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Falconers LLP is a full-service legal firm with offices in Toronto, Thunder Bay, and Manitoulin Island. Falconers LLP provides legal services in the areas of civil litigation, human rights, corporate governance, political governance, policing oversight, and labour and employment matters.

The team at Falconers, led by partners Julian Falconer and Asha James, along with a talented team of senior and junior associates, focuses our work on state accountability and the relationship between Canadians and Indigenous nations. A significant portion of our work involves supporting First Nations communities, especially when it comes to policing and the need for culturally-responsive approaches to community safety.

Falconers LLP provides extensive legal support in the area of Indigenous policing. Currently, Falconers acts for the Nishnawbe Aski Police Service (NAPS), the largest Indigenous police service by number in Canada; the Treaty Three Police Service (T3PS), and the Wiikwemkoong Tribal Police Service (WTPS). Falconers LLP is also counsel to the recently-established Indigenous Police Chiefs of Ontario (IPCO), an umbrella organization with a mandate to strengthen the nine Indigenous stand-alone police services across Ontario through unity of purpose and activities, thereby enhancing safety for the communities they are sworn to protect. Six Nations Police Service is, of course, a founding member of IPCO and we have had the pleasure to work with Six Nations closely over the past several years.

Falconers LLP advocacy has involved many important cases on police accountability. The firm has acted as lead counsel in cases that have helped to establish the framework for police duties and responsibilities in Canada. Cases include: *Odhavj Estate v. Woodhouse* 2003 SCC 69, in which the Supreme Court clarified the tort of misfeasance of public office as it relates to police misconduct; *Wood v Schaeffer* 2013 SCC 71, in which the Supreme Court confirmed that police cannot consult with legal counsel prior to writing their incident notes; and *Penner v. Niagara Regional Police Services et al.* 2013 SCC 19, in which the Supreme Court ruled that the decision of a police disciplinary hearing cannot serve to bar a civil lawsuit against a police force.

In Thunder Bay, Falconers LLP was instrumental in spurring a wide-ranging review of institutional racism at the Thunder Bay Police Service (TBPS). This resulted in two landmark reports in 2018: the Office of the Independent Police Review Director (OIPRD)'s *Broken Trust*, which outlined systemic racism against Indigenous peoples by the TBPS; and, separately, Senator Murray Sinclair's Thunder Bay Police Board Investigation, which found a "general climate of racism" in Thunder Bay policing, and which ultimately led to the disbandment of the TBPS Board and appointment of an Administrator to oversee a systemic reform process.

Falconers LLP also offers training to police boards and commissions on their roles and responsibilities as civilian oversight for the police services they work with. Our trainings focus on recommendations with respect to oversight and governance generally, and specifically as these issues relate to the two Thunder Bay police reports mentioned above. Recent police board clients include the Treaty 3 Police Services Board and the Nishnawbe Aski Police Services Board.

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Additional policing-specific areas of expertise include: supporting First Nations police services transitioning to the *Police Services Act*; handling labour matters for multiple police service boards; representing clients before the Canadian Human Rights Commission and Ontario Human Rights Commission; drafting and in many cases developing templates for service by-laws and policies; and providing overall legal counsel to police services and police boards across Ontario.

Falconers LLP also has extensive experience in the negotiating of tripartite funding agreements for policing services. Julian Falconer has worked extensively with senior management of police services and political leadership in creating negotiating strategies aimed at maximizing funds to the police service and recognizing the unique cultural nature of Indigenous Police Services.

Additionally, Falconers LLP has provided labour relations advice to various police services representing them in grievances, human rights complaints, and labour negotiations.

