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Concluding Remarks: Miyo-wîcêhtowin, R v Stanley, and Our Future as Lawyers

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CONCLUDING REMARKS: MIYO-WÎCÊHTOWIN, *R V STANLEY*, AND OUR FUTURE AS LAWYERS

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Miyo-wîcêhtowin. It is a term I have learned to express the idea of good behaviour; responsibility to others; and not forgetting those who are the most forgotten, the most in need of help, those whose ways we most benefit from.[1] It is Cree, but its nature and scope is not necessarily unique to Cree circles. It is reinforced by religious references,[2] standards for professional certification and volunteer groups,[3] and personal choices.[4] It is also woven into Canada's legal system, whether in judicial decisions or in academic or professional discussions. So while we can see it when appreciating cultural tenets or our own morality, it is also described as being part of law. The idea of good behaviour, and how that idea was observed and challenged, was constantly raised by myself and some colleagues as the trial of Gerald Stanley started. It was on all of our minds as we, and our fellow people in Canada, learned of the jury's verdict.

* Associate Professor and Director- Indigenous Outreach, Osgoode Hall Law School. On behalf of the researchers studying *R v Stanley*, I would like to thank the Faculty of Law, University of Windsor for ordering and funding the trial transcripts and Osgoode Hall Law School for funding to help with hosting researchers in Toronto, Vancouver, and Saskatoon. We'd also like to thank SSHRC for providing funding that helped with travel costs incurred during research and attending presentation sessions. The law firm of Paliare Roland kindly offered space to meet. Thank you to those who provided helpful comments about my reflections. Nicholas Decock, Osgoode JD '20, provided remarkable research assistance.

1 Harold Cardinal & Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream is that One Day We Will be Clearly Recognized as Nations* (Calgary: University of Calgary Press, 2000) at 14 [Cardinal & Hildebrandt] The co-authors write that the Cree "Miyo-wîcêhtowin" refers to "the principle of getting along well with others, good relations, [and] expanding the circle". The Elders explained this is a relationship that Cree people "are required to establish". This idea is linked to, but separate from "wâhkôhtowin", which is the term for laws governing relations). For myself, I have greatly benefitted from the teachings of wâhkôhtowin from Maria Campbell and the research of Brenda Macdougall.

2 "What's So Good about Being Good? An Excerpt from *Introducing Christian Ethics*" (19 August 2016), online (blog): *ZA Blog* <zondervanacademic.com/blog>.

3 See e.g. Lawyers Feed the Hungry <www.lawyersfeedthehungry.ca/>); Pro Bono Canada <probonocanada.org/>; the Canadian Association for Legal Ethics <ethicsincanada.com/>.

4 "Making Time to Give Back" (18 May 2015), online: *Canadian Lawyer* <www.canadianlawyermag.com/news/>; Elisabeth Sadowski, "It's Never Too Early to Start Giving Back" (2019) 77:1 The Advocate 21 at 21.

Some fellow academics from across Canada and I were in regular contact during the first few weeks of 2018. Our communication grew to almost daily check-ins as we learned about events prior to the trial's start, while it happened, and then after the acquittal was announced. Like others following the trial, we watched media coverage, thought about how the law functioned, and wondered what was "just" or "fair". We also started to develop a collective sense that the work done by lawyers involved in the trial was being called into question. We started to think about the public responses of other lawyers and commentary about legal procedures. We wondered why certain elements of Canadian law had failed to function as we would have predicted. Over time, we started thinking about how the *Stanley* trial had proceeded and whether the case would be appealed. When it became evident that the Crown was not taking the matter any further, we became even more interested in *how* the law was used during the trial. Our original plan was to examine the trial proceedings to see what issues would be appealed. After the Crown announced it would not appeal the verdict,[5] we pivoted our conversations and questions to also ask how the trial could have proceeded as it did—and whether the Crown should have indeed appealed that process given the factors at stake. We dubbed our group "Project Fact(a)," and started to explore some of the issues that wove together during the trial and how legal principles applied to them. We decided to examine the trial transcript to consider how existing legal principles were—or were not—part of how counsel built their case for a jury's consideration. We identified many moments that we considered inappropriate or outright wrong. As we waited for the transcripts, we learned as much as we could about what was at stake—for those harmed by the case and for us as academics and lawyers. We observed problematic interventions by lawyers in popular conversations about guilt and innocence.[6] Numerous times, of which Flynn and Van Wagner explain in their piece for this issue, those missteps gave license to people who held racist views about Indigenous peoples to vocalize those views publicly. We anticipated, based on the media coverage of the trial,

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5 See David M Tanovich, "Boushie's family – and our justice system – deserves answers. So why no appeal?" (08 March 2018), online: *The Globe and Mail* <www.theglobeandmail.com/opinion/> .

