

Eric Wolfhard

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Education

1987
B.A. (First Class Honours)
University of British Columbia
Major: Political Science (Honours Programme)

1991
LL.B
University of Toronto
Major: Law

Called to the Bar of British Columbia in 1992 but not currently practicing.

Employment

December 2004-Present – Independent Consulting Analyst on Aboriginal Land and Treaty Issues

I have researched, written, commented on, repackaged, edited and/or managed the research and analysis of several dozen specific and treaty-related claims from First Nations in BC, the Yukon, Alberta, Saskatchewan and Manitoba. For both First Nations and Government I have undertaken or dealt with issues such as: strength of claim analyses; overlapping territorial disputes; Band divisions and amalgamations; pre- and post-Confederation reserve creation; compensation for illegal reserve land and resource use; fishing station and fishing license distribution; survey errors; unlawful surrenders and pre-emptions; rights of way involving roads and highways, irrigation, pipelines (including their environmental aspects), hydroelectricity, logging and railways; the maladministration of Indian assets such as trust funds, water rights, and oil and gas deposits; treaty fishing, trapping and hunting rights in Treaty 8 and under the Douglas Treaties; date of first survey analysis and genealogical research pertaining to treaty land entitlement in Treaties 4, 6, 7 and 8; and inadequate village site protection, including under the Douglas Treaties.

This work is guided by both policy and legislation (eg, the *Specific Claims Tribunal Act*, the *NEB Act*), and has involved historical/archival research and the analysis of government documents – active and archived – as well as ethnographic and archaeological material stored in a variety of both governmental and non-governmental institutions. Work products generally involve the writing of historical reports and analyses, executive summaries, memoranda, and other analytical assessments, as well as presentations to various governmental and aboriginal bodies. More specifically, my work has included the following:

- Reviewing potential claims and legal submissions in order to identify issues and allegations;
- Preparing research plans to define active, archival and alternative sources of documentation pertaining to the issues and allegations, then prioritizing those sources in light of their usefulness with respect to research objectives and priorities;
- Retrieving all relevant documents and undertaking review in order of priority;

- Briefing clients as agreed during the course of both research and analysis and, when necessary, immediately alerting the client of any unexpected challenges, delays, expenses and any other potential pitfalls arising in the research and analytical process;
- Writing impartial and objective historical reports and analyses and/or executive summaries based on an evaluation of the key collected documents and in light of the issues and allegations raised;
- Submitting those written materials (and, as outlined below, all supporting material) to the client on a timely basis, and then discussing and executing suggested editorial changes and additional research requests;
- Preparing other analytical documents, legislative appendices and document indices to provide further support to the historical reports and/or executive summaries of the issues, allegations and documents reviewed;
- Organizing sets of documents, labelling, indexing and transcribing those documents as directed; providing binders as requested or using computer hardware and software to scan, bookmark and link documents; producing CDs containing executive summaries, historical reviews and analyses, document indices and appendices, the documents retrieved, etc; and,
- Making presentations and responding to questions on an ongoing basis.

October – November 2004 - Contract Writer, Editor, and Archival Research Consultant on Comprehensive and Specific Claims

Working under terms of reference written by the Province of BC, the Federal Treaty Negotiation Office, and the Tsawwassen First Nation, I was hired to undertake an analysis of all intra-First Nation land transactions on the Tsawwassen Reserve from 1951-2004. Initially presented with what was regarded as a completely-researched package of archival and DIAND (Indian Land Registry)-held evidence gathered by the various parties, I quickly determined that there were in fact several hundred pages of documents missing. I immediately alerted the parties to that discovery, and then, with their approval, included these additional documents in my analysis while bringing the project to completion both on time and on budget.

This project was the first of its kind under the BC comprehensive claims process and resulted in a multi-chapter report with visual aids, several binders of evidence, and numerous presentations of that evidence and my analysis to Provincial, Federal, and First Nation representatives. The project was also an important step on the road to a Treaty ratified in both Parliament and the BC Legislature – the first Treaty to be signed by a First Nation under the BC Treaty Commission process.

