

Tiny law firm a big winner on national stage

By Gary Oakes
Victoria

The law firm of **Pape & Salter** provides proof for the proposition that you don't have to be big to be successful.

"We try to keep the firm small so we can spend as much time as possible lawyering instead of administering," founding partner **Arthur Pape** told *The Lawyers Weekly* after the Supreme Court handed down its landmark judgment in *R. v. Powley*, [2003] S.C.J. No. 43.

Pape and colleague **Jean Teillet**, the great-grandniece of hanged Métis leader Louis Riel, represented a father and son charged with offences under Ontario hunting legislation over shooting a moose. The Powleys are members of a Métis community near Sault Ste. Marie and the trial judge found that under s. 35(1) of the *Constitution Act, 1982*, they have "an aboriginal right to hunt for food that is infringed without justification by the Ontario" legislation.

The province's Superior Court

and Court of Appeal upheld the acquittals and the SCC dismissed the Crown's appeal.

Teillet sees it as a decision of national importance. "I think *Powley* is the beginning of a new era. I think it stands for recognition of the Métis people."

It was just the sort of outcome Pape might have hoped for 20 years ago, when he and fellow University of British Columbia law grad **Rick Salter** established the firm.

"There was a great deal of injustice in the country that needed to be corrected," Pape said. There still is and the firm plans to remain front and centre in helping resolve problems of Canada's aboriginal people.

Teillet joined them 11 years ago and **Randall Kahgee** and articling student **Bertha Rabesca-Zoe** currently round out the legal staff; all working out of offices in Toronto and Vancouver as well as putting in considerable time in the North.

Pape believes one strength of is its involvement in land claims and self-government negotia-

tions as well as litigation.

"In fact, under Rick Salter's leadership, it was counsel on the ground-breaking Tlicho land claims agreement, the first Northern agreement that provides land and resources and self-government powers for a First Nation." It was signed last summer by all parties, including Prime Minister Jean Chrétien.

Pape said that in many big cases "we've worked on legal teams with members of other firms." Pape & Salter also practises environmental and labour law.

As for *Powley*, Pape expressed hope the case will make it possible "to resolve these issues and work out new arrangements to properly accommodate Métis people in Canada."

In 2002, Teillet became the first recipient of the Law Society of Upper Canada's Lincoln Alexander Award for her work "as a mentor, a teacher, and her commitment to advancing Aboriginal issues."

Teillet is a member of the bars of Ontario, British Columbia

and the Northwest Territories.

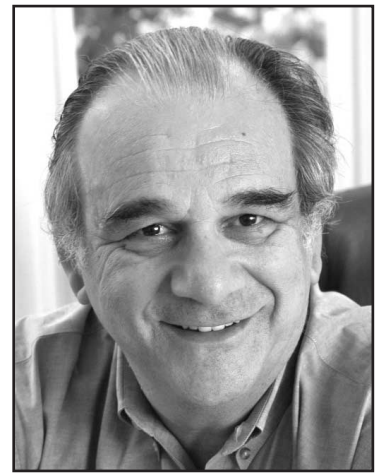
She is a founding member of the Métis Nation of Ontario, and helped create the Métis Nation Lawyers Association and the National Aboriginal Moot, an annual program where Aboriginal law students from participating universities hold a Moot Court to discuss and address issues relevant to Aboriginal people. She is also a former treasurer and vice-president of the Indigenous Bar Association.



Jean Teillet



Arthur Pape



Rick Salter

NAMES IN THE NEWS

BARRIE, Ont. - **Lori L. Aylwin** has joined with **Brian W. Bond** as an associate practising family and criminal law.

CALGARY - **George A. Wowk**, formerly of **Bennett Jones LLP**, has joined **Parlee McLaws** as an associate. He is a member of the Tech-Counsel team where he practises primarily intellectual property and technology law.

HALIFAX - **Joel E. Fichaud** has been appointed a judge of the Nova Scotia Court of Appeal. He replaces the late Justice **Edward J. Flinn**. At the time of his appointment, Justice Fichaud was partner with the firm **Patterson Palmer** in Halifax and was a litigator in the areas of constitutional and administrative law.

MONTRÉAL - **Allan R. Hilton** has been appointed a judge of the Court of Appeal of Québec. He replaces Justice **Morris J. Fish** who was appointed to the Supreme Court of Canada. Justice Hilton was appointed a judge of the

Superior Court of Québec in 1998. Prior to becoming a judge, he was a partner with the firm **McCarthy Tétrault LLP** where he practised in the areas of constitutional law, commercial law and civil litigation.

NEWMARKET, Ont. - **Guy P. DiTomaso** has been appointed a judge of the Superior Court of Justice, and will be assigned to Newmarket. He replaces Justice **Gloria R. Klowak** who was transferred in replacement of Justice **William P. Somers** who elected to become a supernumerary judge. Prior to his appointment, Justice DiTomaso was a partner with the firm **Heacock & DiTomaso** in Midland, Ont. He practised primarily in civil litigation, with related work in municipal law matters.

TORONTO - **Aaron Dantowitz** has joined **Stockwoods LLP**. Dantowitz was called to the bar in 2002 and was then a judicial law clerk with the Court of Appeal for Ontario.

Elizabeth M. Stewart has been

appointed a judge of the Superior Court of Justice, and will be assigned to Toronto. She replaces the late Justice **Frank K. Roberts**. Prior to her appointment, Justice Stewart was a partner with **McCarthy Tétrault LLP** since 1984, practising primarily in civil litigation and administrative law.

Thea P. Herman has been appointed a judge of the Superior Court of Justice, and will be assigned to Toronto. She replaces Justice **Lucien A. Beaulieu** who elected to become a supernumerary judge. Since 1999, Justice Herman was Special Advisor to the Deputy Minister and Head of International Cooperation at the Department of Justice Canada.

John R. Sproat has been appointed a judge of the Superior Court of Justice, and will be assigned to Brampton. He replaces the late Justice **Maira L. Caswell**. Prior to his appointment, Justice Sproat was with the firm **Miller Thomson LLP**. He sat as a Member of the National Executive Committee of the firm and practised

primarily in commercial litigation with emphasis on employment law.

Michael H. Tulloch has been appointed a judge of the Superior Court of Justice, and will be assigned to Brampton. He replaces Justice **Ronald G. Thomas** who elected to become a supernumerary judge. At the time of his appointment, Justice Tulloch was the senior counsel at **Michael H. Tulloch and Associates** working primarily in criminal law. He is President of the Canadian Association of Black Lawyers.

VANCOUVER - **Robert J. MacRae**, formerly of **Campney & Murphy**, has joined **Miller Thomson LLP** as associate counsel. His practise concentrates on corporate/commercial and taxation law.

Contributions to Names in the News can be e-mailed to: names@lexisnexis.ca or sent by fax to 905-479-3758. There is no charge for publication.

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