6 See e.g. we considered a comment from Stanley's counsel Scott Spencer that the trial was "not a referendum on racism" to be notably at odds with his trial strategy, which courted the operation of racist stereotypes about Colten Boushie and his companions; and arguably to fuel tensions within Battleford and its surrounding community, given the very high levels of racism targeting Indigenous peoples during the trial, particularly on social media. "Stanley Trial 'not a referendum on Racism': defence counsel" (27 January 2018), online: *Saskatoon Star Phoenix* <thestarphoenix.com/news/>.

that echoes of these public moments might also be found within the trial proper, leading to real concern about the possibility of error.[7]

During our work, we were able to learn from others about Indigenous laws. Communication from individuals about cultural protocols, reporting by Indigenous writers, and teachings from those who helped us realize our own place in the events, reminded us that Indigenous nations have specific and serious legal mechanisms that are too often brushed aside if they are learned at all. Those teachings improved our ways of noticing difficulties and realizing there is always more to learn. Maria Campbell and Tasha Hubbard also taught us about the importance of listening, pausing, and letting some ideas develop more slowly than the pace of media, court procedure, and academic publishing normally allows.

As we dug into Canadian legal procedure and the trial's transcript, Hubbard finished working on her film nîpawistamâsowin: We Will Stand Up. This award-winning documentary exposed how race and racism narratives interwove into, and became expressed in, attitudes and actions before, during, and after the *Stanley* trial.[8] Hubbard and the others involved in the film made enormous efforts to confront racism against Indigenous peoples and mistaken beliefs about history and the law. Colten's family was violently harmed not only by his death, but also the Canadian state processes that followed. The responses of too many people compounded this harm. Hubbard's film called on all of us to face such difficult truths and try to imagine ways for this kind of harm to end.

As Hubbard was completing her film, we published some of our reflections in a short and accessible form in the journal *Policy Options*.[9] Jennifer Ditchburn, Editor-in-Chief, published our articles about the obvious topics of property evidence, jury selection, forensic evidence, safeguarding trials from racial bias. Here, however, Kate Sutherland wrote about literature and legal themes, Robin McKechney took on the subject of about access to legal representation and accountability within the

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7 Alexandra Flynn & Estair Van Wagner, "Killing Should not Be Justified to Protect Property" (02 March 2018), online: *Toronto Star* <www.thestar.com/opinion/> [Flynn & Van Wagnar, 2018]; David M Tanovich, "How racial bias likely impacted the Stanley verdict" (05 April 2018), online: *The Conversation* <https://theconversation.com/> [Tanovich, The Conversation].

8 Awards include Best Feature Length Documentary at the 2020 Canadian Screen Awards and the 2019 Hot Docs International Documentary Festival. For a full list of awards, see <www.imdb.com>.

9 "What Can We Learn from the Stanley Trial?" (24 September 2018), online: *Policy Options* <policyoptions.irpp.org/>. Each piece was released a few days apart. Contributors included myself, Kent Roach, Estair Van Wagner, Alexandra Flynn, Emma Cunliffe, Robin McKechney, David M Tanovich, Kate Sutherland & Hadley Friedland.

criminal defence bar, and Hadley Friedland reflected about Indigenous law.[10] We are deeply grateful to artist Jerry Whitehead for allowing his artwork entitled "The Boys Are Okay" to accompany these articles. The Centre for Public Legal Education in Alberta later reprinted McKechney's analysis.[11]

Others also helped our work take shape. Dr. Jaime Lavallee, of Muskeg Cree First Nation and a faculty member at the University of Saskatchewan's College of Law, hosted an event in February 2019 that allowed a member of our group to meet some members of Colten's family and collaborate with media writer Doug Cutland and lawyer Eleanore Sunchild, QC.[12] That same month, we met with (now retired) Ontario Court of Appeal Justice Harry LaForme, of the Mississaugas of Credit River Nation, and a group of allies at Osgoode Hall Law School to discuss what we were all doing to continue our remembrance of Colten.[13] A few months later, Dr. Winona Wheeler, a member of Fisher River Cree Nation and a professor of Indigenous Studies at the University of Saskatchewan, acted as a Knowledge Keeper/Commentator for us at an academic conference where some of us presented our findings and discussed how they might be used beyond our group.[14] All of these processes helped us

