

Lawsuit alleges widespread abuse

Class action claim seeks redress for 308,000 natives

RICHARD FOOT
CANWEST NEWS SERVICE
AND **DARYL SLADE**
CALGARY HERALD

Nineteen law firms across Canada have jointly filed details of a class action lawsuit aimed at compensating more than a quarter of a million aboriginal people for the alleged harms of Indian residential schools.

The lawsuit includes at least 58,000 surviving former students believed to have attended residential school between 1920 and 1996, plus 250,000 parents and children of former students.

British Columbia and Ontario have the largest number of surviving students, with 10,000 in each province. Alberta, Saskatchewan and Manitoba are each home to roughly 8,000.

Although Thomson Rogers, the Toronto law firm leading the action, announced the lawsuit against the federal government last October, hundreds of pages of documents proposing how the matter should proceed were filed this week in Ontario Superior Court.

If certified by a judge, the lawsuit has the potential to become a comprehensive solution to the thousands of individual claims. Its authors also call it an alternative to Ottawa's newly announced plan for an out-of-court program to compensate only victims of physical and sexual abuse.

Calgary lawyer Vaughn Marshall, who represents several hundred clients, agrees with the Toronto firm and said he has been fighting for compensation for cultural, systemic and language abuse for several years.

"I believe while the government of Canada has been attempting to put together the framework for delivery of an alternative dispute-resolution procedure for handling of claims outside the court litigation system, it would provide interminable delays," said Marshall.

"And it still would not address the issues that the (Ontario) class action now raises. They have not taken into account the whole experience of these kids at these schools. It's ignoring the impact on their lives and the overall experience they had in these institutions."

Marshall said the government must have known as far back as 1930 the "very dangerous road" they were going down with residential schools.

Another Alberta lawyer, who is part of the class action, also welcomed the Toronto firm's lawsuit.

"There is now a clear alternative on the table to the government's program," says Jon Faulds. "This contains the outline for a settlement of the claims overall."

Documents filed this week propose compensating every living ex-student, plus the estates of some deceased, up to \$40,000 depending on length of time spent in residential school.

It also proposes special damages for students who can prove they were physically or sexually abused, plus additional compensation of up to \$20,000 per person for loss of native culture and language — a category of harm the courts have not yet recognized.