Legal Clinic, Peter A. Allard School of Law, University of British Columbia

*Speakers*

- Jamie-Lee Keith, student, Faculty of law, Thompson Rivers University
- Shayla Praud, student, Faculty of law, University of Victoria
- Verukah Poirier, student, Peter A. Allard School of Law, University of British Columbia
- Cassandra Sawers, student, Peter A. Allard School of Law, University of British Columbia
- Justin Thompson, student, Osgoode Hall Law School, York University

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### Noon – 12:30 pm LUNCH BREAK (lunch boxes will be served to on-site participants)

### 12:30 – 2:00 pm PANEL FIVE | Child Welfare and Reforms

*Keywords: what is being done, what we can do, An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, how different communities are trying to incorporate Indigenous laws and decisions into their child welfare system*

*Panel Chair*

- The Honourable Justice Tracy Engelking, Superior Court of Justice (Ontario)

*Speakers*

- Professor Sarah Morales, Associate Professor, Faculty of law, University of Victoria
- Halie Bruce, J.D., Barrister & Solicitor, ADR Mediator, Cedar & Sage Law, British Columbia
- Dr. Cindy Blackstock, OC, FRSC, Executive Director, First Nations Child & Family Caring Society of Canada

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## DAY 3 | FRIDAY, NOVEMBER 19, 2021 – Pacific Time Zone

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### 8:00 – 9:00 am CONTINENTAL BREAKFAST – LOG IN & ONLINE PROGRAM SET UP

*Master of Ceremonies* • Scott Robertson, Senior Associate, Nahwegahbow, Corbiere

### 9:00 – 10:15 am PANEL SIX | **Canada's Treatment of Indigenous Offenders**

*Keywords: incarceration rate, the approach of the courts, the results of the Gladue process, introducing cultural tradition in the mainstream court process*

*Panel Chair*

• The Honourable Justice James W. O'Reilly, Federal Court, CIAJ's President

*Speakers*

• The Honourable Justice Michelle O'Bonsawin, Superior Court of Justice (Ontario)

• The Honourable Kim Pate, OC, Senator, Senate of Canada

• Professor Kent Roach, Faculty of Law, University of Toronto

• Jonathan Rudin, Lawyer, Program Director, Aboriginal Legal Services, Toronto

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### 10:15 – 10:30 am BREAK

### 10:30 am – Noon PANEL SEVEN | **First Nation, Metis, Inuit Governments and Self-Government**

*Keywords: towards reconciliation, setbacks and future of the modern treaty process, ongoing land claims, new emerging avenues through which Indigenous Peoples can exercise jurisdiction, sovereignty on the lands, how far will the mainstream society create space for Indigenous sovereignty/natural resources*

*Panel Chair*

• The Honourable Judge Tina Dion, Provincial Court of British Columbia

*Speakers*

• Jason T. Madden, Métis Lawyer, Co-Managing Partner, Pape Salter Teillet LLP

• Merle Alexander, QC+, Principal, Indigenous Law Group, Miller Titerle Law Corporation

• Brenda Young, Community Justice Director, Chippewas of the Thames First Nation

• Nadir André, Indigenous Law Lawyer, Partner, BLG, Montreal Office

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### Noon – 12:30 pm LUNCH BREAK (lunch boxes will be served to on-site participants)

### 12:30 – 2:00 pm PANEL EIGHT | **Reports and Inquiries on Indigenous Peoples and Systemic Racism**

*Keywords: National Inquiry into Murdered and Missing Indigenous Women and Girls, Calls for Justice, Calls to Action, changing the life of Indigenous women, what are the calls to action, what needs to be done next*

*Panel Chair*

• The Honourable Justice Leonard Marchand, Court of Appeal for British Columbia

*Speakers*

• The Honourable Douglas R. Campbell

• The Honourable Judge Diana Vandor, Provincial Court of British Columbia

• Marie-Andrée Denis-Boileau, lawyer; former Counsel, Viens Commission, Quebec; former Gladue Lawyer, Legal Aid BC

• Professor Mary Ellen Turpel-Lafond, Director, Indian Residential School History and Dialogue Centre, Peter A. Allard School of Law, University of British Columbia

### CLOSING REMARKS AND CEREMONY

*Program Co-Chair*

• The Honourable Justice P. Colleen Suche, Court of Queen's Bench of Manitoba, CIAJ's First Vice-President

• Chancellor Steven Lewis Point, University of British Columbia

## YOUR MULTIDISCIPLINARY AND BILINGUAL LEGAL NETWORK FROM COAST TO COAST

CIAJ is a non-profit, independent organization that links individuals and institutions involved in the administration of justice across Canada. Its work is multidisciplinary and wide-ranging. Collaborating with governments, courts, tribunals, professional associations, law schools and law firms, CIAJ sponsors and conducts conferences and specialized seminars and prepares comprehensive papers and reports. Its services are offered in both official languages.

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## Contact us

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[www.ciaj-icaj.ca](http://www.ciaj-icaj.ca)

## 46<sup>th</sup> Annual Conference October 26-28, 2022 | Halifax



**The Right to Dignity in Canadian  
Law: From the Cradle to the Grave**

<https://ciaj-icaj.ca/en/upcoming-programs/2022-annual-conference/>