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[10] Robin McKechney, "Transparency Around Jurors, Verdicts Would Help Trial Fairness" (01 October 2018), online: *Policy Options* <policyoptions.irpp.org/>; Kate Sutherland, "Can CanLit Help explain the Boushie Tragedy?" (03 October 2018), online: *Policy Options* <policyoptions.irpp.org/>; Hadley Friedland, "Understanding and Applying Indigenous Legal Concepts Could Address the Distrust and Disconnection Between People in Ways that Criminal Trials Do Not" (05 October 2018), online: *Policy Options* <policyoptions.irpp.org/>.

[11] Robin McKechney, "Transparency Around Jurors and Verdicts Would Help Trial Fairness" (03 January 2019), online: *LawNow, Special Issue: Juries in Canada* <www.lawnow.org/>.

[12] See Estair Van Wagner, Doug Cuthband & Eleanor Sunchild "Law, advocacy and public perspectives: The Impacts of the Boushie Case" (Session delivered at the University of Saskatchewan, College of Law, (25 February 2019)), online: *University of Saskatchewan, College of Law* <law.usask.ca/events/>.

[13] Justice Harry LaForme, "Remembering Colten, Researching Responsibly, Presenting Respectfully: The Investigation of *R. v. Stanley*" (Session delivered at York University, Osgoode Hall Law School, (04 February 2019)). Ontario Court of Appeal Justice, Harry LaForme, acted as a Knowledge Keeper/Discussant for the session.

[14] Winona Wheeler, "Roundtable: Project Fact(a): Issues in a Criminal Trial Worth Reconciling (*R v Stanley*)" (Session delivered at the Canadian Law & Society Association 2019 Annual Conference, Final Program at the Peter A Allard School of Law, University of British Columbia, (03 June 2019)), online (pdf): <www.congress2019.ca/>. A number of us were taught that the role of Knowledge Keeper (or "Knowledge Holder" is a person who can witness what we do and challenge us about our actions and perspectives. While similar to how a "Commentator" would function at an academic conference, it also connotes a humility to be a supporter as much as an expert or 'talking head').

take in more critiques, learn about Indigenous protocols and laws, and be reminded of how the heaviness of a subject can wear everyone down. Most importantly, we learned that our legal training gave us a privileged place as we engaged in our research. Some final questions from Hadley Friedland and Jade Brown-Tootoosis also helped us think about how, what, and why we write.

In addition to the standard hurdles involved in trying to uncover and understand what happened at the investigative and trial stages of the case, we want to acknowledge some particularly concerning events that happened during and after the trial. We have already noted that one of Stanley's lawyers told media before the trial that the case was not about 'debating racism'.[15] Nonetheless, when the trial began, one journalist quickly noted that Stanley's lawyer had challenged every potential juror who looked like they might be Indigenous.[16] A provincial lawyers' association stated that the 'best efforts' had prevailed. In our view, this observation was dismissive in tone and ultimately underappreciated the victim's circumstances and the family's mistreatment during the investigation and the hearing.[17] After the verdict was rendered, we also lamented the tone and words of Assistant Deputy Attorney General Anthony Gerein stating, "I believe everything was done appropriately" when announcing that a Notice of Appeal would not be filed, particularly when we and other voices had detailed why an appeal should happen.[18] Not only were we formulating different views about what the law required,

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15 Flynn & Van Wagner, 2018, *supra* note 7; Tanovich, The Conversation, *supra* note 7.

16 Doug Cuthand, "1 Year After the Gerald Stanley Verdict, Fear Continues to Divide Us" (09 February 2019), online: *CBC News* <www.cbc.ca/news/>. This point was noted at the Supreme Court of Canada in the *R v Chouhan*, see *R v Chouhan*, (Factum of the Intervener, Debbie Baptiste), online (pdf): <www.scc-csc.ca/>.

17 "Lawyers issue statement on Stanley trial reaction" (16 February 2018), online: *Battleford News-Optimist* <www.newsoptimist.ca/news/> (Notably, this letter's construction also suggests its writers did not even understand what the term "Aboriginal" means, which illustrates an example of how researchers contend implicit bias is demonstrated. As well, the letter's phrases of "many of the comments directed to the judge, the lawyers involved in the matter, and the jury are unfair and unwarranted" and "Crown counsel fulfilled his duty to the court, the administration of justice, and to all parties involved" seemed designed to foreclose robust discussion about the trial process, and arguably showed the lack of careful analysis before passing judgment of which the association had accused others). See also Susan Hatters Freeman, "Culture, Bias, and Understanding: We Can Do Better" (2017) 45:2 J American Academy Psychiatry & L 136.

