INDIGENOUS LAW 2018:
CURRENT ISSUES

Chaired by

Robert J. M. Janes, Q.C.
JFK Law Corporation

April 25th & 26th, 2018 • UBC Robson Square • Vancouver, BC

Live Webinar also available!
We are pleased to offer our successful sponsorship program for First Nation, Métis and Inuit youth to attend forums offered by Pacific Business & Law Institute. For further information about applying to attend this or other programs, please go to www.pbli.com/aboriginal-youth-sponsorship.

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The state of Indigenous law in Canada is constantly evolving, and for those working in this dynamic area, including those who advise First Nations or governments, it is essential to remain current on the latest developments. Staying abreast of the changing landscape is fundamental for advisors to practice effectively, and for First Nations to exercise their rights to their greatest benefit. This program assembles leaders in the field of Indigenous law to provide delegates with in-depth information and practical insights to ensure that they are prepared to effectively address current challenges and to take proactive steps to avoid common pitfalls. For those who wish to remain current and informed, this program should not be missed.

WHO SHOULD ATTEND:

- Lawyers practising in the areas of Indigenous law, administrative law, and business law
- Indigenous leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Owners, managers and representatives of resource development companies and companies operating on Crown land
- Federal, provincial and municipal government officials and policy advisors
- Consultants, accountants, financial planners, and others assisting First Nations with financial matters and business operations

KEY AREAS ADDRESSED:

- UNDRIP
- Recent and current litigation around pipelines and Site C
- Important pronouncements from the Supreme Court of Canada in the areas of regulatory approval, religious freedoms, land use planning and more
- Métis consultation
- The Ring of Fire
- The ongoing treaty 8 boundary dispute

YOUTH SPONSORSHIP PROGRAM

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Dr. Gordon Christie, Professor of Law and Director of the Indigenous Legal Studies Program, Peter A. Allard School of Law, University of British Columbia, Vancouver, BC. Professor Christie is of Inupiat/Inuvialuit ancestry and specializes in Aboriginal law. He has a PhD (in philosophy) from the University of California, Santa Barbara and a LLLB from the University of Victoria. His teaching is primarily in the fields of Aboriginal law and legal theory, and his research work is entirely concerned with the ways in which the idea of a legal system is constructed. His current research focuses on how colonial systems of cultural meaning frame Canadian jurisprudence around Aboriginal rights.

Bridget Gilbride, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. Bridget is a litigator in Vancouver specializing in Aboriginal, environmental, and maritime law. She advises clients seeking provincial and federal project approvals and permits, including environmental assessments, and represents clients in regulatory hearings and litigation. Bridget also acts as counsel at administrative tribunals and at all levels of court in British Columbia and the Federal Court, and has appeared as counsel at the Supreme Court of Canada. She has extensive Aboriginal law experience, and assists clients in understanding both the law and their obligations. She advises clients who are consulting with Aboriginal groups and represents their interests in court challenges, injunctions and regulatory proceedings.

Jeffrey Huberman, Principal, Grant Huberman Barristers & Solicitors, Vancouver, BC. Jeff has a considerable amount of experience working with Indigenous Nations and their members on a variety of legal issues including, constitutional development, treaty negotiations, and capacity and policies, as well as strategies for the recognition and implementation of Indigenous peoples’ rights, title, and interests in a more traditional law firm setting. He has appeared at all levels of court in BC, as well as the Federal Court. He has also worked within a traditional Indigenous legal system guided by knowledge-holders and elders. He is passionate about culture and language, and advancing the interests of Indigenous peoples in ways that protect, preserve, and celebrate their unique heritage.

Matthew Mehaffey, Consultant, Westaway Law Group, Vancouver, BC. Matthew Mehaffey has a law degree from the University of British Columbia and, prior to joining Westaway Law Group, had been the Principal at Mehaffey Consulting since 2005, having joined in 1988. Matthew specializes in Indigenous rights law and has long been engaged in negotiations with provincial and federal governments concerning Métis and First Nation land rights, harvesting rights, commercial harvesting and self-governance agreements. He has also represented oil and gas clients on challenges to licenses (including judicial review and title litigation) as well as related injunction proceedings. Kevin has appeared as counsel for industry stakeholders in a number of critical Aboriginal cases at the Supreme Court of Canada. He has also represented the Metis Nation of Alberta, and was named “Benchmark Canada’s 2017 “Litigation Star” for Aboriginal Law in BC.”

