

IMPLEMENTING GLADUE:

Law & Policy

20 Years After the Aboriginal Justice Inquiry

March 17, 2011
1:00-4:30 PM

Robson Hall Faculty of Law
Moot Court Room
University of Manitoba



Centre for Human Rights
Research Initiative

THE SOCIAL JUSTICE
AND HUMAN RIGHTS
RESEARCH PROJECT



UNIVERSITY
OF MANITOBA

Faculty of Law



Implementing Gladue: Law & Policy 20 Years After the Aboriginal Justice Inquiry

A symposium presented by the Social Justice and Human Rights Research Project and the Centre for Human Rights Research Initiative

This year marks the 20th anniversary of the release of the Report of the Aboriginal Justice Inquiry of Manitoba, which found that “The justice system has failed Manitoba’s Aboriginal people on a massive scale. It has been insensitive and inaccessible, and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers.” The 1998 decision of the Supreme Court of Canada in Gladue set out a framework for the sentencing of Aboriginal people meant to address what Parliament and the court recognized as a crisis of overrepresentation.

AGENDA

1:00-2:30

Panel 1 - Gladue: Promise and Reality

- Chair: Professor Wendy Whitecloud, Faculty of Law, University of Manitoba
- Dr. David Milward, Faculty of Law, University of Manitoba
- Professor Debra Parkes, Faculty of Law, University of Manitoba
- Ms. Sandra DeLaronde, Executive Director, Helen Betty Osborne Foundation
- Dr. Paula Maurutto, and Dr. Kelly Hannah Moffat, Department of Sociology, University of Toronto (via videolink)

1:00-2:30

Health Break (light refreshments will be provide)

3:00-4:30

Panel 2 - Gladue on the Ground: Best Practices and Future Directions

- Chair: The Honourable Chief Judge Ken Champagne, Provincial Court of Manitoba
- Mr. Jonathan Rudin, Program Director, Aboriginal Legal Services of Toronto
- The Honourable Chief Judge Karen Ruddy, Yukon Territorial Court
- Professor Brenda Gunn, Faculty of Law, University of Manitoba



The Honourable Chief Judge Ken Champagne

The Honourable Chief Judge Ken Champagne received his LLB from the Faculty of Law at the University of Manitoba in 1993. He was called to the Manitoba Bar in 1994. He worked as a Crown Attorney and then Supervising Crown Attorney with Manitoba Justice in Thompson, and then as Senior Crown Attorney in the Family Violence Unit of Manitoba Justice in Winnipeg. He was appointed as a Judge of the Provincial Court of Manitoba in 2005 and as Chief Judge of the Court in 2009.



Ms. Sandra DeLaronde

Sandra DeLaronde is currently on secondment as Executive Director of the Helen Betty Osborne Memorial Foundation, from Manitoba Justice. Additionally, she is currently completing a PhD program in Human and Organizations Systems at Fielding Graduate University. She completed her Master's thesis on the application of section 718.2(e) in Manitoba Provincial Courts with particular emphasis on the "Gladue Factors".



Professor Brenda Gunn

Brenda Gunn joined Robson Hall in July 2009 as an Assistant Professor. She has a B.A. from the University of Manitoba and a J.D. from the University of Toronto. She completed her LL.M. in Indigenous Peoples Law & Policy at the University of Arizona. She articulated with Sierra Legal Defence Fund (now Ecojustice Canada). She also worked at a community legal clinic in Rabinal, Guatemala, on a case of genocide submitted to the Inter-American Commission of Human Rights. She has also consulted on treaty rights cases in Manitoba. She has authored articles on the impacts of the NAFTA free trade agreement on Indigenous peoples and their interests, as well as on the protection of Indigenous peoples' lands and making room for the application of their own laws within the Canadian legal system.



Dr. Kelly Hannah-Moffat

Kelly Hannah-Moffat is a Professor and Chair of the Department of Sociology at University of Toronto Mississauga. She joined the Department of Sociology in 1999. She is cross appointed to the Centre of Criminology and is a Massey College Senior Fellow. Hannah-Moffat also worked as a policy advisor for Madame Justice Louise Arbour on the Commission of Inquiry into Certain Events at the Prison for Women in Kingston and was the President of the Toronto Elizabeth Fry Society. She has published numerous articles and books on risk, punishment, parole, gender and diversity, women's imprisonment, specialized courts, actuarial sentencing and criminal justice decision-making.