Falconers LLP also has specific expertise in supporting the work of civilian oversight commissions, panels, and boards in the context of policing and community safety. In January 2008, founding partner Julian Falconer completed an appointment as Chair of the School Community Safety Advisory Panel, an independent body convened by the Toronto District School Board to conduct a systemic review into the safety of students across the school system. The Panel's work resulted in a five-volume report entitled "The Road to Health" which represents the most comprehensive independent review of youth and safety issues ever delivered on the Ontario school system.<sup>1</sup>

Over the last six years, Falconers LLP has been providing the legal support to both political and technical tables in negotiations with Canada and Ontario towards a ground-breaking legislative framework for the delivery and quality control of policing services to Northern remote communities. This work culminated in the introduction of Bill 175 which reflects, for the first time, an option for First Nations to exercise a legislative option to begin operating under the *Police Services Act*, thereby having the benefit of policing with legislated quality controls and funding while maintaining the cultural identity of the particular police service. The groundbreaking measures in Bill 175 have been reproduced in the *Comprehensive Ontario Police Services Act*, which was recently passed in the provincial legislature.

Falconers LLP has seen significant expansion in the firm's work with First Nations communities. The needs of northern/remote communities for effective legal advocacy are high in many different areas including child welfare, education, health, and policing. In addition, contemporary challenges faced by communities in relation to treaty disputes, development, and internal governance issues all represent areas for which legal support is an essential part of transformative and real reform for Indigenous people.

Our firm represents a diverse range of First Nations governments and political territorial organizations in northern Ontario including the following: Nishnawbe Aski Nation Political Territorial Organization (NAN) (legal support in multiple areas including policing, child welfare proceedings before the Canadian Human Rights Tribunal, and as general counsel); Sandy Lake First Nation (human rights proceedings and civil litigation); Rainy River First Nations (Membership Code, Electoral Code, and Land Code work); and Namaygoosisagagun First Nation (Band Status Proceedings).

Falconers LLP has a dedicated group of lawyers, headed by founding partner Julian Falconer alongside firm partner Asha James. The Falconers LLP team consists of 8 lawyers, along with 1 student and a team of legal assistants and clerks. The firm offers additional services in civil litigation, employment law, corporate governance, and labour relations.

## **Founding Partner**

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<sup>1</sup> Report found at <https://falconerschoolsafetyreport.com/>

Julian Falconer holds degrees from the University of Alberta, McGill University, and the University of Toronto in addition to an Honorary Doctorate of Laws from the University of Guelph-Humber. He is a Bencher of the Law Society of Ontario and an author, writing extensively on issues of race and civil liberties, and co-authoring the book, the *Annotated Coroners Act*. In the true tradition of a Barrister, Julian Falconer's practice takes him to civil, administrative, and criminal courts at both trial and appellate levels, including the Supreme Court. He is bilingual and has argued cases in both English and French.

More recently, with the firm's expansion from Southern Ontario into the North, his work has expanded to focus on Indigenous-side representation on matters including child welfare, education, equitable service provision, and community governance, always focusing on the unique remedies required for reconciliation. Specifically, this work has included representation of the two largest First Nations police forces in negotiation of legislated standards of policing, representation on the Inquest into the deaths of Seven Youth in Thunder Bay, and as Counsel for the Truth and Reconciliation Commission of Canada over a five-year period in respect of document collection litigation.

Julian's client base spans the range of individuals and institutions which have recently included Nishnawbe Aski Nation (First Nations political territorial organization for Northern Ontario), Aboriginal Legal Services of Toronto, and several First Nations Police Services, including assisting in the establishment of the Indigenous Police Chiefs of Ontario.

Julian has been counsel on matters related to prisoner rights, police accountability, and human rights. Specifically, this work has included the representation of Maher Arar, who made Canadian legal history in receiving the largest human rights settlement allotted to an individual plaintiff; the family of Ashley Smith, the 19-year-old who died in custody at Grand Valley Federal Penitentiary; and Adam Nobody and the "Free Press Four" in relation to their unlawful beatings and arrests during the G20 summit in Toronto.

Julian has also represented numerous organizational interests (First Nations and African Canadian) at the Commission of Inquiry level, including the Ipperwash Inquiry and the Goudge Inquiry into child pathologist, Dr. Charles Smith.