



# INDIGENOUS LAW

Issues 2016

## Biographical Summaries of Presenters

[Presented in alphabetical order]

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## JULIE ABOUCHAR

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### Profile

**Julie Abouchar, B.Sc. (Hons.), LL.B., B.C.L., LL.M.**, is a partner at Willms & Shier Environmental Lawyers LLP and certified as an Environmental Law Specialist by the Law Society of Upper Canada. Julie is a recognized expert in Aboriginal, environmental and energy regulatory law and a trained mediator. Julie has worked with First Nations and industry clients involved in Aboriginal consultation and accommodation on mining and exploration, infrastructure and energy matters for 20 years. Julie and Willms & Shier lawyers have broken new ground negotiating agreements between First Nations and industry proponents, including impact benefit, participation and exploration agreements, and memoranda of understanding. Julie also helps First Nations capitalize on project development by assisting with their capacity and training needs for economic development.

In addition, Julie provides solutions to environmental law issues ranging from environmental assessment, drinking water protection and contaminated land to environmental risk assessment, site remediation, transactional due diligence and compliance. Julie appeals environmental orders and approvals issued by regulators to tribunals including the Environmental Review Tribunal, and assists clients with environmental inspections, investigations, and negotiations with regulators.

Julie is co-author of *Ontario Water Law*, published by Canada Law Book. Julie is peer selected annually for inclusion in *The Best Lawyers in Canada*<sup>®</sup> for Environmental Law, Aboriginal Law, and Energy Regulatory Law. Willms & Shier is also named “Law Firm of the Year” for Environmental Law in *The Best Lawyers in Canada*<sup>®</sup> - 2017 Edition. Julie is ranked “Repeatedly Recommended” by *The Canadian Legal Lexpert*<sup>®</sup> Directory for Environmental Law and Aboriginal Law. In addition to her law degree from McGill University, Julie has a B.Sc. in Earth Sciences from the University of Waterloo and a Masters in Environmental Law from the University of London, U.K. Julie is called to the Bar in Ontario, New Brunswick, Northwest Territories and Nunavut.



Christopher E. Angecone is Anishinaabe from Treaty Three. Chris graduated from Sir Sandford Fleming College with a diploma in Law and Security and attended Carleton University (Law and Psychology). Chris obtained his law degree from the University of Ottawa (1994) and received his call to the Ontario Bar in January 1996. Chris has dedicated his career to the advancement of First Nations issues through work with various federal government departments and agencies, First Nations organizations and private business.

An orange feather icon is positioned to the left of the section header. The text "CEO Bernd Christmas" is written in a dark blue, sans-serif font.

## CEO Bernd Christmas



"Our success lies in building on the innovations of today while at the same time, incorporating Indigenous knowledge based on the principles of conservation, sustainability of resources and reverence for the lands and the waters."

... **Bernd Christmas, CEO Gitpo STORMS / Gitpo LP**

Bernd cares deeply about the needs of First Nations in Canada. He uses his deep understanding of Indigenous perspectives to help bring about Indigenous economic development.

Bernd Christmas graduated from Osgoode Hall Law School in 1991 and joined the Bar in 1993 in Ontario. Bernd was the first Mi'kmaq to become a lawyer in Canada. Bernd was a partner in the Aboriginal Law Practice at Cassels Brock LLP and a proud member of the Mi'kmaq community of Membertou. He is a former Chief Executive Officer of the Membertou Band of Nova Scotia and the Membertou Corporate Division and frequent negotiator for several First Nations bands. In 2003, he was appointed by Prime Minister Chrétien to the External Advisory Committee on Smart Regulation. From 2000 to 2002, he was one of three Canadian commissioners to the International Commission for the Conservation of Tuna. He is a former member of the National Aboriginal Economic Development Board and of the executive committee organizing the Governor General's Conference on Leadership and Diversity. Now, as CEO of Gitpo STORMS and Gitpo LP, Bernd Christmas leads the charge to apply Gitpo's vision of providing solutions and services to industry that are truly new and consistent with First Nations needs and values.



Signa A. Daum Shanks has been on faculty at Osgoode Hall Law School in Toronto since 2014. Before that, she was a professor at the University of Saskatchewan's College of Law. She teaches Torts, Law and Economics, Aboriginal Self-government, Canadian Legal History, the Kawaskimhon Aboriginal Rights Moot, Game Theory and the Law (via Monash University Law School), and Native Rights.

