

**DAVID MILWARD**  
**Assistant Professor of Law**  
**Faculty of Law, University of Manitoba**  
**Winnipeg, Manitoba**  
**R3T 2N2**  
**E-mail address: milward@cc.umanitoba.ca**

**Education:**

2009	Doctorate in Philosophy in Law, University of British Columbia
2003	Masters in Law Degree, University of Alberta
1999	Bachelors in Law Degree, University of Alberta
1996	Bachelor of Arts Degree (History), University of Calgary

**Peer Reviewed Articles**

2012	"The Latest Chapter in Fighting Terrorism since 1492: An Examination of Canadian Anti-Terrorist Legislation and Policy as Applied to Aboriginal Peoples" (2012) <i>Criminal Law Quarterly</i> (forthcoming).
2011	"Sweating It Out: Exploring Avenues by which Aboriginal Spiritual Healing can Facilitate Corrections and Parole in Canada" (2011) <i>Windsor Yearbook of Access to Justice</i> (forthcoming).
2010	"Doubting what the Elders have to say: a critical examination of Canadian judicial treatment of Aboriginal oral history evidence" (2010) 14:4 <i>International Journal of Evidence and Proof</i> 287.
2009	"Restless Spirits in the Land: Finding a Place in Canadian Law for Aboriginal Civil Disobedience" (2009) 16:1 <i>International Journal on Minority and Group Rights</i> 1.
2008	"Making the Circle Stronger: an Effort to Buttress Aboriginal Use of Restorative Justice in Canada Against Recent Criticisms" (2008) 4:3 <i>International Journal of Punishment and Sentencing</i> 124.
2008	"Not Just the Peace Pipe but also the Lance: Exploring Different Possibilities for Indigenous Control over Criminal Justice" (2008) 23:1 <i>Wicazo Sa Review</i> 97.
2006	"The Healing Circle is Missing Out: An Examination of the Potential Conflict Between s. 24(2) of the <i>Charter</i> and Aboriginal Methods of Dealing with Crime" (2006) 2:2 <i>International Journal of Restorative Justice</i> 49.

### **Co-Authored Peer Reviewed Articles**

- 2011 David Milward (primary co-author) & Debra Parkes, "*Gladue: Beyond Myth and Towards Implementation in Manitoba*" (2011) 35:2 *Manitoba Law Journal* (forthcoming).

### **Book Reviews**

- 2010 "Bad Medicine" by John Reilly, in (2010) 28:2 *Windsor Yearbook of Access to Justice*.
- 2006 "Justice as Healing: Indigenous Ways", edited by Wanda D. McCaslin, in (2008) 22:1 *Wicazo Sa Review* 128.

### **Other Publications**

- 2009 "Why we can't take exclusions of evidence for *Grant*-ed" (October 23, 2009) 29:23 *The Lawyers Weekly* 11.
- 2006 "UBC First Nations Legal Studies Helping First Nations Realize Their Goals" (August 2006) 16:18 *First Nations Drum* 27.

### **Present Scholarly Activity**

- 2011 "Raven Grows New Feathers: Realizing Contemporary Indigenous Visions of Justice Through the Culturally Sensitive Interpretation of Legal Rights" (undergoing revise and resubmit as a book submission to U.B.C. Press)
- 2011 "Opposing Mr. Big in Principle: A critical examination of the Mr. Big technique within a common law framework" (in progress)

### **Research Grants**

- 2010 Manitoba Legal Research Institute - \$5,000 to carry out research on Canada's use of the Mr. Big investigative technique.
- 2010 Criminology and Social Justice Research - University of Manitoba - \$2,000 In order to conduct research on the disproportionate number of Aboriginal persons designated as dangerous offenders.

### **Academic Conference Presentations**

- 2011 "Problems with *Gladue*: In Manitoba and Beyond", paper presented at the symposium, "Implementing Gladue: Law & Policy 20 years after the Aboriginal Justice Inquiry", held at Robson Hall, University of Manitoba,

March 17, 2011.

