

**FACULTY OF LAW, UNIVERSITY OF VICTORIA**  
**2023-24 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION SUMMARY (PCIS)<sup>1</sup>**

<b>COURSE</b>	LAW 343 Indigenous Criminal Justice Seminar
<b>UNIT VALUE</b>	1.5 Units (3 hours of instruction per week)
<b>INSTRUCTOR</b>	David Milward
<b>TERM OFFERED</b>	Spring 2024
<b>CLASS TIMES</b>	See Schedule
<b>PREREQUISITES/COREQUISITES</b>	None.

### **BRIEF COURSE DESCRIPTION**

This course is meant to provide a comprehensive treatment, both substantive and practical, of the social realities and issues faced by Indigenous peoples in the Canadian criminal justice system. A large number of substantive topics will be covered with a view towards exploring the problems faced by Aboriginal peoples in the justice system, the search for positive solutions to those problems (the *Gladue* sentencing framework in particular), and problems/issues that have been identified with those solutions. Classes that cover substantive content will consist of a mix of lecturing and talking circle pedagogy.

The course will also involve a substantial degree of learning practical skills. Some classes will involve experienced *Gladue* report writers appearing as guest lecturers to provide full explanations of the processes that lead to the completion of a fulsome *Gladue* report. Experienced criminal lawyers will also provide guest lectures on the effective use of s. 718.2(e) and *Gladue* reports during legal practice.

A study of law as it relates to Indigenous social problems frequently delves into controversial issues and tragic stories and events. It is to be expected that different people will inevitably come to different answers to the questions. On that note, a priority (and a requirement of University policy) is the maintenance of a safe space in the classroom. Students are to feel free to express their opinions on very difficult questions in a safe and respectful environment.

### **EVALUATION METHODOLOGY (SUBJECT TO CHANGE)**

The key grading requirement is drafting a written sentencing submission that is 12 to 15 pages in length, which will be worth 60% of your course grade. The sentencing submission, in an assigned role either as a defence lawyer or a Crown prosecutor, is based on a *Gladue* fact pattern that may either be fictionalized or a redacted form of an actual case.

The other graded requirement is an online diary of blogs offering your own reflections on the course materials and class discussions, particularly with how they tie in with the broader themes of the course. Students can also draw on their own experiences and knowledge outside of the course in composing the blogs. There will be four required blogs, each 500 to 1,000 words in length. Each blog will be due two weeks after the previous one. Each individual blog will be worth 10% of the course grade, for a total of 40% of the course grade.

The other key requirement is participation in a moot court exercise, based on the same sentencing submission you will have drafted. Completion of the exercise is necessary to pass the course, although the exercise will not itself be graded. Each student will be given twenty minutes to offer submissions with respect to the applicability of *Gladue* to the fact pattern either on behalf of the Indigenous accused or the Crown.

June 2023

<sup>1</sup> The information in this document is provided for course registration purposes only and is *subject to change*. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, Law Student Services ([law.studentservices@uvic.ca](mailto:law.studentservices@uvic.ca))