Kevin O’Callaghan, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Kevin is leader of his firm’s Indigenous Law group, and provides strategic advice in the management of Aboriginal rights and title negotiations and consultation with Indigenous peoples, including advice on negotiations and agreements. However, if unavoidable conflicts arise during project development, Kevin appears before courts, tribunals and arbitration panels to assist his forestry, mining, and oil and gas clients. His clients include First Nations, municipalities, and provincial and territorial governments, as well as related injunctive proceedings. Kevin has appeared as counsel for industry stakeholders in a number of critical Aboriginal cases at the Supreme Court of Canada. He has also represented the Metis Nation of Alberta, and was named “Benchmark Canada’s 2017 “Litigation Star” for Aboriginal Law in BC.”

Allison Russell, Managing Senior Associate, Rana Law, Vancouver, BC. Allison practises civil litigation with a focus on Aboriginal and treaty rights, environmental and regulatory issues. She has appeared in all levels of court in British Columbia, as well as in the federal courts for the interpretation of Aboriginal rights, as well as related injunction proceedings. Kevin has appeared as counsel for industry stakeholders in a number of critical Aboriginal cases at the Supreme Court of Canada. He has also represented the Metis Nation of Alberta, and was named “Benchmark Canada’s 2017 “Litigation Star” for Aboriginal Law in BC.”

Krista Robertson, Senior Counsel, JFK Law Corporation, Victoria, BC. A core area of Krista’s practice is negotiating and drafting consultation and accommodation agreements between First Nations, governments and industry. She also represents Indigenous groups in regulatory review processes ranging from environmental assessments to judicial reviews of regulatory permits. Krista is experienced in designing and managing research projects to support the advancement of Aboriginal rights in negotiations, specific claims, and litigation processes. Krista is passionate about justice for Indigenous people and takes a practical, solutions based approach to her work. She is a former Director of the CBA National Aboriginal Law Section, and the former CBA representative on the Federal Court – Aboriginal Law Bar Liaison Committee.

Elin Sigurdson, Associate, Mandell Pinder LLP, Vancouver, BC. Elin’s practice focuses on Aboriginal and constitutional litigation and dispute resolution. Elin represents a number of Indigenous clients, environmental organizations and their counsel to challenge the approvals of the Northern Gateway Pipelines Project. She has worked with Aboriginal groups across Canada to advance both litigation and non-litigation strategies for attaining proper recognition of treaty rights; and with First Nation governments to develop internal capacity and policies, as well as strategies for the recognition and implementation of Indigenous law and jurisdiction. Elin also works with clients in their efforts to ensure that the duty to consult owed to Indigenous peoples is carried out honourably by the Crown. Elin has appeared in all levels of court in British Columbia and Ontario, the Federal Courts and the Supreme Court of Canada, as well as various tribunals.

Jean Teillet, IPC, Senior Counsel, Pape Saltier Teillet LLP, Vancouver, BC. Jean specializes in Indigenous rights law and has long been engaged in negotiations and litigation with provincial and federal governments concerning Métis and First Nation land rights, harvesting rights, commercial harvesting and self-governance agreements. Jean has been active in negotiations in the BC treaty process and was part of the legal team on the Tlicho Land Claims and Self-Government Agreement negotiations. Jean has served as counsel before all levels of court, including lead counsel before the Supreme Court of Canada. She was the first recipient of the Law Society of Upper Canada’s Lincoln Alexander Award and, in 2011, was awarded the title “Indigenous Peoples Counsel” by the Indigenous Bar Association. In 2012, she was awarded the Queen Elizabeth II Diamond Jubilee Medal. She has been awarded two honorary doctorates: Guelph University (2014); Law Society of Upper Canada (2015). Jean is the great grand niece of Louis Riel.

Kathryn Teneese, Ktunaxa Nation Chair and Chief Negotiator, Ktunaxa Nation Council, Cranbrook, B.C. Kathryn Teneese is the Ktunaxa Nation’s second Chief Negotiator for the ongoing treaty negotiations with Canada and British Columbia. Her active participation in public service began in the late 1960s at the Columbia Lake Band (now known as the Kiks’iks First Nation) as a Band Council member associated with the Columbia Lake Band’s land use plans before the Federal Court. She has also worked within a traditional Indigenous legal system guided by knowledge-holders and elders. She is passionate about culture and language, and advancing the interests of Indigenous peoples in ways that protect, preserve, and celebrate their unique heritage.

