

It Doesn't Have to be This Way: Eliminating Unnecessary Trauma from the Fact-Finding Process

Moderator: The Honourable Chief Justice Shannon Smallwood, Supreme Court of the Northwest Territories

Speakers:

The Honourable J. Michael MacDonald, Stewart McKelvey, Halifax, N.S.

Theme:

Having been immersed for over 40 years in the traditional adversarial system of fact finding (Lawyer, trial judge, appeal court judge), my experience with the Mass Casualty Commission (with its trauma informed mandate) represented a true awakening for me. I knew that the adversarial system was a blunt instrument that often caused more harm. Yet, through my MCC experience, I came to realize that it doesn't necessarily have to be this way. Instead, a trauma informed approach enhances (as opposed to diminishing) the trier of fact's ability to determine the truth. I am not saying abandon the adversarial process completely but I urge fact-finders to courageously try less traumatic creative approaches that will in fact produce a richer truth, while reducing the harm the process inevitably causes.

Location of materials:

Mass Casualty Commission Website [<https://masscasualtycommission.ca/>]

Excerpts from the proceedings:

Description	Link	Window
Excerpt from the testimony of the first three police officers on the scene Witness Panel: Constables Stuart Beselt, Adam Merchant and Aaron Patton	https://masscasualtycommission.ca/calendar/event/33933/	[1:03:55 to 1:06:30]

<p>Excerpt from the testimony of Lisa Banfield Witness: Lisa Banfield</p>	<p>https://masscasualtycommission.ca/calendar/event/74943/</p>	<p>[7:06:30 to 7:09:00]</p>
<p>Excerpt from the testimony of the two police officers who took down the perpetrator Witness Panel: Csts. Craig Hubley and Ben MacLeod,</p>	<p>https://masscasualtycommission.ca/calendar/event/53519/</p>	<p>[00:53:00 to 00:55:20]</p>
<p>Excerpt from the questioning by Josh Bryson, counsel for family members during the testimony of the two police officers who took down the perpetrator Witness Panel: Csts. Craig Hubley and Ben MacLeod,</p>	<p>https://masscasualtycommission.ca/calendar/event/53519/</p>	<p>[4:26:30 to 4:27:11]</p>
<p>Excerpt from the testimony from RCMP Superintendent Darren Campbell Witness: Supt. Darren Campbell</p>	<p>https://masscasualtycommission.ca/calendar/event/66651/</p>	<p>[8:44:40 to 8:46:30]</p>