- 2010                    “The Dark Side of the DNA Database in Canada”, paper presented at BIT's 1st annual Forensics Congress, hosted by BIT Life Sciences, October 21-23, 2010, Dalian, China.
- 2010                    “The Latest Chapter in Fighting Terrorism Since 1492: an Examination of Canadian Anti-Terrorist Legislation as Applied to Aboriginal Peoples”, paper presented at 9th Bi-ennial International Conference, "Societies in Transition: Balancing Security, Social Justice, and Tradition", hosted by the John Jay College of Criminal Justice, June 2-5, 2010, Marrakesh, Morocco.
- 2010                    “The Role of Residential Schools in Aboriginal Criminality”, paper presented at "Prairie Perspectives on Residential Schools", a conference held during the Truth and Reconciliation Commission's First National Event held in Winnipeg, June 17, 2010.
- 2010                    “And Justice for Aboriginals”, a presentation on recent research work and future research goals at the Western Canadian Emerging Scholars Workshop, hosted by the College of Law of the University of Saskatchewan, May 2-4, 2010, Saskatoon, Saskatchewan.
- 2009                    “And Justice for Aboriginals”, a presentation on recent research work and future research goals at the Western Canadian Emerging Scholars Workshop, hosted by the Faculty of Law of the University of Manitoba, May 7-8, 2009, Winnipeg, Manitoba.
- 2009                    “The Healing Lodge Welcomes a New Sister: Extending *Gladue* to Parole and Security Classification Determinations”, paper presented at the Canadian Prison-Academic-Community Health and Education Conference on December 4<sup>th</sup> and 5<sup>th</sup> 2008 at Sty-Wet-Tan, UBC First Nations Longhouse.
- 2008                    “The Political Inertia Against Aboriginal Justice Reform”, presentation delivered on March 16, 2008, in Chase, British Columbia, as part of the Indigenous Justice Conference.
- 2007                    “Missing the Drumbeat: Addressing the Supreme Court of Canada’s Treatment of Aboriginal Cultures”, paper presented at the UBC Law 12<sup>th</sup> Annual Interdisciplinary Legal Studies Graduate Student Conference, Vancouver, May 3-4, 2007.
- 2006                    “Restless Spirits in the Land: Finding a Place in Canadian Law for Aboriginal Civil Disobedience”, paper presented at the 23<sup>rd</sup> Annual Australasian Law and Society Conference, Wollongong, Australia, December 11-13, 2006.

- 2006 “Restoring the Potential of Restorative Justice: a Response to Recent Criticisms of Restorative Justice”, paper presented at the UBC Law 11<sup>th</sup> Annual Interdisciplinary Legal Studies Graduate Student Conference, Vancouver, May 4-5, 2006.

### **Invited Public Talks**

- 2010 On May 13, 2007, I was at a guest speaker at a community gathering organized by Winnipeg Copwatch as part of the International Day against Police Brutality to introduce a showing of the movie, "Cowboys and Indians: The J.J. Harper Story".
- 2008 “Getting Published as an Aboriginal Grad Student”, a workshop delivered in co-operation with Supporting Aboriginal Graduate Enhancement (SAGE) on October 25, 2008, in the Ponderosa Lounge, U.B.C. Campus.
- 2008 “Restless Spirits in the Land: Finding a Place in Canadian Law for Aboriginal Civil Disobedience” lecture at U.B.C. Faculty of Law on February 13, 2008, as part of the Aboriginal Legal Awareness Days.
- 2007 “Your Rights as Youth”, a lecture, and question and answer session, provided to Aboriginal youth on their rights upon getting stopped by police. It was held at the Vancouver Aboriginal Friendship Centre on April 18, 2007.
- 2007 “Peacemaking or Troublemaking?: an Overview of Aboriginal Alternatives to Incarceration”, lecture at U.B.C. Faculty of Law on March 19, 2007, as part of the Aboriginal Legal Awareness Days.

### **Course Guest Lectures**

- 2011 Guest lecture, February 2, 2011, on Aboriginal justice in Professor Anne McGillivray's course, Crime, Law, and Society.
- 2011 Guest lecture, January 31, 2001, on Aboriginal justice and residential schools in the graduate seminar, "Critical Conversations: Indian Residential Schools, Truth & Reconciliation".
- 2007 On May 16, 2007, I delivered a guest lecture on the Indian Act at the request of Dr. Charlene Morton to assist with the teaching of Educational Studies 428: Social Foundations of Education.

### **Scholarships and Awards:**

- 2009 U.B.C. Law Foundation Fellowship - \$5,000  
- Awarded on the basis of academic excellence and outstanding graduate

student scholarship.