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APRIL 25TH, 2018 (DAY ONE)

9:00 Welcome and Introduction by PBLI

9:05 Chair’s Welcome and Introduction
   Robert J. M. Janes, Q.C.
   JFK Law Corporation

1:00 Consultation and the Regulatory Approval Process
   Robert J. M. Janes, Q.C.
   JFK Law Corporation
   • The SCC decisions in Clyde River and Chippewas
   • The role of regulatory bodies in the consultation process
   • What is required to meet consultation requirements when navigating the regulatory approval process?

1:45 Questions and Discussion

1:55 Refreshment Adjournment

2:10 Site C: How to Litigate Issues around Infringement of Treaty Rights
   John W. Gailus
   DGW Law Corporation
   Judith Hoffman (Confirmed subject to approval)
   Department of Justice
   • Current challenges to the Site C dam project
   • Decisions from the FCA and SCC

2:55 Questions and Discussion

3:05 Métis Consultation
   Jean Teillet
   Pape Salter Teillet LLP
   • What is happening with the Métis post-Daniels?
   • Métis in the North West Territories

3:55 Questions and Discussion

4:05 Chair’s Closing Remarks for Day One

4:10 Program Concludes for Day One

10:00 Questions and Discussion

10:10 Refreshment Adjournment

10:25 Pipeline Litigation: Where Have We Been, and What’s Coming Down the Pipes?
   Jan Brongers
   Department of Justice
   Elin Sigurdson
   Mandell Pinder
   Terri-Lynn Williams-Davidson
   White Raven Law Corporation
   • Update on the pipeline litigation
   • Enbridge, Kinder Morgan, Northern Gateway and Eagle Spirit

11:45 Questions and Discussion

12:00 Networking Lunch
### Indigenous Law 2018: Current Issues

**April 26th, 2018 (Day Two)**

#### 9:00 Welcome & Reflections on Day One

**Robert J. M. Janes, Q.C.**  
JFK Law Corporation

#### 9:05 Religious Freedom and the Duty to Consult

**Kathryn Teneese**  
Ktunaxa Nation Council  
**Jeffrey Huberman**  
Grant Huberman Barristers & Solicitors

- The SCC decision in *Ktunaxa Nation*
- Freedom of conscience and religion – Charter protections
- Section 35 considerations

#### 9:55 Questions and Discussion

#### 10:05 Refreshment Adjournment

#### 10:20 The New Fiscal Framework

**Matthew Mehaffey**  
Westaway Law Group

- The Memorandum of Understanding
- The Federal Government’s December 2017 fiscal report

#### 11:20 Questions and Discussion

#### 11:30 The Ring of Fire

**Krista Robertson**  
JFK Law Corporation

- Land use planning and the Far North Act
- Implementing the Regional Framework Agreement for the Ring of Fire – Limits and Opportunities

#### 12:10 Questions and Discussion

#### 12:20 Networking Lunch

#### 1:30 Treaty Obligations and Land Use Planning

**Thomas Berger, Q.C.**  
Aldridge + Rosling LLP

- The *Peel Watershed* decision at the SCC
- The Crown’s duties with respect to treaty implementation
- Where is the right place to start over?

#### 2:30 Questions and Discussion

#### 2:40 Refreshment Adjournment

#### 2:55 Treaty 8 Boundary Dispute

**Allison Russell**  
Rana Law  
**Joel Oliphant**  
Ministry of Attorney General (BC)

- Historical background to the case/factual matrix
- Applicable law - treaty interpretation
- Overview of Justice Johnston’s decision
- Parties use of expert witnesses, ‘common book’ and e-trial

#### 3:45 Questions and Discussion

#### 3:55 Chair’s Concluding Remarks

#### 4:00 Program Concludes
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/1418

Registration: The registration fee is $1,195.00 plus GST of $59.75 totalling $1254.75 covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments on each day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional $50 charge will apply. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by March 26th, 2018 and receive a $200 discount on registration fee ($995.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

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: Check-in begins at 8:30 a.m. The program starts at 9:00 a.m. UBC Robson Square is located at the basement level of 800 Robson Street in Vancouver, BC. Please visit http://www.robsonsquare.ubc.ca/find-us/ for directions.

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 (April 18th, 2018). 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 11 hours of continuing professional development with the Law Societies of BC and Upper Canada. 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.

Register today at www.pbli.com/1418