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Mount Cashel abuse victims' compensation claims process to speed up due to Newfoundland court ruling

Victims who have waited more than 20 years could receive some money by this fall

Glen Whiffen | Posted: Jan. 17, 2023, 8:56 p.m. | Updated: Jan. 17, 2023, 8:56 p.m. | 4 Min Read

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Supreme Court of Newfoundland and Labrador in St. John's. - File Photo

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bringing the process much closer for men who have waited more than 20 years to receive financial compensation.

On Jan. 12, Newfoundland and Labrador Supreme Court Justice Garrett Handrigan filed his decision from a November hearing where lawyers for the Roman Catholic Episcopal Corp. of St. John's and lawyers for the abuse victims had argued their positions on how the claims process should proceed.

The sides were far apart. The episcopal corporation's proposed process would have involved individual impact assessments of claimants, while the claimants proposed a process that would not require expert evidence for proof of damages.

Handrigan's decision has set the procedure that will be followed.

Geoff Budden, representative counsel for the abuse victims, said Handrigan's decision is more about overarching approaches to the process, meaning there are still details to be worked out among the parties.



"But I think we are pretty much on the same page with those," Budden said Tuesday, Jan. 17.

"We had asked the court to order that the claims officer use tiers and apply an averaging scheme. We don't have time to do the kind of work up for everybody that we did at the trial, which took an average of about a week per claimant to value the claims. The court chose not to do that (tiers and averaging scheme) but what the court did do is something we are quite pleased with."

The court ruling states the officer who will handle the victims' claims will use the existing four representative victim decisions as a basis for claim assessments.

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“A lot of (Handrigan’s decision) was setting out why, indeed, they were representative and why it was important to use these cases. The court says there is ample guidance to be gained from these cases. After all, the court took a very deep dive into assessing the claims on what were representative claims, and that the claims officer should be guided by what the court has already done.”

More than 20 years in court

In 1999, 39 men — former residents of Mount Cashel Orphanage in St. John’s — filed statements of claim at Newfoundland and Labrador Supreme Court claiming they were abused during the 1940s, ’50s and ’60s by members of the Irish Christian Brothers, the lay order that ran the orphanage.

The case has slowly worked its way through the courts for years.

In January 2021, the Supreme Court of Canada refused to hear the Roman Catholic Archdiocese of St. John’s appeal of a decision by the Newfoundland and Labrador Court of Appeal that held the archdiocese vicariously liable for the abuse of boys by certain members of the Irish Christian Brothers.

Since the Supreme Court of Canada’s decision more than 100 men have come forward intending to file claims, and the total amount of claims is expected to exceed \$50 million.

The archdiocese was granted creditor protection while it sells churches and other properties to collect the funds needed to settle the claims.

Claims process proceeding

Budden said talks have already started between representative counsel, lawyers for the episcopal corporation and the court-appointed monitor to sort out the remaining details of the claims process.

“Our hope is that over the days to come we will work things out. We are pretty much in agreement in many aspects of the process and our hope is that we will sort out the balance. If there are still a point or two where we are in disagreement we can get further direction from the court. But we are in pretty good shape on that, I think,” Budden said.

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likely will be a period of time — four months or six months — to file claims and a deadline by which they must be filed by. So we'll have quite a busy winter and spring working with our clients to complete those forms for the claims officer to base the assessments on.

"There are two tracks here. One is sorting out the claims process and determining that, and the second one is raising the funds, which the episcopal corporation has been doing. And I anticipate, as I've said on other occasions, there would be money paid to the clients at some point this coming summer or early fall."

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