18 Charles Hamilton, "Boushie Family Lawyer Says There Were Grounds for an Appeal in Stanley Case" (08 March 2018), online: *CBC News* <www.cbc.ca/news/>; Guy Quenneville, "Human Rights Lawyers Group calls for Appeal of Verdict in Coulten Boushie Shooting Case" (01 March 2018), online: *CBC News* <www.cbc.ca/news/>. See also Tanovich, The Conversation, *supra* note 7.

but we also became increasingly concerned that the interventions of various parties—directly and indirectly involved in the trial—were giving the wrong impression about objectivity, legal process, and the impact of racism on social opinion and courtroom proceedings.

In this issue, Dr. Emma Cunliffe's analysis of the sloppiness of the forensic evidence sadly reveals that poor investigative methods may themselves have reflected anti-Indigenous racism, and were compounded by the poor handling of that evidence at trial, paving the way for Stanley's acquittal.[19] Alexandra Flynn and Estair Van Wagner's research and analysis reveals how discussions about property law were not fully unpacked during the trial and, as a result, planted incorrect and biased ideas about the protection of space and person with the jury.[20] Kent Roach, in deliberating about why legislation must exist to improve jury selection, and finding the efforts in *Stanley* to be subpar, observes how too "[m]any Indigenous peoples are understandably reluctant to participate in a justice system that has consistently failed them."[21] In addition to these conclusions, our group sensed a paucity of appreciation among members of the legal profession involved with *Stanley* for Canadian law's recognition of the relevance of Indigenous cultural and legal concepts. We observed a lack of attention to the careful management of evidence and of permissible inferences expected by the Supreme Court of Canada in trial courts when concerns about racism are in play.[22] Not only did the authors here find problems with what *did* happen at trial, they also took exception with what was *not* raised by Crown counsel, defence counsel, and the trial judge. The disappointment continued when we learned that the Saskatchewan Legal Aid's CEO had filed a complaint against the Boushie family's Toronto-located lawyer, Chris Murphy, with the Law Society of Ontario ("LSO"). Most of those who are trained in law—and anyone who has encountered racism—would agree with the investigator for the LSO, who commented that Murphy's (and other lawyers') outcry about the shortcomings of our legal system is actually "fulfilling an important role, made all the more important by the Indigenous status of his clients in this

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19 Emma Cunliffe, "The Magic Gun: Settler Legality, Forensic Science, and the Stanley Trial" (2020) 98:2 Can Bar Rev 270.

20 Alexandra Flynn & Estair Van Wagner, "A Colonial Castle: Defence of Property in *R v Stanley*" (2020) 98:2 Can Bar Rev 358 at 374 (including in describing how defence counsel intentionally tells the jury that the trial is not about murder).

21 Kent Roach, "Juries, Miscarriages of Justice and the Bill C-75 Reforms" (2020) 98:2 Can Bar Rev 315 at 357.

22 As authors will describe, numerous precedents and procedures involving criminal law and Indigenous peoples are supposed to be followed when the Indigenous person is both accused *and victim.*

specific circumstance."[23] Too frequently a (non-Indigenous) authority has disregarded the power of racism directed at Indigenous peoples every day on our streets and in our courtrooms. The chain of events which I have just described only reinforced that reality and fuelled our determination to challenge the tide of such views with meticulous research into the investigation and trial.

As we witness the Boushie family bravely continue its efforts to ensure none of us forget Colten's presence, we are also reminded of the courage and energy that challenging the trial finding actually takes.[24] Earlier during our research, a member of our project team attended a national conference and was confronted by an individual who called into question our motives and ability to conduct this research.[25] That episode was a reminder that the legal profession, despite its mandate for critical thinking, can be the source of open hostility to critical interventions. Yet as we discussed such a scene, it was an important reminder to recall the roles and strength that others have shown.[26] When we think about other lawyers, law students, and non-lawyers who openly decried events and took a position their peers, employers, or clients did not support, our discomfort is arguably incidental.[27] The hostility that was on show during the *Stanley* trial, and which we mildly experienced ourselves, arises in spaces where racism, colonialism, and unprofessionalism are both separately perpetuated and energized in an intersectional manner.[28] It is in classrooms, government

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23 Alex MacPherson, "Legal Aid Saskatchewan Filed Complaint Against Boushie Family Lawyer" (28 June 2018), online: *Saskatoon Star Phoenix* <thestarphoenix.com/news/>; Jacques Gallant, "Law Society of Ontario Rejects Complaint Against Toronto Lawyer Who Represented Colten Boushie's Family" (26 June 2018), online: *The Toronto Star* <www.thestar.com/news/>.

