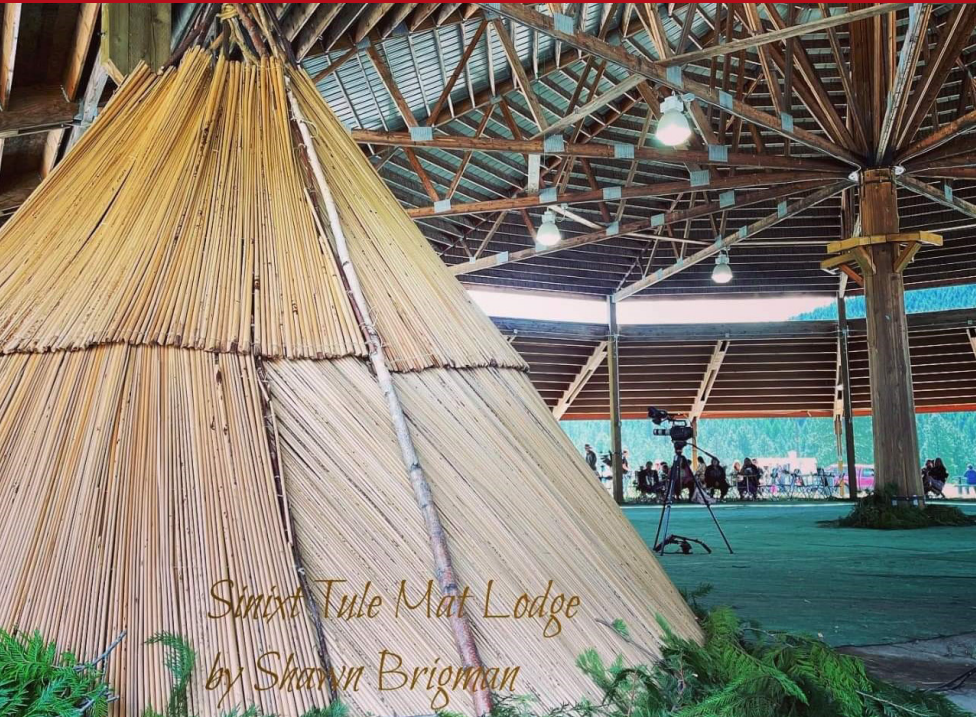




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*Simixt Tule Mat Lodge
by Shawn Briggman*



Unpacking the Supreme Court of Canada Decision in *R. v. Desautel*

Chaired by

Mark Underhill
Arvay Finlay LLP

August 10th, 2021 (9:00am – 12:00pm) • Attend via Live Webinar



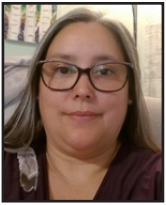
CHAIR



Mark Underhill, Partner, Arvay Finlay LLP, Vancouver, BC. Mark maintains a broad general civil litigation practice, with particular expertise in Aboriginal, administrative, and environmental law. He has appeared at all levels of Court, including the Supreme Court of Canada, where he most recently acted in *R. v. Desautel*. He acts regularly

for a number of independent administrative tribunals and officers of the legislature. Mark has been selected by his peers to be included in Best Lawyers in Canada in the areas of Aboriginal, administrative and public, and environmental law, and has been L'expert rated in the areas of environmental and Aboriginal law.

FACULTY



Julie Blackhawk, General Counsel, Department of Justice Canada, Ottawa, ON. Julie Blackhawk joined the Department of Justice in the Vancouver Regional Office with the Aboriginal Litigation Group in 2000. Since then, she has worked on a range of s.35 Aboriginal rights and title issues for the Department. Julie is currently General

Counsel in the Aboriginal Law Centre, in Ottawa, supporting litigation the Department is engaged in on s.35 issues. Julie is Haudenosaunee, originally from Tyendinaga Mohawk Territory. She is a member of the Bear Clan. She also has strong connections to the Anishinabe, Lac Seul First Nation, through her spouse and their two daughters.



Kate Gunn, Lawyer, First Peoples Law Corporation, Vancouver, BC. Kate works on behalf of Indigenous peoples across Canada on issues related to Aboriginal, environmental and constitutional law. Kate is an experienced litigator who has represented clients at all levels of court, including the Supreme Court of Canada.



Dr. Bruce Mclvor, Lawyer and Historian, Principal, First Peoples Law Corporation, Vancouver, BC. Dr. Bruce Mclvor is principal of First Peoples Law Corporation, a law firm dedicated to defending and advancing Aboriginal title, Aboriginal rights and Treaty rights. His work includes both litigation and negotiation on behalf of Indigenous Peoples

across Canada. Bruce is dedicated to public education. He recently published the third edition of his collection of essays entitled *First Peoples Law: Essays in Canadian Law and Decolonization*. He is also an Adjunct Professor at the University of British Columbia's Allard School of Law where he teaches the constitutional law of Aboriginal and Treaty rights. Bruce is a proud Métis from the Red River in Manitoba. He holds a law degree, a Ph.D. in Aboriginal and environmental history and is a Fulbright Scholar. Bruce, a member of the bar in British Columbia and Ontario, is recognized nationally and internationally as a leading practitioner of Aboriginal law in Canada.



