

OVERSIGHT COMMITTEE  
Regina, SK

JUNE 16, 2009

Attendance

Mayo Moran	Chairperson
David Iverson	Church Representative
Mitch Holash	Church Representative
David Paterson	Claimant's Counsel
Len Marchand	Claimant's Counsel
Alison Molloy	Government of Canada Representative
Luc Dumont	Government of Canada Representative
William Wuttunee	Assembly of First Nations Representative
Les Carpenter	Inuit Representative
Dan Ish	Chief Adjudicator, IRS Adjudication Secretariat
Jeff Hutchinson	Executive Director, IRS Adjudication Secretariat
Irene Fraser	Recorder, IRS Adjudication Secretariat

Guests: Kerry Eaton, Crawford Class Action Services; Deputy Chief Adjudicator Dan Shapiro was present only for the report of the Technical Sub-Committee.

1. Additions to the Agenda

- a) Follow-up from the June 15 Planning Meeting – Dan Ish
- b) Sharing of Information with the Truth and Reconciliation Commission – Jeff Hutchinson
- c) Schools List – David Iverson
- d) Negotiated Settlement Process – Len Marchand

Agenda Approved.

2. Approval of Previous Minutes

- a) May 5, 2009

Approved with changes.

- b) May 5, 2009 In-Camera Minutes

Approved.

3. Technical Sub-Committee (TSC) Report from Dan Shapiro

- a) A guidance paper on OWA is in draft form. It is necessary as many claimants check off OWA on their application without realizing the implications of

having to prove psychological harms at H3 or higher. The paper contemplates a requirement for a pre-hearing conference call to assist understanding.

The draft will be reworked to incorporate discussion to date and the intention is to have it approved for circulation shortly afterwards.

- b) Following a recent Supreme Court decision, Dan Shapiro was asked to prepare a draft paper for adjudicators regarding the application of opportunity loss in standard and complex cases where the claimant is or was incarcerated for a period of time. The paper was presented but tabled until the next meeting.
- c) Deputy Chief Adjudicator Kaye Dunlop prepared a draft paper for adjudicators on student-on-student reopener files which adjudicators are currently using. Changes have been recommended. TSC will review the recommendations and send it forward to OC.
- d) The possibility of a short form decision is being researched. Alison Molloy and Dan Shapiro will be preparing a briefing on it.

Decision: The information needs to get to the churches as soon as possible so that feedback on it from discussion among their membership will not delay the process.

It was suggested that the TSC agendas be distributed to OC members prior to their meetings.

#### 4. Matters Arising From the Minutes

##### a) Distribution of Guidance Papers

The paper *Regarding Loss of Opportunity Reopeners* was approved subject to some technical changes. Alison Molloy will discuss changes with Kaye Dunlop and the final version will be brought to the OC.

##### b) Roster of Experts

Irene Fraser distributed a revised copy of the list of psychologists and psychiatrists who are interested in being on the roster.

Decision: Jeff Hutchinson will advance the procurement of a medical firm and will also engage a firm to do background checks and interviews to ensure a list of suitable experts for the roster prior to forwarding to OC for approval.

##### c) Process to Close ADR Files

The *Proposal to Conclude Alternative Dispute Resolution Process* previously distributed to OC by Luc Dumont was discussed. Counsel with inactive files and self-represented claimants will be contacted by telephone and followed by a letter explaining the intention

to bring ADR to a close. The focus will be one-to-one communication on closure rather than a public communications strategy. Every effort will be made to complete all ADR hearings by March 31, 2010. Claimants will continue to have the option to apply to the IAP and will be admitted should their claim fit the criteria.

Luc Dumont will give a progress report on the ADR files at the next meeting.

#### 5. Executive Director's Report

Stats to June 7, 2009 were distributed and appreciation expressed for the new format.

- The target for the quarter was 900. As of June 7th, 830 hearings had been scheduled and the remaining set aside for expedited cases.
- Work is ongoing with the government to determine how the legislation for Access to Information affects the Secretariat.
- A consultant is working on the electronic transfer of data and opening up the current adjudicator data base so that it can be accessible to all parties.
- A court order application is being sought. An amendment to allow the electronic transfer of documents outside of government is one item for the court order.

#### 6. Chief Adjudicator's Report

- A paper on the internal process for reviews will be distributed to OC members early in July. The goal for turn around time on review decisions is fourteen days.
- The tool for performance reviews of adjudicators is complete and will be distributed to OC members.
- A request has come in for a legal fee review on a file which has implications for third party organizations. Dan Ish will be doing the review.

#### 7. Follow-up from the June 14 Planning Session

Decision: Dan Ish will distribute the report from the facilitator of the session. OC members are asked to choose three or four priorities from the report for discussion at the next meeting.

#### 8. New Business

##### a) Approval for reviews

The Chief Adjudicator is seeking approval from OC for designates to exercise his review authority when necessary. These adjudicators would be in addition to the Deputy Chief Adjudicators who have already been approved.

Decision: Dan Ish will prepare a list for the next meeting.

##### b) Complaint from D. Merkur

Claimant counsel D. Merkur wrote to the Oversight Committee to complain about a delay related to research deadlines for alleged perpetrators on a specific expedited file. Luc Dumont provided Dan Ish with a response which will be included in the Chief Adjudicator's response to Mr. Merkur.

Luc Dumont will bring a report on the research area to the next meeting.

c) Resolution Health Support Worker

The paper, *Framework*, on roles of RHSWs, elders, psychologists and lawyers distributed earlier by Luc Dumont is a draft which will evolve into a best practice document for those who support claimants through IAP. Luc will continue to be part of the group who is collaborating on it.

Church representatives noted that the role of the church is missing from the document. Luc Dumont asked the church representatives to send him comments on their role for inclusion in the document.

d) Continuing Legal Education (CLE) organization.

Mayo Moran, David Paterson, Luc Dumont and Irene Fraser agreed to meet to discuss a possible format for a session at CLE conference.

Decision: To be on the August agenda.

e) IAP Payment Process

Kerry Eaton did an audit of the IAP process as it relates to delays in payment of awards to claimants. He distributed a one page chart, IRS Claims Compensation Work Flow and an Action Plan. His recommendations on shortening the process will be given to the Courts. A working group within the Secretariat will review the recommendations.

Luc Dumont distributed a document, "Action Plan/Improvement of IAP Compensation" dated June 12, 2009.

f) Sharing of Information with the Truth and Reconciliation Commission (TRC)

The TRC approached the Secretariat about sharing information from claimant files.

Decision: To be on the August agenda.

Next Meeting Date: August 5<sup>th</sup>, Vancouver.