

# Cassels



## Thomas Isaac

Partner

### Contact Information

604 691 6108  
tisaac@cassels.com

### Office

Vancouver

### Expertise

- Aboriginal
- Energy
- Litigation
- Mining
- Infrastructure
- Regulatory

### Biography

Thomas Isaac\* is a partner in the Business Law Group at Cassels and serves as Chair of the firm's Aboriginal Law Group. A nationally recognized authority in Aboriginal law, Tom advises business and government clients across Canada on Aboriginal legal matters and related environmental assessments, negotiations, and regulatory and constitutional issues. Tom has extensive national experience advising energy, oil, gas, pipeline, mining and forestry companies, lenders and investors, and federal, provincial, territorial and municipal governments and agencies on Aboriginal and project-related regulatory and environmental matters. He regularly negotiates on behalf of industry and governments concerning impact, benefit, economic development, replacement tenures, and access agreements with Aboriginal groups, and advises on Aboriginal consultation and accommodation processes and agreements. In recognition of his important and significant work in this area, Tom was honoured as one of Canada's "Top 25 Most Influential" lawyers by *Canadian Lawyer* magazine in 2018.

Tom's litigation practice is national in scope and focuses on representing clients in Aboriginal-related matters before courts and tribunals across Canada, including: Supreme Court of Canada, Federal Court of Canada, Ontario, British Columbia and PEI Courts of Appeal and lower courts, Manitoba Court of Queen's Bench, Northwest Territories, and Yukon Supreme Courts; and the Canadian Energy Regulator (formerly the National Energy Board), Ontario Energy Board, and British Columbia Environmental Appeal Board. His published works on Aboriginal law have been cited with approval by Canadian courts, including the Supreme Court of Canada and the Federal Court of Appeal. Tom has also served as a mediator involving complex, multi-jurisdictional Aboriginal-related disputes.

Tom is a former Chief Treaty Negotiator for the Government of British Columbia and former Assistant Deputy Minister responsible for establishing Nunavut for the Government of the Northwest Territories. He also served in a senior capacity with the Government of Saskatchewan dealing with Aboriginal issues. Tom has published extensively in Aboriginal law, including 14 books, most notable *Aboriginal Law, 5th Ed.*

Tom was the Minister's Special Representative to the Minister of Indigenous and Northern Affairs regarding a Section 35 Métis Rights and Reconciliation Framework and a reconciliation approach for the Supreme Court of Canada's decision in March 2013 in *Manitoba Métis Federation v. Canada*. His Report – *A Matter of National and Constitutional Import: Métis Section 35 Rights and the Manitoba Métis Federation Decision* – was released by Canada in July 2016. Tom also served as the Minister's Special Representative to the Minister of Indigenous and Northern Affairs and the Premier of the Northwest Territories regarding the Akaitcho Dene and NWT Métis Nation negotiations in the Northwest Territories. His Report – *A Path to Reconciliation* – was released by both governments in March 2017.

Tom is presently serving as the Minister's Special Representative for the Minister of Indigenous and Northern Affairs to conduct exploratory discussions on the Gottfriedson class action lawsuit against the Government of Canada relating to residential school day students.

*\*denotes Law Corporation*

## Achievements

- *Benchmark Canada* (Litigation Star: Aboriginal Law, Energy & Natural Resources, Environmental)
- *Best Lawyers in Canada* (Aboriginal)
- *Best Lawyers in Canada*, Lawyer of the Year (Aboriginal, Calgary) (2015 & 2017)
- *Canadian Lawyer*, Top 25 Most Influential Lawyers (2018)
- *Canadian Legal Lexpert Directory* (Aboriginal Law)
- *Chambers Canada* (Aboriginal Law, Band 1)
- *Chambers Global* (Aboriginal Law, Band 1)
- *Lexpert Guide to US/Canada Cross-Border Lawyers in Canada*
- *Lexpert Special Edition*, Global Leaders in Mining
- *Lexpert Special Edition*, Leading Lawyers in Infrastructure

## Client Commentary

- “Tom is one of the most talented lawyers I know. He is great to work with, responsive, and provides excellent practical advice on very complex matters.” – *Chambers Canada*

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*(Aboriginal)*

- “Tom provides extremely valuable advice. He is an excellent communicator and provides real value to our work.” – *Chambers Canada (Aboriginal)*
- “In terms of practical advice Thomas Isaac is the best at understanding the law and finding how to tie it into practical circumstances.” – *Chambers Canada (Aboriginal)*
- “Responsive, pleasant to work with, takes an interest in what we’re doing and operates in an area that is very complex.” – *Chambers Global (Aboriginal)*
- “An expert in the field.” – *Chambers Canada (Aboriginal)*
- “One of the best Indigenous lawyers in Canada.” – *Chambers Canada (Aboriginal)*
- “Pre-eminent First Nations lawyers in Canada.” – *Chambers Global (Aboriginal)*
- “Strong understanding of process and risk.” – *Chambers Global (Aboriginal)*
- “A formidable reputation.” – *Chambers Global (Aboriginal)*
- “One of the country’s leading lawyers in the field of Aboriginal law.” – *Chambers Canada (Aboriginal)*
- “The well respected Thomas Isaac is unequivocally deemed as a ‘leader on this front’.” – *Chambers Canada (Aboriginal)*
- “He is very personable, easy to approach and he listens well – he is very responsive to what your needs and concerns are.” – *Chambers Canada (Aboriginal)*
- “A giant in the Aboriginal field.” – *Chambers (Aboriginal)*
- “A very passionate, energetic and knowledgeable lawyer.” – *Chambers (Aboriginal)*
- “His reputation speaks for itself.” – *Chambers Global (Aboriginal)*

## Recent Representative Work

- Federal Government to Transfer Batoche Historic Site Lands Back to Métis People of Saskatchewan
- Cassels Represents PEI in Application for Leave to Appeal Brought by the Mi’kmaq Before the Supreme Court of Canada
- Cassels Represents PEI in Landmark Case on Duty to Consult as Mi’kmaq Appeal on Mill River Land Sale Dismissed

## Insights

- ABKB Decision Confirms That Constitutionally Protected Aboriginal Rights are Captured by Limitation Defences
- Aboriginal and Regulatory Law: 2022 Update (Cassels Webinar)
- Aboriginal Law – Case Law Update 2022 (Cassels Webinar)

## **Education / Bar Admissions**

- LL.M., University of Saskatchewan, 1993
  - LL.B., University of New Brunswick, 1990
  - M.A., Dalhousie University, 1989
  - B.A., St. Thomas University, 1987
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- British Columbia, 2001
  - Northwest Territories, 2003
  - Nunavut, 2003-2021
  - Alberta, 2006
  - Yukon, 2010
  - Ontario, 2019
  - Saskatchewan, 2019
  - New Brunswick, 2021 (2001-2007)

## **Associations**

- Law Society of Alberta
- Law Society of British Columbia
- Law Society of New Brunswick
- Law Society of Northwest Territories
- Law Society of Ontario
- Law Society of Saskatchewan
- Law Society of Yukon