

The 2nd National Conference on Aboriginal Criminal Justice Post-Gladue

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

- Making *Gladue* work in practice
- The unique circumstances of the Aboriginal offender - adoption and foster care
- Recent notable Court decisions dealing with *Gladue*
- Aboriginal Justice programs - realizing *Gladue* outside the Courts
- Possibilities and opportunities along the justice continuum
- *Gladue* Courts: changing the way we work and the way we think

Chairs

Murray G. MacDonald, Director, Aboriginal Justice Leadership Team
Criminal Law Division, Ministry of the Attorney General (Ontario)

Jonathan Rudin, Program Director, Aboriginal Legal Services of Toronto

"This is by far the most relevant and interesting CLE I've ever attended. The inter-disciplinary perspectives and participant attendance are very encouraging and speak volumes about the importance of the program."

Defence lawyer, April 2008

CO-PRESENTED WITH



Aboriginal Legal Services of Toronto

Aboriginal Legal Services
of Toronto

DATE & TIME

Saturday, April 24, 2010
9:00 a.m. - 4:00 p.m. EDT/EST

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

The 2nd National Conference on Aboriginal Criminal Justice Post-Gladue

What attendees from the 1st Conference said:

*"This was an excellent
gathering."*

Delegate from the Ministry of
Community and Correctional
Services

*"Excellent materials and
best collection of research
on Gladue"*

Delegate from Ontario Federation
of Indian Friendship Centres

*"All speakers were excellent.
All provided clear articulation
of challenges and perspectives
to broaden policy discussions
in my own work."*

Delegate from Correctional
Services Canada

Chairs

Faculty

The 1999 landmark Supreme Court of Canada decision in *R. v. Gladue* and the provisions in Section 718.2(e) of the Criminal Code have made it clear that there is a positive duty on counsel to adduce and judges to consider information related to the unique circumstances of Aboriginal people who come before the courts. To date, Aboriginal people continue to be overrepresented in correctional facilities in Canada.

This **2nd National Conference on Aboriginal Criminal Justice Post-Gladue**, jointly presented by the *Ministry of the Attorney General (Ontario)*, *Aboriginal Legal Services of Toronto* and *Osgoode Professional Development*, builds on the solutions put forward in the first conference of 2008.

An expert faculty of judges, Crowns, defence lawyers, academics and front line Aboriginal justice and community workers will examine key challenges facing the justice system.

They will share their practical experience; look at what's working and what isn't, and what the priorities should be moving forward. This conference will be a forum for discussion and there will be plenty of opportunity for your questions and comments. If you work with Aboriginal offenders, this is an important event that you should not miss.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Murray G. MacDonald, Director, Aboriginal Justice Leadership Team, Criminal Law Division
Ministry of the Attorney General (Ontario)

Jonathan Rudin, Program Director, Aboriginal Legal Services of Toronto

The Hon. Justice Deborah Austin
Ontario Court of Justice

Cindy Blackstock, M.M., PhD, Executive Director
First Nations Child and Family Caring Society of Canada

The Hon. Justice Peter Griffiths, Associate Chief
Justice, Ontario Court of Justice

Kelly Hannah-Moffat, Department of Sociology
University of Toronto

Dan Johnson, Dan Johnson Criminal Law

Trevor Jukes, Assistant Crown Attorney, Thunder Bay
Ministry of the Attorney General (Ontario)

The Hon. Justice Brent Knazan, Ontario Court
of Justice

Lora Mackie, Barrister and Solicitor, Justice
Coordinator, United Chiefs and Councils of Manitoulin
(UCCM)

Paula Marshall, Program Director, Mi'kmaw Legal
Services Network

Paula Maurutto, Department of Sociology
University of Toronto

Erin Metzler, Lawyer, Legal Aid Ontario

Judy L. Mungovan, Counsel, Aboriginal Justice
Leadership Team, Criminal Law Division, Ministry of the
Attorney General (Ontario)

Charlene Avalos, Director of Support Services
Native Child and Family Services of Toronto

Rosemary Smith, Manager, Victim Witness Assistance
Program (VWAP)

Christine Smith-Parnell, Executive Director
Vancouver Aboriginal Transformative Justice Services
Society

Jaime L. Stephenson, Ingrassia Macaluso Stephenson
Mandy Wesley, Staff Lawyer, Aboriginal Legal Services
of Toronto

Erin Winocur, Assistant Crown Attorney- Criminal
Law Policy Branch, Ministry of the Attorney General
(Ontario)

Jill Witkin, Deputy Crown Attorney, Old City Hall
Specialty Courts, Ministry of the Attorney General
(Ontario)

Shelly Vanderhoef, Courtworker Supervisor
Aboriginal Legal Services of Toronto

8:00 Registration and Continental Breakfast

9:00 Opening Ceremony by Elder Welcome and Introduction from the Chairs

Murray G. MacDonald, Director, Aboriginal Justice Leadership Team, Criminal Law Division, Ministry of the Attorney General (Ontario)

Jonathan Rudin, Program Director, Aboriginal Legal Services of Toronto

9:20 Possibilities and Opportunities Along the Justice Continuum

Judy L. Mungovan, Counsel, Aboriginal Justice Leadership Team, Criminal Law Division Ministry of the Attorney General (Ontario)

Erin Winocur, Assistant Crown Attorney Criminal Law Policy Division, Ministry of the Attorney General (Ontario)

Mandy Wesley, Staff Lawyer, Aboriginal Legal Services Toronto

These speakers will identify and discuss the various opportunities for intervention along the justice continuum. Each stage along that continuum, whether it is when the charge is first laid, a first court appearance, a bail hearing or a sentencing hearing, is a potential opportunity to improve the justice response to Aboriginal offenders. Specific case examples will be used to inform the discussion.

