

Oversight Committee
Conference Call
Sept 17, 2007

Chair: Bill Percy	Claimant Counsel Representative
Carol Brzezicki	Aboriginal Representative
Bobby Joseph	Aboriginal Representative
William Wuttunee	AFN Representative
Rosemarie Kuptana	Inuit Representative
Len Marchand	Claimant Counsel Representative
Dave Iverson	Church Representative
James Ehmann	Church Representative
Brian Harris	Adjudication Secretariat
Monique Bond	IAP Secretariat
Luc Dumont	IRSRC
James Ward	IRSRC
Ted Hughes	Chief Adjudicator ADR
Dan Ish	Chief Adjudicator IAP
Irene Fraser	Adjudication Secretariat

Item 1. Approval of Agenda

Welcome: Dan Ish was welcomed as the new IAP Chief Adjudicator.
William Wuttunee was welcomed. He is the AFN appointment to the
Oversight Committee

Approved with additions.

Item 2. Additions to the Agenda

Catholic Release Update
Transition Issue – Application for leave before application go forward to court.
Negotiated Settlement Issue

Item 3. Approval of Minutes of August 2

Moved to next meeting.

Item 4. Approval of Minutes of August 15

Moved to next meeting.

Item 5. Matters Arising from Minutes

- a) Options Operative Sept 19 including responsibility for Implementation of the Options

Crawford Class Action Services has been hired to operate a call centre/help desk to respond to inquiries from former residential school students and others. They will also send out CEP application forms. There will be three forms: 1) IAP, 2) Application to re-open a settled ADR claim for sexual abuse and, 3) Application to re-open a settled ADR claim for Consequential Loss of Opportunity. The IAP form is being reviewed to ensure the use of plain language. It will be back in about three weeks. The present forms will be used as of Sept 19th until the revised form is ready.

It was suggested that the IAP working group be reconstituted to review the newer version of the IAP form.

Decision: Monique will e-mail a copy of the “plain language application” out to Oversight members when it comes back.

IAP-Secretariat will also have a call centre to deal with specific cases and second level review. Crawford will refer cases to the IAP-S.

- b) Model A Option Letter

A letter is being drafted to be sent to DR claimants regarding automatic transfer from DR to IAP. There is a question as to whether the letter should only go to claimants who claim sexual abuse, rather than both sexual and physical abuse claims. People may not understand the election. The letter will encourage seeking legal advice but should claimants choose to seek legal advice the government cannot cover the cost of legal consultation. For some cases, moving from ADR to IAP could be detrimental. Other Wrongful Acts (OWA) is the most technically challenging section.

ADR adjudicators are in a position to be gatekeepers. If during the hearing the adjudicator comes across evidence which could infer OWA evidence then he/she is to stop the hearing and advise the self-represented claimant to seek legal advice, and the represented claimant to speak with their counsel before proceeding. The hearing can be adjourned until a decision is made.

Decision: Dan Ish will write a draft letter of direction to adjudicators. The letter is to be reviewed at the meeting on Sept 24th.

Note: the Sept. 24 meeting was a CARG meeting.

Oversight Attachment #3

Decision: The letter will not go out to claimants with a physical abuse claim. The letter is to go out from the Oversight Committee.

It has not been determined yet how a student abuse case which does not meet the ADR criteria will be transferred to IAP.

c) Clarification re Application of Claimants Whose Hearing is adjourned after Sept 19th

If a claimant chooses to transfer to IAP their application is to be treated no differently than the other applications to IAP. It will still have to be screened in and they will not be given priority in the queue.

d) Top-ups re Compensation Grid

Claimants entitled to either the top-up from the Roman Catholic Church or the adjustment to the Grid will begin receiving cheques almost immediately after Sept 19th.

There are as few as three claimants who have a claim involving a Catholic church and are outside of the class action. Legal counsel for the Catholic Church are being consulted on the release issue.

e) Process for Moving Claims to IAP

See above. Presently there are 2800 DR claims in the system: 1600 are sexual; 1200 physical A & B. 600 are B. 17% are unrepresented. There are 115 cases scheduled between now and end of Oct. Scheduling of hearings stopped on Sept 12th.

f) Approval/Adoption of CARG Policies and Decisions by the Oversight Committee

Decision: Moved to the next Oversight Committee meeting.

g) Update on Chief, Deputies, Adjudicator Applications & h) Interview and Appointment Schedule & i) Selection Boards

Deputy Chief interviews were on hold until the new Chief Adjudicator was in place. Given the appointment of Dan Ish as CA, interviews will take place the week of October 1st. Screening board to be determined.

Screening of the adjudicator proposals will be done on Sept 18 and 19 in Ottawa. Bill Wuttunee, Rosemarie Kuptana, Bobby Joseph, Len Marchand, David Paterson will make up the screening board. Screening will begin at 8:30 a.m.

Adjudicator interviews will begin immediately after October 8 and are to finish by the end of October.

Oversight Attachment #3

j) Specialization in Schools

Deferred to another meeting.

k) Adjudicator Training Update

Moved to next meeting.

l) Oversight Committee Membership

Confirmed: William Wuttunee; Rosemarie Kuptana; David Iverson; James Ehmann (nominated); Len Marchand; David Paterson; James Ward.

Item 6. Next Meeting

No date has been set for the next Oversight meeting as the chair of the Oversight Committee has not been announced.

Additions to the Agenda

The following two agenda items were not discussed: 1) Application for leave before applications go forward to court and 2) Negotiated Settlement Issue.

Other

A press conference on the announcement of the Implementation of the Settlement Agreement will be held on Wednesday, Sept 19th at 9:30 a.m.

Chairperson

Date