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NISHNAWBE ASKI NATION AND FIRST NATIONS FAMILIES WIN COURT BATTLE IN BID TO EXPOSE UNFAIR FIRST NATIONS JURY PRACTICES

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Nishnawbe Aski Nation and two First Nations Families who lost loved ones that are the subject of Coroners Inquests have won a landmark Court of Appeal judgment recognizing their right to conduct inquiries into the validity of the juries that have been empanelled in the Thunder Bay judicial district. (see **Pierre v. McRae**, <http://www.ontariocourts.on.ca/decisions/2011/2011ONCA0187.htm>)

The appeals followed the refusals by the presiding coroners at the Inquest into the Death of Reggie Bushie (Dr. David Eden) and the Inquest into the Death of Jacy Pierre (Dr. Shelagh McRae) to summons the court official responsible for assembling the Thunder Bay jury roll to give evidence as to whether First Nations people were adequately represented. NAN's request for a summons followed startling revelations in an inquest in the neighbouring Kenora judicial district that its jury roll only contained names of First Nations people from 14 out of 45 First Nations. The Coroners' refusals to inquire into the legality of the jury were upheld by the Divisional Court but have now been overturned by the Court of Appeal.

Terry Waboose, Deputy Grand Chief of NAN commented: **"Today's decision confirms the extent of stonewalling from Government officials we have faced in our quest for the truth. Finally the highest Court in the Province has recognized the validity of our concerns. The problem of First Nations underrepresentation on juries is a longstanding one, and is well known to court officials. In this case, we were not even allowed to ask basic questions about whether the law was complied with in picking the jury for the inquest. If we are going to fix this problem, the legal system can't continue to stick its head in the sand and pretend the issue doesn't exist."**

Julian Falconer, one of the lawyers acting for NAN on the appeal commented: **The Court's findings that the "District of Kenora jury roll was manifestly unrepresentative" and that "There is no reason to think that the unrepresentativeness of the jury roll in the District of Kenora is unique" (pars. 68 and 71) is of tremendous significance for those seeking fair and impartial trials in Ontario.**

This judgment has really turned up the volume to NAN's claims that the Attorney General's office is hiding the truth about the systematic exclusion of First Nations from jury rolls. When we asked simple questions as to whether the law was followed, we couldn't get answers. When we asked the Attorney General to conduct an inquiry and issue a report, he refused. It required this Province's highest Court to order the attendance of the A.G. official in charge to answer NAN's questions – it should never have to come to this.

For further information, please contact Deputy Grand Chief Terry Waboose at (807) 628-9829 and Julian N. Falconer at 416-420-4202. Visit the law firm website at www.falconercharney.com