10:05 *Gladue* Before the Courts

Erin Metzler, Lawyer, Legal Aid Ontario

Ms. Metzler will examine some significant decisions by Courts of Appeal and trial Courts in relation to *Gladue* over the past two years.

10:35 Refreshment Break

10:50 Making *Gladue* Work in Practice: Two Case Studies

Moderator

The Hon. Justice Deborah Austin
Ontario Court of Justice

Panellists

Trevor Jukes, Assistant Crown Attorney
Thunder Bay, Ministry of the Attorney General (Ontario)

Shelly Vanderhoef, Courtworker Supervisor
Aboriginal Legal Services Toronto

Rosemary Smith, Manager
Victim Witness Assistance Program (VWAP)

Jaime L. Stephenson, Ingrassia Macaluso Stephenson

Working from two case studies, this panel will offer some valuable advice on how *Gladue* principles can inform negotiations and discussions at the bail and sentencing stages of the justice continuum.

12:00 The Unique Circumstances of the Aboriginal Offender: Adoption and Foster Care

Cindy Blackstock, M.M., PhD, Executive Director
First Nations Child and Family Caring Society
of Canada

Charlene Avalos, Director of Support Services
Native Child and Family Services of Toronto

Aboriginal offenders are more likely than other offenders to have been adopted or otherwise involved with the child welfare system. This session will provide a front-line look at the systemic reasons why adoption and foster care are such significant issues for Aboriginal offenders, its ramifications in the criminal justice context, and some mitigation strategies.

12:45 Networking Luncheon

1:30 Aboriginal Community Justice Programs: Realizing *Gladue* Outside of the Courts

Moderator

The Hon. Justice Peter Griffiths
Associate Chief Justice, Ontario Court of Justice

Panellists

Lora Mackie, Barrister and Solicitor
Justice Coordinator, United Chiefs and Councils of
Manitoulin (UCCM)

Christine Smith-Parnell, Executive Director
Vancouver Aboriginal Transformative Justice
Services Society

Paula Marshall, Program Director, Mi'kmaq Legal
Support Network

Aboriginal Justice programs have a long history of working successfully with Aboriginal people who are in conflict with the law. This panel will look at three very different Aboriginal Community Justice programs operating across Canada, their respective approaches, successes, some best practices and lessons learned.

2:30 Refreshment Break

2:45 *Gladue* Courts: Changing the Way We Work, Changing the Way We Think

Paula Maurotto, Department of Sociology
University of Toronto

Kelly Hannah-Moffat, Department of Sociology
University of Toronto

Agenda [Cont'd]

Roundtable Discussion

The Hon. Justice Brent Knazan
Ontario Court of Justice

Jill Witkin, Deputy Crown Attorney, Old City
Hall Specialty Courts, Ministry of the Attorney
General (Ontario)

Dan Johnson, Dan Johnson Criminal Law

Ms. Maurotto and Ms. Hannah-Moffat have observed
Gladue Courts and have found that the way in which
these judicial decisions were arrived at involved a larger
number of people and more and different perspectives
than other judicial decisions. They will present their
findings.

Following this presentation, there will be a roundtable
discussion among two experienced lawyers, representing
Crown and defence perspectives and a judge, all who are
regularly working in *Gladue* Courts. They will reflect on
their experiences in light of the study.

3:45 Concluding Remarks Closing Ceremony by Elder

4:00 Conference Ends

*"Great representation from Judges, Crowns,
ALST and probation. Good opportunity for
networking!"*

Delegate from the Ministry of Community and
Correctional Services, April 2008

Registration

Register me for *Aboriginal Criminal Justice Post-Gladue*

I will attend: On site Via webcast - single viewer

Name: _____ Title: _____

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Fee Per Delegate

\$370 plus 5% GST for a total of \$388.50.

Fees include attendance, program materials, continental breakfast, lunch, and break refreshments.
On Site – Group Discount: Register and pay for 3 members of the same organization at the same
time, and the 4th attends for free.

Webcast – The fee is for a single webcast viewer. For webcast group discount information,
visit www.osgoodepd.ca. Inquire about financial assistance and CLE credits.

OPD Searchable e-Binder now available! Contact us for more information.

CLE Credits

Approved in accordance with the requirements of BC CPD, Barreaux du Québec and the NY CLE Board
(for transitional and non-transitional lawyers). Note: NY CLE Credits are not available for webcast
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Program Changes

We will make every effort to present the
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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. If you are unable to find a substitute,
a full refund (less \$50 administration fee) is
available if a cancellation request is received
in writing 14 days prior to the program date. No
other refund is available.

Date & Time

Saturday, April 24, 2010
9:00 a.m. - 4:00 p.m. EDT/EST

Please arrive a half hour early for sign-in
and material pick-up.
Dress is business casual.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
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- FAX** your registration to
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