For a law firm specializing in aboriginal law, I also undertook archival research and analysis on three specific claims as well as an analysis, in the context of the BC comprehensive claims process, of overlapping land and resources claimed by two rival First Nations.

April 1998 - September 2004 - Contract Writer, Editor, and Archival Research Consultant on Specific Claims

Working for the Specific Claims Branch (SCB) of Indian and Northern Affairs Canada (INAC), I contributed to SCB policy development on treaty land entitlement (TLE), managed other SCB researchers working on TLE and conventional claims, and, managed joint projects between SCB and various First Nations.

I also researched, wrote and commented on, edited and/or managed the research and analysis of several dozen specific and treaty-related claims from BC, Alberta, Saskatchewan, Manitoba, Ontario and the Yukon. These claims involved many of the same issues noted above: pre- and post-Confederation reserve creation; illegal Band amalgamations and relocations; compensation for illegal reserve land and resource use; fishing stations; survey errors; unlawful surrenders; pre-emptions; highway and railway rights of way; the administration of Indian assets such as water rights and oil and gas deposits; inadequate village site protection under treaty; severalty and treaty-related agricultural benefits; treaty-related hunting and fishing rights; and treaty land entitlement claims from First Nations under Treaties 4, 6, 7, 8 and 10.

October 1992-March 1998 – Screenwriter and Part-time Contract Writer, Editor, and Archival Research Consultant on Specific Claims and Aboriginal Litigation

Wrote a screenplay under a development deal financed by Twentieth Century Fox and worked for an industrial client on an aboriginal land issue. Also worked for SCB on a part-time basis on several specific claims filed by BC First Nations. Issues included illegal surrenders, road and railway rights of way, inadequate compensation, and survey errors.

September 1991 – September 1992 - Articling Student and Lawyer, Lawson Lundell Lawson & McIntosh, Vancouver

Exposed to several litigation files on behalf of industrial and resource-based clients which included claims based on aboriginal title and occupancy and the assertion of various aboriginal rights. The experience not only familiarized me with the rules of court and the practice of industry-side law but also illustrated some of the nuances of aboriginal and energy issues, particularly with respect to environmental conflict and natural resource disputes. I wrote interrogatories and participated in the discovery process as well as settlement negotiations, drafted statements of claim and defense, factums and affidavits, and I also argued points of law and presented evidence in chambers, BC Provincial Court, and BC Supreme Court.

Refereed Publications

"International Trade in Intellectual Property: The Emerging GATT Regime," (1991)
49 University of Toronto Faculty of Law Review 107-131.

The Mote in GATT's Eye: Intellectual Property Rights and International Trade
in The Uruguay Round (Toronto: Ontario Centre for International Business
Working Paper Series, 1990.

Awards

Among the several awards I won as an undergraduate and law student (partial list only):

J.S.D. Tory Fellowship - 1990
John M. Olin Foundation Fellowship - 1990
McCarthy Tetrault Fellowship - 1990
Ting Sum Tang Memorial Prize - 1988
Blake Cassels Entrance Scholarship - 1987
William Lyon McKenzie King Fellowship (declined) - 1987
William G. Black Memorial Prize - 1987
Ministry of Education Scholarship - 1987
Ministry of Advanced Education Award - 1987
University of Toronto Open Fellowship - 1987
University of BC Foundation Scholarship - 1987

Other Matters

- Health: Excellent, former BC Cycling Champion (road) and still cycling regularly.
- Married with two children.
- Over the years I have managed and/or coached their various sports teams (hockey, T-ball, soccer, water polo, basketball) and I have also served on our pre-school executive as Treasurer and on our Parish Education Committee as Secretary, Vice-Chair and Chair (current). In this body I help oversee a board of six other members, a staff of 25, and a budget of \$1.4 million.
-In my spare time I write screenplays on a professional basis (eg, SAINT OF HEARTS (optioned seven times, including currently), GENTLEMEN OF THE SHADE (optioned three times), SPINDOWN (optioned three times), and BLACKFARM (currently in pre-production). In this endeavor I am represented by a literary agent in Los Angeles.

References Available on Request