

9TH NATIONAL CONFERENCE ON INDIGENOUS CRIMINAL JUSTICE POST-GLADUE

*25 Years after the Supreme Court
of Canada Decision*

Join an experienced, multi-disciplinary faculty from across Canada to discuss current challenges and explore ways to improve the criminal justice system as it affects indigenous people.

- Critical case law updates
- Indigenous identity at the margins: navigating *R v. Kehoe* (2023 BCCA 2) and *R. v. Hamer* (2021 BCCA 297)
- How judges and counsel can engage with *Gladue* principles in a meaningful way
- Sealing of *Gladue* Reports
- Can *Gladue* reports re-traumatize in the pursuit of healing?
- *Gladue* reports as Indigenous (oral) storytelling: traditional aspects to modern justice

Register today at:

osgoodepd.ca/indigenous-criminal-justice

PROGRAM CHAIRS

The Hon. Justice Jeanine LeRoy
Associate Chief Justice,
Co-Ordinator of Justices of the Peace,
Ontario Court of Justice

Caitlyn Kasper
Senior Staff Lawyer,
Aboriginal Legal Services

KEYNOTE SPEAKER

Niigaanwewidam Sinclair
Professor of Native Studies,
University of Manitoba

REGISTRATION OPTIONS

October 26, 2024:
9:00 a.m. – 4:30 p.m. ET
In-Person or Online (Live)

OR

December 6, 2024:
9:00 a.m. – 4:30 p.m. ET
Online (Replay)

Can't make the date?
*Registration includes 120-day
unlimited, online access to the
recorded program.*



Co-Presented with



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Gaa kina gwii waabamaa debwewin



9TH National Conference on Indigenous Criminal Justice Post-*Gladue*

*25 Years after the Supreme Court of
Canada Decision*

It has been 25 years since the Supreme Court of Canada's landmark decision in *R. v Gladue*.

Presented by Aboriginal Legal Services and Osgoode Professional Development, this national program brings together a top-tier faculty from a variety of disciplines combining the goals of traditional Indigenous systems and the Canadian justice system. They will share their practical experience, look at what's working and what isn't, and what priorities should be moving forward.

Topics Include

- When should *Gladue* Reports be sealed?
- Roles and responsibilities of counsel and courts in engaging *Gladue* principles in a meaningful way: Current best practices
- Can the preparation of *Gladue* Reports harm the subject of the report?
- Key case law update
- How should courts address claims of Indigenous identity in cases where identity is difficult to determine?

Who Should Attend

If you work with Indigenous people involved in the criminal justice system, this is an important event that you should not miss.

Register today at:

osgoodepd.ca/indigenous-criminal-justice

Agenda

9:00 a.m.

Opening Ceremony

Dorothy Peters

Traditional Teacher,
Aboriginal Legal Services

Welcome and Introduction from
the Chairs

9:15 a.m.

Case Law Update

Promise Holmes Skinner

Criminal Lawyer, LLM Student,
University of Toronto

A review of some of the more
interesting cases of recent years that
have incorporated a *Gladue* and Ipeelee
analysis.

10:00 a.m.

Sealing *Gladue* Reports

Associate Chief Judge Susan Wishart

Provincial Court of B.C., (Victoria)

Jason Edwards

Criminal Defence Lawyer, Area Director,
Newfoundland and Labrador
Legal Aid Commission (St. John's)

Sarah Evans

Criminal Defence Lawyer, Newfoundland
and Labrador Legal Aid Commission
(St. John's)

(Appearing by live video)

Gladue Reports contain very sensitive
personal information regarding not only
the person who is the subject of the
report, but also regarding their family
and friends. Different practices have
developed across the country where
counsel have sought to have the *Gladue*
Reports sealed. This session will look at
some of these issues.

10:45 a.m.

Break

11:00 a.m.

