



## Lawyer representing NAN says pre-inquest has uncovered 'damning indictments'

**Jamie Smith, [tbnewswatch.com](http://tbnewswatch.com)  
July 22, 2011**

The evidence presented so far at a pre-inquest hearing on the lack of First Nations representations has been damning, a lawyer for Nishnawbe Aski Nation says.

Julian Falconer, who represents NAN for the Coroner's Inquest for Reggie Bushie, said the evidence shows that people in charge of the jury rolls don't know their jobs, lack proper training and haven't read the law governing their positions.

"These are obviously very damning indictments of the process that's produced this jury roll," Falconer said during Day 2 of the pre-inquest into the jury rolls Friday morning. "It certainly explains a lot."

Out of 1,304 people on the Thunder Bay District jury roll for 2011, only 17 of them were confirmed as First Nations members living on reserves, which was well below Ontario's 30 per cent mandate.

During cross-examination at the provincial building on Red River Road Friday, Falconer asked Thunder Bay district manager of court operations, Don Blackiere, whether the names of First Nations people submitted were eligible for jury selection.

"You don't know if your process included submitting eligible names or not do you?" Falconer asked.

"No," Blackiere replied.

While the inquest heard Thursday that questionnaires were sent out to compile information about First Nations people living on reserves to help develop lists, Falconer said it's not even clear what percentage of people responded because of the way they were delivered to the communities.

"They sent packages of envelopes to general delivery. They don't know how many of them went back return to sender to the London jury centre," he said.

Falconer said there are many issues outside of the scope of the people responsible for jury rolls that need to be addressed as well. The main issue is a broad communication gap between the government and First Nations, which both sides need to solve.

"There has been a traditional failure to be able to engage First Nations in the justice system at this level," he said.

Something Falconer hopes to uncover is how outdated lists of First Nations people have been used for almost a decade without people knowing. While he hopes some recommendations will come out of the three-day pre-inquest, the main reason for it is to find out the truth.

"First Nations reserves get treated differently and we know it," he said.

NAN deputy grand chief Terry Waboose said while he's happy the issues are being addressed, it's unfortunate that it's taken three years and had to come to an inquest to discuss the issue.

"We've trying to work with the Attorney General's office for last couple of years," he said. "It didn't have to come to this."

NAN won a court of appeal judgment in March that found First Nations in the Kenora District were "manifestly underrepresented," court officials did very little to obtain records and that the district's problem was not unique.

"No evidence was produced in connection with either inquest that court officials in the District of Thunder Bay had made any greater efforts than their counterparts in the District of Kenora to obtain up-to-date band lists," the ruling stated.

The pre-inquest will resume July, 28.