

# PROJECT FACT(A)

Issues in a Criminal Trial Worth Reconciling

## Legal scholars to examine Gerald Stanley trial in shooting death of Colten Boushie

Dr. Signa Daum Shanks of York University's Osgoode Hall Law School is honoured to host a meeting of a think tank, PROJECT FACT(A), that will bring together a group of legal researchers to examine the many subjects involved in the *R v. Stanley* criminal trial. The group will release its first set of findings in late April 2018.

This spring, these researchers will examine the role of individual actors involved in the trial, state institutions, and Canadian and Indigenous laws. This trial has already resulted in civic debates and calls for law reform. Through its work, the think tank will provide plain-language information and legal tools for lawyers and others thinking and working inside and outside of the legal system.

*R v. Stanley* is more than a single trial; it serves as a flashpoint in Canadian-Indigenous relationships. This case has already triggered conversations and debates locally, nationally and internationally on many legal issues. PROJECT FACT(A) seeks to use research to broaden the debate to include reliable, useful information on the following subjects:

- The *Charter of Rights and Freedoms*
- The *Criminal Code of Canada*
- Evidence
- Indigenous Laws
- Property Rights: trespass, conceptualization of “private property,” and defence of property
- Formalized ‘Post-Contact’ Indigenous Roles Created by the Crown
- Judicial Procedure
- Law Enforcement
- The Legal Profession: law societies, lawyers associations, and complaints processes

All members of the group are trained as lawyers, researchers and post-secondary educators. They come from a variety of backgrounds and institutions in Canada. Members have come together to augment their own topical experiences with the expertise of others. This allows the group to create a more fulsome understanding of the subjects involved in the trial. The group members are also aware that Indigenous Laws and ‘post-contact’ roles were not explicitly part of the trial, even while these legal realities formed an important context for the events and outcomes. As such, this group integrates these subjects from the outset as it hopes to provide comprehensive

information about possible grounds of appeal and avenues for law reform in a way that is reliable, peer-reviewed and accessible to a broader community.

The group is committed to framing this information in a manner that is accessible to non-specialists in these fields and - as important- to non-lawyers. Accordingly, the group will be relying upon guidance from various participants who are part of public legal education, focus on legal regulation, learn and experience Indigenous law and knowledge-gathering, and organize peer-reviewed media focused on public policy.

The group includes the following members:

Emma Cunliffe (UBC)

Signa Daum Shanks, (Osgoode Hall Law School -York)

Alexandra Flynn (University of Toronto)

Jeffery Hewitt (University of Windsor)

Robin McKechney (practitioner and Adjunct Professor, Osgoode Hall Law School)

Kent Roach (University of Toronto)

Kate Sutherland (Osgoode Hall Law School-York)

David Tanovich (University of Windsor)

Estair van Wagner (Osgoode Hall Law School- York)