Prior to working in law schools, Professor Daum Shanks was on the faculty at the University of Alberta's School of Native Studies and had regularly taught at the University of Saskatchewan's Department of Native Studies and First Nations University of Canada. She also previously worked with Ontario's Office of the Attorney General (Criminal Appeals Division), Indigenous and Northern Affairs Canada (formerly DIAND), the federal Department of Justice, and the Toronto office of Heenan Blaikie.

She has her PhD in History (Western) a BA (Hons), an MA from Western, an LLB from Osgoode in 1999, and an LLM from the University of Toronto. As well, Professor Daum Shanks has studied at the école de langue française et de culture québécoise at L'université du Québec à Chicoutimi. For her training in law, Professor Daum Shanks articulated at Saskatchewan Justice and clerked at the Land Claims Court of South Africa.

Active within the legal profession, Professor Daum Shanks works with various groups such as the Law Society of Upper Canada's Continuing Professional Development program and at the Association for Canadian Clinical Legal Education. She is also a current member of the Ontario Bar Association's Provincial Council. Internationally, the United Nations has appointed Professor Daum Shanks to be a participant in the UN's annual Permanent Forum on Indigenous Issues.

Her writing projects include topics about Indigenous Peoples and the legal profession, Indigenous slavery in Canada, the existence of Métis treaties, microhistory, competing s.35 Aboriginal claims, the role of Indigenous history as evidence, and the future of Indigenous Peoples' influence upon sustainable development.

## ***Ontario Regional Chief Isadore Day, Wiindawtegowinini***

**Ontario Regional Chief Isadore Day is from Serpent River First Nation, Ontario**, which is located in the North Channel of Lake Huron. Born in Elliot Lake and raised in the North, Regional Chief Isadore Day worked in construction, commercial fishing, and in the social services setting. Regional Chief Day's post-secondary education consists of Social Work, Business and Public Administration and Governance. He and his partner Angela raise their girls in the North and are committed to ensuring that the North remains a key grounding in their lives. He is strong in his commitments to his community and all treaty regions.

**Regional Chief Day is an Anishnabe** with strong values and ideals about his heritage and has a strong ability to bridge contemporary mainstream ideals and traditional insights and teachings. He has a very strong affinity and connection to the land.

**He has been Chief of Serpent River FN since being elected in 2005.** Regional Chief Day has a combined total of ten years in leadership. Public service ideas and dedication have seen him involved in various boards, committees, and volunteer positions over the past 15 yrs. With a list of diverse attributes and skills, Regional Chief Day has been welcomed at many tables to share in efforts to make constructive change for the Anishnabek and First Nations at the Regional and National level in recent years. Known as hard hitter on the issues, he has a demeanor that seeks to find ways to highlight and uplift the dignity of others.

**He believes that Youth in general have vision and hold leadership keys for success** that need to be tapped and brought to the table and legitimized in formal process. His current and recent posts include: various portfolios as Lake Huron Regional Chief; various committees with the Union of Ontario Indians and Chiefs of Ontario. His work at the national level includes a wide range of files.

**In 2006, Regional Chief Isadore Day addressed President Bill Clinton in the Ontario Economic Summit** and asked the president to reflect on his discussion from the vantage point of First Nations. He was reciprocated with a lengthy input from the president. He has also been quite active with many other levels of leadership from the Prime Ministers Office, the Ontario Premier and scores of MP's – all focused on one thing: *the First Nation Agenda*. Chief Day is noted across the country as a visible and relevant leader. He prides himself by being part of a great line of leaders and is a strong team player. He is a natural when called to be a lead advocate on most political files.

**Today, Regional Chief Day is quite active on many files** in all policy sectors at the local level and provincially. His main focus at all tables with government is First Nation rights, health, social, economies, infrastructure, Quality of Life – and overall, Nationhood based on all facets of what a nation embodies. He sees political justice as being the main goal for First Nation leaders and is emphatic that the Indian Act is colonial oppression and at the root of what must change in all First Nations. He is practical with both high level policy and is a strong grassroots First Nation leader.