Kate Phipps, Associate, Arvay Finlay LLP, Vancouver, BC. Kate Phipps is a litigator with particular expertise in administrative law. Kate regularly advises tribunals and government agencies on complex proceedings, policy development and regulatory compliance. Kate also advises societies on governance matters, with a specific focus on post-secondary student societies. Her litigation practice

focuses on public law matters including administrative law and judicial review, privacy, aboriginal and constitutional law, labour, employment and human rights. Kate has appeared and assisted senior counsel before all levels of court in British Columbia as well as the Supreme Court of Canada. She has also advocated for clients before a range of administrative tribunals including the Information and Privacy Commissioner and the Human Rights Tribunal.



Crystal Reeves, Associate, Mandell Pinder LLP, Vancouver, BC. Crystal's work includes advocacy, negotiations, research, and strategic advice with respect to aboriginal rights and governance, participation in environmental assessments, consultation and accommodation, Indigenous laws and governance and child protection matters. She has been involved in litigation involving Aboriginal

rights, child protection and family law matters, commercial litigation, and employment matters on behalf of First Nation clients, as well as involved in regulatory hearings regarding major resource projects. Crystal was also co-counsel to a coalition of First Nations and Aboriginal fisheries organizations that participated in the Cohen Inquiry into the Decline of Sockeye Salmon in the Fraser River.

Glen Thompson, Barrister, Indigenous Legal Relations, Natural Resources, Transportation and Indigenous Legal Group, Ministry of Attorney General, Victoria, BC.



Jack Woodward, Q.C., Lawyer, Campbell River, BC. Jack Woodward is a practising lawyer specializing in Indigenous law. Formerly with Rosenberg, Rosenberg & Woodward in Vancouver, and then with Woodward & Company in Victoria, he now heads a small litigation firm in Campbell River. His cases of note include *Meares Island*, 1985 CanLII 154 (BCCA), *Tsilhqot'in*, 2007 BCSC 1700, *Fort McKay First Nation v Prosper Petroleum Ltd*, 2020 ABCA 163. He

is the author of *Native Law*, the leading reference text, which he updates 6 times annually.

WHO SHOULD ATTEND:

- Lawyers practising in the area of Aboriginal law, Indigenous law or administrative law
- Indigenous leaders, officials, councillors, community leaders, and elders
- Consultation professionals
- Federal, Provincial, and Municipal Government officials involved with Indigenous issues
- Negotiators, mediators, and consultants

Unpacking the Supreme Court of Canada Decision in *R. v. Desautel*

The Supreme Court of Canada's recent decision in *R. v. Desautel* addressed a number of issues of import to Indigenous communities, with potentially profound impacts on the future of Aboriginal rights and their exercise. The SCC held that the expression "Aboriginal peoples of Canada" contained in Section 35 refers not only to Indigenous peoples who are Canadian citizens, but more specifically to the modern-day successors of Aboriginal societies that occupied Canadian territory at the time of European contact, including Indigenous persons and groups that now reside outside of Canada. The court recognized that persons who belong to an Aboriginal people have protected and exercisable rights under Section 35, despite not being residents of Canada or Canadian citizens. The case is an important development in Aboriginal law and in the ongoing journey towards rights-recognition and reconciliation with Indigenous peoples.

This half day intensive program brings together key participants in the litigation. Join us as representatives for the respondent, Provincial and Federal Crown, and intervenor groups unpack the meaning of the decision and what the future might hold.

Agenda – August 10th, 2021

9:00 Welcome and Introduction by PBLI

Julie Blackhawk

Department of Justice Canada

9:05 Chair's Welcome and Introduction

Mark Underhill

Arvay Finlay LLP

- History of the case
- Overview of the SCC decision

11:00 Questions and Discussion

11:10 Perspectives from the Intervenors

Kate Gunn & Dr. Bruce McIvor

First Peoples Law Corporation

Crystal Reeves

Mandell Pinder LLP

Jack Woodward, Q.C.

Lawyer

9:20 Perspectives from the Respondent

Kate Phipps & Mark Underhill

Arvay Finlay LLP

10:00 Questions and Discussion

10:10 Break

11:50 Questions and Discussion

10:20 Perspectives from the Provincial and Federal Crown

Glen Thompson

Ministry of the Attorney General of British Columbia

12:00 Chair's Closing Remarks – Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1677

Registration: The registration fee is \$299.00 plus GST of \$14.95 totalling **\$313.95** covering your access to the live webinar and electronic materials.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**August 3rd, 2021**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **3 hours** of continuing professional development with the Law Societies of BC and Ontario. For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

Registration Form Pacific Business & Law Institute

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Unpacking the Supreme Court of Canada Decision in *R. v. Desautel*

August 10th, 2021

Attend via Live Webinar

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Aboriginal rights & title Aboriginal governance Local government Other _____

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