Dr. Paula Maurutto

Dr. Paula Maurutto is an Associate Professor in the Department of Sociology and cross-appointed to the Centre of Criminology at the University of Toronto. She teaches and researches in the area of criminology and socio-legal studies. Currently, she, along with Dr. Hannah-Moffat, are working on a SSHRC funded study examining specialized courts across Canada. She has researched and published in the area of law, race and risk, youth crime, charity governance and specialized courts. Her work has appeared in international peer reviewed journals, Department of Justice reports and her book *Governing Charities* (2003) was published by McGill-Queen's University Press.



Dr. David Milward

David Milward is an Assistant Professor in the Faculty of Law. He is a member of the Beaudry's & Okemasias Nation in Saskatchewan and he received his PhD in Law at the University of British Columbia in 2009. Dr. Milward has taught courses in both Law and Sociology. His areas of specialization are criminal law and Aboriginal law, with a particular focus on Aboriginal justice issues. David has several publications, including recent articles in the *International Journal of Punishment and Sentencing* and the *International Journal on Minority and Group Rights*.



Professor Debra Parkes

Debra Parkes is an Associate Professor in the Faculty of Law. She teaches and researchers in a variety of areas related to constitutional and human rights law, criminal law, employment and labour law, and penal law and policy. Her research examines the challenges and possibilities of framing and adjudicating human rights claims in a variety of venues and contexts, with a particular focus on equality rights, social and economic rights, and prisoners' rights. She is Past-President of the Canadian Law & Society Association, a national association of scholars from many disciplines who are interested in the place of law in social, political, economic and cultural life. In recognition of her human rights work, Debra has received the University of Manitoba Outreach Award (2005) and the Manitoba Bar Association Equality Rights Award (2008).



The Honourable Chief Judge Karen Ruddy

Chief Judge Ruddy was appointed to the Territorial Court of Yukon on October 29, 2004. She was appointed as Chief Judge of the Court on April 9, 2008 for a three year term. During her tenure in the Court, she has been actively involved in the Domestic Violence Treatment Court and in the creation of the Community Wellness Court. Judge Ruddy has practiced in the areas of criminal and family law, civil litigation, and administrative law. Prior to her judicial appointment, she worked as a Prosecutor and was Regional Director with the Department of Justice Canada.



Mr. Jonathan Rudin

Jonathan Rudin received his LL.B. and LL.M. from Osgoode Hall Law School. In 1990 he was hired to establish Aboriginal Legal Services of Toronto and has been with ALST ever since, currently acting as Program Director. While at ALST he helped establish the Community Council – the first urban Aboriginal justice program in Canada in 1992, and in 2001 helped establish the Gladue (Aboriginal Persons) Court at the Old City Hall Courts in Toronto. Mr. Rudin has appeared before all levels of court, including the Supreme Court of Canada, and has written and spoken widely on issues of Aboriginal justice. He co-wrote the Royal Commission on Aboriginal Peoples' report on Justice *Bridging the Cultural Divide* and was a member of the Research Advisory Committee of the Ipperwash Inquiry. Mr. Rudin also teaches on a part-time basis in the Law and Society Program at York University. Last but not least, he plays the mandolin and sings with Gordon's Acoustic Living Room, a group that plays regularly in Toronto and has a number of videos on YouTube.



Professor Wendy Whitecloud

Wendy Whitecloud has taught Aboriginal law for almost two decades in the Faculty of Law and she is the Director of the Academic Support Program. She has served as a commissioner for the Aboriginal Justice Implementation Commission which issued its report in June 2001. The Commission was a follow up to the Aboriginal Justice Inquiry Report of 1991 which had reported upon a wide range of topics related to justice and Aboriginal people. Professor Whitecloud serves on a number of Aboriginal and non Aboriginal community service organizations which seek to address issues related to justice, women and children.

Symposium Coordinator: Professor Debra Parkes, Faculty of Law, University of Manitoba.

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