**As the Ontario Regional Chief, Chief Isadore Day** seeks to establish any available partnership that is consistent to placing the future of the *Next Generation* as a key priority and beneficiary to collective efforts and respect for treaties on which Canada was founded.

## BRIAN P. DOMINIQUE

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**Education:** LL.B., Osgoode Hall Law School, 1987; B.A. Hons. (Economics/Political Science), Queen's University, 1984

**Call to the Bar:** Ontario, 1989

**Associations:** Canadian Bar Association; Ontario Bar Association; Rocky Mountain Mineral Law Foundation

**Achievements:** *Chambers Global* (multiple) - Energy & Natural Resources: Mining and Natural Resources; *The Best Lawyers in Canada* (multiple) - Mining Law; Natural Resources Law; Aboriginal Law; *Canadian Legal Expert Directory* (multiple) – Mining; *Expert Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada* (multiple) – Mining; *Who's Who Legal: Canada 2015* (Mining); *The Legal 500 Canada* (Energy - Power)

Brian Dominique practises corporate commercial law and has broad experience in commercial real property law, both focused on the natural resources sectors and related infrastructure. Brian has negotiated a broad spectrum of unique forms of commercial and operations contracts particular to the natural resource sectors, including all forms of contractual and corporate joint ventures and related infrastructure agreements (including construction (EPC, EPCM), railway transportation, operation and maintenance agreements, port and stevedoring agreements, port and jetty expansion agreements) transmission lines, access and easement agreements, electricity supply and purchase agreements, services agreements, metal sales offtake and shipping agreements and exploration, impact benefit, easement and exploration, collaboration and joint venture agreements with indigenous groups across Canada.

Brian is a key member of the Cassels Brock natural resources, energy, infrastructure and Aboriginal practice groups and recognized by *Chambers Global*, the *Canadian Legal Expert Directory* and *The Best Lawyers in Canada* as a global leader in the natural resources sector and Aboriginal Law. Brian has acted on transactions involving projects in most provinces and all territories in Canada, and in North, Central and South America, Africa, Europe and Asia.

Brian has been a lecturer at various seminars and public conferences on natural resource law matters, including the Osgoode Hall Law School Certificate in Mining Law Program (where he also was on the Board of Advisors) and has written on mining law and Aboriginal law matters. Brian is also an adjunct professor at Western University Law School where he teaches Mining Law and related Aboriginal law.



**Bill Gallagher** LL.B. is an experienced strategist in the dynamic area of native, government, and corporate relations and is an authority on the rise of native empowerment in the Canadian resources sector. Having just completed his much anticipated book: *Resource Rulers; Fortune and Folly on Canada's Road to Resources* wherein he analyzes how and why natives have amassed the most significant winning streak in Canadian legal history; replete with cause-and-effect linkages and lessons learned in terms of project strategies and consequences.

Having defused native logging tensions in New Brunswick's 'War in the Woods'; oil patch eco-terrorism in Alberta; helping guide Inco's Voisey's Bay impact benefits agreements to successful conclusion (the most complex resource dispute in Canada), his career as a *strategist* builds on previous career successes as a corporate lawyer in Calgary, an energy regulator in Ottawa and offshore petroleum boards, devolution negotiator in the Territories, and a treaty negotiator on the prairies (#s 1 to 5). He has advanced many major projects in all regions of the country from mine development, transmission lines, forest management, to integrated resource outcomes. He frequently is a conference presenter on the 'rise of native empowerment'.

2016 he co-authored First Nations National Energy Strategy (full-page G&M June 25) still the only document proposing constructive solutions to resource gridlock in Canada.

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## **Biography**

**Frank A. Meness, M.A., J.D.**

Frank was called to the Bar in Ontario in September 2013. He practices in Ontario and recently received approval from the Quebec Bar to appear in court on specific matters. He practices in the areas of Aboriginal law, Wills, Estates and Trusts, Taxation and Corporate Law.

He has an undergraduate degree with a concentration in Political Science (B.Sci.Soc.) from Ottawa University (1993) and a Master of Arts Degree (M.A.) from Carleton University (2006). Frank completed his Juris Doctor degree (J.D.) at Ottawa University (2012).