Identity at the Margins

The Honourable Justice

Jonathan George

Ontario Court of Appeal

Amanda General

Senior Manager, *Gladue* Writers,
Aboriginal Legal Services

Darryl Leroux

Associate Professor, School of Political
Studies, University of Ottawa

The issue of Indigenous identity has become a focus in many different areas. How should courts address claims of Indigenous identity that might be difficult to establish definitively?

12:00 p.m.

Break

12:45 p.m.

"What's in a Name?"

David Millward

Director JD/JID Program,
Associate Professor, Faculty of Law,
University of Victoria

In legal circles it is common to refer to legal principles arising from a case by way of the name of that case. What consideration should be given to the concerns of the person whose name is associated with the case, i.e., Jamie Tanis Gladue, or someone who shares a last name but has nothing to do with the case, i.e. Cindy Gladue and her family (the victim in the Bradley Barton case)."

1:15 p.m.

Roles and Responsibilities of Counsel and Courts in Engaging *Gladue* Principles in a Meaningful Way

The Honourable Justice Jessica Wolfe

Ontario Court of Justice, (Gore Bay)

Shaunna Kelly

Shaunna Kelly Law (Toronto)

Mary Jarrell

Assistant Crown Attorney,
Ministry of the Attorney General
(Ontario)

Gladue and Ipeelee impose responsibilities on judges, defence counsel and crowns. What constitutes best practices today as evolved over the past 25 years?

2:00 p.m.

Do *Gladue* Reports, in the Pursuit of Healing, Re-traumatize Individuals?

Carmela Murdocca

Professor, York University,
York Research Chair in Reparative
and Racial Justice

A.F. Barlow

Ph.D. Student in Indigenous Studies,
Faculty of Native Studies, University of
Alberta, Director of IN A GOOD WAY
CONSULTING, INC.

While *Gladue* Reports are recognized as incredibly helpful for the court, can the preparation of these reports harm their subjects?

3:00 p.m.

Refreshment Break

3:15 p.m.

Q & A

3:30 p.m.

Keynote Speaker

Niigaanwewidam Sinclair

Professor of Native Studies,
University of Manitoba

(Appearing by live video)

4:30 p.m.

Concluding Remarks and Closing Ceremony

Past attendees say it best:

"All speakers were thoughtful, well-informed and generous with their knowledge and experiences."

"A well-organized conference with brilliant and well-informed speakers."

"Everybody was organized, clear and the program ran seamlessly. Sign of true professionals."

"Everyone was well-versed and obviously dedicated to the development of Gladue courts and application of the Gladue principles in regular courts as well."

"All faculty participants were excellent and provided valuable insights and advice."

"An inspiring and refreshing conference with useful information for the 'real world'."

"This program gets better each year! It is important for people who work in the system to attend."

"An excellent program. Very well organized with awesome and knowledgeable presenters. Very respectful."

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The Hon. Justice Jeanine LeRoy
Associate Chief Justice,
Co-Ordinator of Justices of the
Peace, Ontario Court of Justice

Caitlyn Kasper
Senior Staff Lawyer,
Aboriginal Legal Services

Keynote Speaker

Niigaanwewidam Sinclair
Professor of Native Studies, University of Manitoba

Faculty

A.F. Barlow
Ph.D. Student in Indigenous
Studies, Faculty of Native Studies,
University of Alberta, Director of
IN A GOOD WAY CONSULTING, INC.

Jason Edwards
Criminal Defence Lawyer,
Area Director, Newfoundland and
Labrador Legal Aid Commission
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Susan Wishart**
Provincial Court of B.C., (Victoria)

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Registration Details

Fee per Delegate: \$495 + TAX

Fees include attendance and electronic program materials. **Group discounts are available.** Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time prior to the start date of the program. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the start of the program. If a cancellation request is made with less than 14 days notice, an administrative fee equal to 20% of the program cost, to a maximum of \$250 will apply per person. Payment is required to receive access to the program.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 6h 30m CPD
(3h Substantive; 1h Professionalism; 2h 30m EDI).



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osgoodepd.ca/indigenous-criminal-justice



Email: osgoodepd@osgoode.yorku.ca



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