24 Ryan Kessler, "Colten Boushie's Mother Intervenes in Supreme Court Case on Jury Selection" (07 October 2020), online: *Global News* <globalnews.ca/news/>.

25 Personal correspondence from one member of our research team who wishes to remain anonymous.

26 "Editorial: Boushie Killing Exposes Deplorable Racism" (18 August 2016), online: *Montreal Gazette* <montrealgazette.com/opinion/>.

27 Ken Campbell, "Hope in Humboldt: Parents of Jacob Leicht find Purpose in the Face of Tragedy" (11 April 2018), online: *Sports Illustrated*: *The Hockey News* <www.si.com/>; Vicky Mochama, "Every Time is the Right Time to Grapple with Whiteness in Canada" (18 April 2018), online: *Toronto Star* <www.thestar.com/opinion/>; Trina Roache, "RCMP Facebook group claims Boushie 'got what he deserved'" (15 February 2018), online: *APTN News* <www.aptnnews.ca/national-news/>.

28 Numerous non-Indigenous and Indigenous researchers have continued conversations upon the ground-breaking reflections by Kimberle Crenshaw and her use of the word 'intersectionality' to bring attention to a number of factors simultaneously: an "adoption of a single-issue framework for discrimination not only marginalizes … but it also makes the illusive goal of ending racism and patriarchy even more difficult to attain": see Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A

circles, the private sector, the street. The reflections in Gina Starblanket and Dallas Hunt's *Storying Violence* compel us to realize that this hostility renders the claim of a fair "justice system" for the Boushie family a complete falsehood.[29] Many lawyers do not acknowledge this kind of hostility and its impact. As a result, the legal system is still dominated by colonial ideas—and the rule of law vanishes. And that we, as lawyers, are regularly responsible for the hostility's impact.

Trials and courtrooms cannot be the only place of justice.[30] One case cannot erase decades of incorrect presumptions about "private property."[31] Disputes about law enforcement cannot be hashed out in one fact pattern.[32] We cannot expect *Stanley* to eliminate all of the problems we identified in Project Fact(a). What we *can* do as lawyers is look at the evidence and reflect. In this case, the evidence is the transcript—and the results are disheartening. We know that geographical location, in terms of treaty relationships, made its way into court cases well before 2018 and *Stanley,* but legal counsel in *Stanley* largely neglected this context.[33] We also know that case law before 2018 had introduced the importance of bringing up

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Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Anti-Racist Politics" (1989) 1 U Chicago Legal F 138 at 152. While different in tone, nature, and scope, the idea of it being impossible to separate issues and events from each other is reminiscent for me of the teachings I was kindly provided by Maria Campbell of wâhkôhtowin on 10 October 2020.

29 See generally Gina Starblanket & Dallas Hunt, *Storying Violence: Unravelling Colonial Narratives in the Stanley Trial* (Toronto: ARP Books, 2020).

30 Harold Johnson, *Peace and Good Order: The Case for Indigenous Justice in Canada* (Toronto: McClelland and Stewart, 2019) at 128 [Johnson].

31 "RCMP Town Hall Near Gerald Stanley's Farm Turns into Lesson in Property Rights" (06 March 2018), online: *Huffington Post* <www.huffingtonpost.ca/>.

32 See "Racial Bias and Disparities in Proactive Policing" in *Proactive Policing: Effects on Crime and Communities* (Washington, DC: The National Academies Press, 2018) 251.