From 1997-2007, Frank worked as a specific claims researcher, writer and assistant negotiator for his community, Kitigan Zibi Anishinabeg. He was part of a team that successfully negotiated and implemented four specific claims, which involved the participation of the federal, provincial and municipal governments. Frank has been involved in all aspects of aboriginal land claims in Canada at the local and national levels and on both sides of the table (government and First Nation) since the mid-1990s. He also submitted over 30 specific claims to Canada on behalf of his community. Many of these claims are now in active negotiations.

From 2008-2012, Frank worked as a specific claims federal negotiator for the Department of Aboriginal Affairs and Northern Development (AANDC) at the Specific Claims Branch (SCB). During this time, he worked on specific claim files from Ontario First Nations communities. He successfully negotiated over ten specific claims involving 13 First Nations. Some of these claims are among Canada's largest specific claim settlements in terms of financial compensation. Frank spent much of his time negotiating directly with First Nation negotiation teams and worked collaboratively with different levels of government to achieve successful resolution of these long-standing grievances. He is especially proud of his ability to reach settlement while at the same time respecting all parties' interests and goals.

Frank served on elected Council as Vice Grand Chief of the Algonquin Anishinabeg Nation Tribal Council (AANTC) from 2001-2005. He also was an elected band councillor from 2001-2006. During this time, he worked diligently to improve the social well-being of his community and Nation. It required fostering relationships with various stakeholders who could assist in realizing important initiatives and projects.

During his spare time, Frank pursues traditional cultural activities including hunting, trapping and fishing. He also likes tanning and smoking hides for artisanal crafts and regalia. He enjoys spending time with his wife and three children. He volunteers for his sons' hockey teams and daughter's broomball team in various capacities. Frank is an active member of his First Nation community.

## **The Honourable Stephen O'Neill's Biography**

The Honourable Stephen O'Neill's legal career has spanned nearly 40 years, dedicated to working for and with First Nations both as a lawyer in private practice and as a Superior Court Justice. In 1975 he graduated from the University of Windsor, following which he spent 22 years in private practice, before being appointed to the Superior Court of Justice in 1999. He retired from the court in 2015, and is currently an associate lawyer with Nahwegahbow, Corbiere Genoodmagejig Barristers and Solicitors.

While working as a lawyer, Mr. O'Neill appeared before all levels of the Ontario Courts. He has worked in family, personal injury and insurance law with an emphasis on Indigenous legal issues since 1984. Mr. O'Neill has appeared for First Nations as general counsel and with an interest in land claims, mediations and negotiations.

As a Justice of the Superior Court, Mr. O'Neill dealt with a wide range of legal issues. He has presided over hundreds of civil and criminal trials and pre-trials. During his time on the bench, he has witnessed how mediation and alternative dispute resolution processes can contribute greatly to the settlement of long-outstanding claims and disputes, particularly with respect to issues involving First Nations and the Crown.

Mr. O'Neill has been a past executive member of the Aboriginal law section of the Canadian Bar Association, and a past member of the Canadian Judges Conference and the Ontario Superior Court Judges Association. In addition, he has authored numerous papers and presented on topics relating to reconciliation, Aboriginal and treaty rights, and the duty to consult and accommodate.

He has worked as a member of the Superior Court Planning Committee with respect to a national Aboriginal legal program organized by the National Judicial Institute. He has spoken at various venues in relation to Indigenous legal and justice issues. These have included attendances throughout Canada with industry groups, Superior Court and government personnel, as well as numerous visits to First Nation communities.

Outside the office, the Honourable Stephen O'Neill maintains a busy lifestyle spending time with his wife Shirley, their four children and five grandchildren at their log cabin on Cranberry Lake near Whitefish Falls. Mr. O'Neill enjoys running and cross-country skiing, and he has completed the Boston and New York marathons. During the past seven summers he has paddled from Montreal to just south of the Bloodvein River on Lake Winnipeg, visiting and passing through numerous First Nation communities.

## Biographical Summary



Murray Teitel was called to the Bar of Ontario in 1982 and has been practicing exclusively in the areas of civil (including First Nations Issues) and matrimonial litigation since. For ten years he was a civil litigation instructor in the bar admission course of the Law Society of Upper Canada and has lectured for the Toronto Lawyers' Association and the Law Society of Upper Canada. He is also a freelance journalist whose articles have appeared in all major Canadian newspapers and a couple of foreign ones and has delivered many *Commentaries* on CBC radio.