

Oversight Attachment #2

Oversight Committee Meeting
August 15, 2007
Vancouver British Columbia
Listel Hotel
1300 Robson Street
Vancouver, BC
Canada V6E 1C5

Attendees

Laura Cabott
Rev. David Iverson
James Ehmann
Bill Percy, Chair
James Ward
Jeffery Hutchinson
Chief Bobbi Joseph
Ted Hughes
Monique Bond
Tina Eberts

Claimant's Counsel Representative
Church Representative
Church Representative
Claimant's Counsel Representative
IRSRC
IRSRC (Recorder)
Former Student Representative
Chief Adjudicator
IAP-Secretariat
Adjudication Secretariat

1. Adjudicator RFP

The Adjudicator RFP was posted on MERX on August 7, 2007. August 31, 2007, is the closing date. Screening is anticipated to take place between September 12th and 21st. Two screening panels will be required. It was noted that having them do the screening in different rooms at the same hotel will offer several advantages. Sharing of names for those "screened-in" will be subject to a confidentiality agreement required by PWGSC. Interviews for those applicants who are screened-in will occur between October 1st and 26th. The location of interviews was discussed. Last time interviews were held in Halifax, Toronto, Winnipeg, Regina, and Vancouver. Locations for interviews will be determined taking into account the locations and numbers of applicants.

2. Chief Adjudicator RFP

The process set out in the Settlement Agreement is being followed. The names of the Chief Adjudicator applicants were provided to the Courts. Several questions were received back from the courts, which are being answered. If a response is received from the courts as expected, interviews will take place in Winnipeg (?) 4 and 5, 2007. A conference call will be held prior to that time for interview questions and a marking guide to be developed.

It was noted that when future processes are conducted to hire Adjudicators, revisions to the process need to be incorporated to allow for greater input from and consultation with stakeholders. The requirement to keep names confidential from stakeholders was strongly objected to, particularly by Church representatives. Monique Bond committed to incorporate the objection into a request being developed that would allow the IAP

Oversight Attachment #2

secretariat to conduct hiring processes different from the RFP process being used currently.

3. Deputy Chief RFP

Screening scheduled for August 16, 2007, in Vancouver. Interviews will be scheduled once the new Chief Adjudicator has been identified (late September at the earliest for these interviews).

4. Form Fillers

The role of form fillers was discussed. Several concerns were raised, including concerns that form fillers may be giving legal advice to claimants. A contract has been let to do the evaluation of the form filler services (Gordon McClennan & Assoc). The evaluation will be tabled at Oversight Committee. Current contracts expire at the end of September. The IAP Secretariat is considering options

5. Transition of Claims from DR to IAP

Canada presented several draft documents for discussion purposes only. The documents outlined the general approach to how files will move from the DR to IAP after September 19th. Since the application of the transition rules to a specific case is dependent on whether a DR hearing has been scheduled prior to Sept 19, there was discussion about whether the Secretariat should continue to schedule hearings, whether claimants should be allowed adjourn hearings in order to access the IAP, and whether claimants should be advised now (prior to September 19) that scheduling a hearing could impact their rights under the Settlement. There was generally consensus that:

- hearings cancelled after September 19 would require a new application to the IAP
- the Secretariat should start advising claimants now that scheduling a hearing could impact on their rights under the Settlement
- whether a hearing “had been set” for the purposes of the Settlement would be based on whether on September 19 the parties have a hearing date (at some future point) identified/agreed. A hearing that has been cancelled or adjourned prior to September 19 will not count.
- Canada will send a letter to claimants who have DR claims raising sexual allegations to advise of the transition rules set out in the Settlement.
- Canada will also send a letter of a more general nature to claimants who have claims raising physical allegations to alert claimants to the transition provisions in the Settlement.
- Canada will not send transition letters to claimants who have been screened out of the DR (keeping in mind the concern that Canada has not always been clear that a claim has been screened out)

Oversight Attachment #2

- Hearings under the IAP will commence after the Adjudicators have been trained in November. The exception to this rule will be for hearings required on an emergency basis (e.g. due to failing health of the claimant). Any request for an expedited hearing should be submitted to the IAP Secretariat.
- IRSRC will mail information to claimants (or their counsel) regarding top ups under the Settlement
- The draft guide and application form for the IAP would be returned to the Oversight Committee for approval
- the draft guide requires further review with respect to “plain languaging”

Several questions were raised for the government to address:

- whether health supports would be available to claimants during settlement negotiations?
- letters from Justice regarding litigation settlements require clarification
- will there be steps taken to ensure that there is parity between counsel/law firms in the scheduling of IAP hearings, given the large number of claims expected at the outset?
- Whether the release related to the Catholic Top-up is required or is there a more practical approach? Will Canada pay for independent legal advice regarding the release?
- Will claims subject to reconsideration based on Loss of Opportunity or Student on Student allegations also be eligible for negotiated settlement?
- Will there be further clarification of the circumstances /process for leave to continue a claim in court? (e.g. catastrophic harms, quadriplegia?)

6. Hearing Centre

- the layout of the Winnipeg Hearing Centre was distributed and discussed.

7. Per Diems

The per diem rate for Oversight Committee members was discussed and confirmed.

8. Next Meetings

- a. Conference call to be set by James Ward to discuss interview questions for Chief Adjudicator interviews
- b. Conference call scheduled for September 5

Oversight Attachment #2

- c. September 24 – in-person meeting in Vancouver