33 The idea that the land's historic and present location should be understood in terms of treaty had been reinforced by lawyers and courts before *Stanley* commenced. See e.g. *R v Swanson*, 2013 ONSC 3287. See also *Law Society of Upper Canada v Keshen*, 2017 ONSLTH 90; *R v Bunting*, 2015 ONSC 5594 at para 3 (reasons presented orally) "today, in Cochrane District court, in Treaty 9 territory, a judge of the Superior Court of Justice is signifying to all peoples in this courtroom but in particular to the aboriginal peoples, his respect for them and their history, his acknowledgment of the treaty relationship, his acknowledgment of thanks for the sharing of the lands and the waters". *R v Stanley*, Trial Transcript at 101 (Crown Opening Address) "Gerald Stanley lived in the Biggar area" thereby missing an opportunity to contextualize the land/property relations that could be part of individuals' views [*Stanley* Trial Transcript]. See *Stanley* Trial Transcript at 660 (Gerald Stanley Examination in-Chief) when on the stand, Stanley defined himself as living in the "RM of Glenside". No lawyer introduced on their own, or asked witnesses about, details regarding the legal obligations that are derived from the treaty for the region.

any affected party's Indigeneity, not just when an Indigenous person is an accused.[34] Some might argue that addressing these shortcomings would not have reversed the jury's findings,[35] but it is important to consider the ramifications of a trial when certain protocols, procedures, and case law are not observed—and the resultant perception that the law and its precedents are only available to protect certain members of society.

To be clear, there were moments which illustrated how we can find momentum for positive change out of hardship. The support systems that started and strengthened during the trial's days illustrate how allyships develop.[36] National and international concern helped garner more attention to the previous calls for accountability on race and racism arising from processes such as the Truth and Reconciliation Commission.[37] And Indigenous law indeed received recognition from the non-Indigenous institutional system where it appeared—even if those who saw and it learned from it would be loathe to call it that. One day during the trial, Colten's uncle, Alvin Baptiste, caught the attention of Chief Justice Martin Popescul. Mr. Baptiste was holding an eagle feather and Chief Justice Popescul asked Baptiste about its meaning. Mr. Baptiste explained, and Justice Popescul then asked if he could share this information with the jury; Mr. Baptiste agreed.[38] This transmission of knowledge was an excellent example of Indigenous law, and the actions of the Chief Justice (asking twice for permission) were a form of Indigenous legal functioning. This type of reciprocity and respect is an example of how the goals of kindness and the rule of law can combine. And while this incident resonated with the Indigenous people there, but it also was an important moment for non-Indigenous people. Relating well to each other—being good—is not culture-specific, and it is not specific to only one trial. It is about circumstances that existed long before *Stanley* and that continues to persist to this very day. Like the individuals who invent them, laws can be good[39]—but laws need to be accessible to everyone. We must face the

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34 Bringing up Indigeneity, even in third party terms, stretches into civil law matters as well. See Signa A Daum Shanks & Stephanie Ben-Ishai, "Accommodating Bankruptcy and the Duty to Consult" in *Annual Review of Insolvency Law* (Toronto: Thomson Carswell, 2018) 5.

35 On the process of determining fairness, see Alice Woolley, "An Ethical Jury? Reflections on the Acquittal of Gerald Stanley for the Murder/Manslaughter of Colten Boushie" (20 February 2018), online: *Slaw* <www.slaw.ca/>.

36 Rhiannon Johnson, "Educators Call on Universities to Help Fight Institutional Racism Following Stanley Verdict" (13 February 2018), online: *CBC News* <www.cbc.ca/news/>.

37 Gabrielle Scrimshaw, "A Killing in Saskatchewan" (15 February 2018), online: *New York Times* <www.nytimes.com/>.

38 *Stanley* Trial Transcript, *supra* note 33 at 334–36, 345.

39 Cardinal & Hildebrandt, *supra* note 1.

reality that historically-embedded and current, specific events of racism affect access to justice.[40] Whether in how we learn, how we treat our clients, how we act as part of a profession, we lawyers are expected to stress the importance of being good. We, in our professional roles, are doing more to learn about the historic inequities that our legal system directly and implicitly reinforced. Nonetheless, the *Stanley* case failed to show our best selves.[41] We need to pause and reflect on how to improve our profession, how to think about the importance of Miyo-wîcêhtowin—making good relations—and then how to make the legal system better for *everyone* who is a part of it, and for all who are touched by it.[42]

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[40] Colleen M Flood, Vanessa MacDonnell, Jane Philpott, Sophie Thériault, & Sridhar Venkatapuram, "Introduction—Overview of COVID-19: Old and New Vulnerabilities" in Flood, MacDonnell, Philpott, Thériault, Venkatpuram, eds, *Vulnerable: The Law, Policy and Ethics of COVID-19* (Ottawa: University of Ottawa Press, 2020) at 12.

[41] See commentary from Harold Johnson about receiving a message from a retired Saskatchewan provincial court judge who was upset with the trial's stages and ultimate outcome. Johnson, *supra* note 30 at 2–3.

[42] Cardinal & Hildebrandt, *supra* note 1.