- 2007-2008      Paetzold First Nations Graduate Fellowship - \$18,000  
- Awarded to a First Nations graduate student at U.B.C. on the basis of academic merit.
- 2006-2007      Paetzold First Nations Graduate Fellowship - \$18,000  
- Awarded to a First Nations graduate student at U.B.C. on the basis of academic merit.
- 2004              U.B.C. Law Foundation Fellowship - \$5,000  
- Allocated annually to graduate students in law at the discretion of the Faculty of Law.
- 2002-2003      Diane Cossins Scholarship in Criminology - \$10,000  
- Awarded annually to a graduate student at the University of Alberta engaged in research on the Canadian criminal justice system.  
- The Department of Sociology and the Faculty of Law each nominate a candidate for the scholarship.
- 2001-2002      **Annual Graduate Studies in Law Scholarship** - \$5,000  
- The Faculty of Law distributes funds annually to graduate students at their discretion on the basis of academic achievement.
- 2001-2002      Honorable N.D. McDermid Scholarship - \$10,000  
- Awarded annually to a student entering first year of L.L.M. studies at the University of Alberta on the basis of academic achievement and proven capability in the chosen area of study.
- 1998              Robert C. Carson Memorial Bursary - \$500  
- Awarded annually to an Indigenous law student on the basis of academic achievement and financial need.

### **Courses Taught**

- 2011              University of Manitoba - Summer Sessional Lecturer  
Natives Studies 3280 - T01 - Aboriginal Peoples and the Canadian Criminal Justice System.
- 2010              University of Manitoba - Sessional Lecturer  
- Sociology 3720: The Criminal Law and its Procedure
- 2010-2011      University of Manitoba - Assistant Professor  
- Law 1140: Criminal Law and Procedure  
- Law 2600: Evidence

- 2010 University of Manitoba - Summer Sessional Lecturer  
Natives Studies 3000 - T01 - Aboriginal Peoples and the Canadian Criminal Justice System.
- 2010 University of Manitoba - Sessional Lecturer  
- Sociology 3720: The Criminal Law and its Procedure
- 2009-2010 University of Manitoba - Assistant Professor  
- Law 1140: Criminal Law and Procedure  
- Law 2600: Evidence
- 2009 University of British Columbia – Sessional Lecturer  
- Sociology 470a: The Sociology of Crime and Justice.
- 2008 University of British Columbia – Sessional Lecturer  
- Law 200: Aboriginal Peoples and Canadian Law.
- 2007 University of British Columbia - Sessional Lecturer  
- Law 364: Topics in Race and the Law
- 2006 University of British Columbia – Sessional Lecturer  
- Law 200: Aboriginal Peoples and Canadian Law.

### **Professional Work and Consultancies**

- 2008 First Nations Summit – Research Consultant  
- I prepared a research report on the prevention of Aboriginal youth suicide.
- 2004 Calgary Legal Guidance – Research Consultant  
- After completing my articles, I was kept on as a research consultant  
- I conducted research, both empirical and academic, and then provided recommendations for setting up a branch of Calgary Legal Guidance to provide legal services specifically to Indigenous persons.  
- I have been advised by staff counsel at Calgary Legal Guidance that a proposal to establish this branch, based upon my recommendations, has been made to the Alberta Law Foundation.
- 2003-2004 Calgary Legal Guidance – Articling Student  
- I articulated with a poverty law clinic, with an emphasis on criminal and family law.  
- I performed legal work in a number of capacities, including defence work during trials and sentencing hearings, Family Law Duty Counsel work, and solicitor work for clients seeking redress in Small Claims Court.  
- I performed volunteer work during evening legal clinics.

## **Community Service**

- 2010                      Ka Ni Kanichihk  
- Ka Ni Kanichihk is an umbrella organization that provides several services to Aboriginal families in Winnipeg's north side.
- 2010-present           Main Street Mission  
- Member of the Board of Directors.

## **Volunteer Experience**

- 2005-2008              First Nations Law Students Association – UBC  
- I helped organize the Aboriginal Legal Awareness Days that were held in the Faculty of Law of U.B.C. during March of 2007 and February of 2008, and delivered presentations during each year.  
- I also assisted with setting up the retirement dinner in honour of Justice Lambert of the British Columbia Court of Appeal.
- 1997-1999,  
2001-2003              **A**boriginal Law Students Association – University of Alberta  
- I participated in several cultural and social events, and educational seminars.
- 1998-1999              Student Legal Services – University of Alberta  
- I routinely ran docket court appearances for principals.  
- I ran a trial and speak to sentence.
- 1994-1996              ARUSHA - Calgary  
- ARUSHA is an organization devoted to raising public awareness of racism in schools, and working towards solutions of those issues.  
- I volunteered in meetings, and workshops.