

Please submit completed form to the Legal Aid Ontario District Office in your district.

**Note:** The Criminal *Gladue* Panel Standards are available at your district office or on the LAO website at: [http://www.legalaid.on.ca/en/info/panel\\_standards.asp](http://www.legalaid.on.ca/en/info/panel_standards.asp).

## 1. Lawyer information

Lawyer name:

First / last name

Legal aid solicitor #:

LSUC solicitor #:

## 2. Minimum related experience

I am a member of the Legal Aid Ontario (LAO) Criminal Law Panel.

## 3. Mandatory legal education

I have read the legislation and case law set out in Schedule A of the *Gladue* panel standards.

I am familiar with the LAO LAW memoranda set out in Schedule A of the *Gladue* panel standards.

I have become familiar with resources for Aboriginal clients in the local areas where I practice.

I shall attend or view Aboriginal training courses, including cultural competency training opportunities provided by or approved by LAO as required by LAO.

### Administrative use only

Approval for *Gladue* panel

Date:

Signature:

DG/Designate

## 4. LAO expectations for *Gladue* panel members

A *Gladue* panel member shall:

1. maintain competence in accordance with the *Rules of Professional Conduct* of the Law Society of Upper Canada and, in particular, maintain knowledge of the substantive law and procedure in the area of Aboriginal issues in criminal law
2. maintain familiarity with services to assist First Nation, Métis and Inuit that are available in the local courts and communities where the panel member practices
3. Participate and attend Aboriginal training opportunities, including localized cultural training, as required by LAO
4. inform the client of the *Gladue* principles and their application to the client's case
5. maintain a solicitor-client relationship in accordance with the *Rules of Professional Conduct* of the Law Society of Upper Canada. In particular the panel member will:
  - protect the dignity of the client;
  - respond promptly to reasonable inquiries from the client;
  - provide the client with the information necessary to make informed decisions respecting his or her representation;
  - advise the client of their language rights
  - respect the client's instructions fully within the bounds of his or her professional obligations;
  - advance the client's position; and
  - maintain solicitor-client privilege.

I agree to abide by the "LAO expectations for *Gladue* panel members"

## Schedule A: Legal Education requirements for *Gladue* panel members

A panel member must have knowledge of and, acting in the client's best interests, competently apply:

- a. The *Criminal Code of Canada*, including sections 718.2(e) and 113
- b. The *Youth Criminal Justice Act*, including section 38(2)(d)
- c. The *Canada Evidence Act*
- d. Significant leading and current jurisprudence including:
  1. *R. v. Gladue*, [1999] 1 S.C.R. 688
  2. *R. v. Silversmith*, [2008] O.J. No. 4646
  3. *R. v. Brant*, [2008] O.J.No.5375
  4. *R. v. Batisse*, 2009 ONCA 114

5. *R. v. Robsinson*, 2009 ONCA 205
6. *R v. Jacko*, 2010 ONCA 452
7. *R. v. Ipeelee*, [2012] 1 S.C.R. 433
8. *R. v. Bauer*, 2013 ONCA 691
9. *R. v. Armitage*, 2015 ONCJ 64
10. *R. v. Spence*, 2015 ONSC 1692
11. *R. v. Kreko*, 2016 ONCA 367

e. LAO LAW memoranda including:

1. S10-37 *Gladue* Sentencing Submissions
2. S10-38 Aboriginal Offenders - Advocating For Alternatives to a Custodial Sentence
3. S10-39 Ontario Resources for Aboriginal Offenders
4. ZS10-74 Application of *Gladue* Principles
5. ZS10-47 Sentencing Aboriginal Offenders
6. ZP11-63 Application of *Gladue* Principles to Bail hearings
7. ZS10-26 Application of *Gladue* Factors Beyond Sentencing

f. Read the Truth and Reconciliation Commission of Canada Final Report Volume 5 : Over-representation of adults 218-243, Over-representation of youth 252-257;

- [http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume\\_5\\_Legacy\\_English\\_Web.pdf](http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume_5_Legacy_English_Web.pdf)

g. TRC Calls to Action:

- English: [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf)
- French: [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_French.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_French.pdf)

h. View the continuing legal education video “*Gladue* at practice CLE”

- <https://www.youtube.com/watch?v=lou8PU0o4lo>

Additional “Supports and Resources for Gladue Panel Members” are listed in Schedule B.

By selecting this box I affirm that I have read and understood the panel standard requirements and that the information contained herein is complete, true and accurate.

Applicant's signature

Date:

[YYYY-MM-DD]

Applicant's name (print)

**Please submit completed form to the Legal Aid Ontario District Office in your district.**

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in determining whether the applicant meets the standards for retention on the panel, and for the purpose of creation and management of the lawyer panel list by area offices. The information as to membership on a panel may be communicated to legal aid applicants. Questions about this collection should be directed to the FIPPA coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

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