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A gavel and a block are pictured on a judge's bench in this illustration picture taken June 9, 2021. CNS photo/Andrew Kelly, Reuters

Court rules on Mt. Cashel settlement for abuse cases

By [Quinton Amundson, The Catholic Register](#)

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A Jan. 12 decision by the Newfoundland Labrador Supreme Court is expected to solidify and focus the compensation claims process for the victims of abuse at the Mount Cashel Orphanage in St. John's in the 1940s, '50s and '60s.

Geoff Budden, a lawyer for the claimants, told *The Catholic Register* that while "it isn't the process that we advocated, it is a process we are fine with."

“The court wrote that from our four representative plaintiffs, we’d get insights that would perhaps lead to resolutions for the other plaintiffs. The claims officer, he or she, could take these decisions as sample guidance to help determine the rewards for the balance of the claims,” said Budden.

Budden added that much of the “process has been worked out” and much of the “process we agree upon.”

On Nov. 28 and 29, 2022, Justice Garrett Handrigan heard the legal representation of the claimants and lawyers for the Roman Catholic Episcopal Corporation of St. John’s (RCECSJ) present respective proposals for a claims procedure order and a claims protocol for damage awards. The claimants sought pre-determined tiers to calculate general damages, economic loss and cost of future care, and then to average those amounts either positively or negatively by 20 per cent.

Lawyers for the archdiocese advocated that a claims officer complete individual impact assessments of claimants that considers “identifiable indicia of the impact of abuse on the claimant.” Concerning the cost of future care, the RCECSJ wanted the claims officer to review evidence from claimants “of ongoing psychological and interpersonal impairments linked to the sexual misconduct” to determine a monetary figure.

Ultimately, Handrigan agreed with the RCECSJ’s criticism that the use of tiers and averaging “are rigid and immutable and may result in claimants being under- or over-compensated.” The justice wrote that a claims officer “will have ample guidance to direct him in dealing with both liability and damages” based on the 2020 Newfoundland Court of Appeal ruling that led to four plaintiffs being awarded an average of \$600,000.

That decision also deemed the RCECSJ as vicariously liable for the atrocities committed by the Christian Brothers of Ireland who managed Mount Cashel. The archdiocese became liable after the survivors were left without compensation following the bankruptcy of the Christian Brothers.

A lengthy Zoom meeting was held between the parties on Jan. 18 to discuss who should be the claim officer, the information he or she should receive, the forthcoming timeframe and how to inform potential victims who moved away from the province on how they can make a claim. There are claimants located in various pockets of the world. Budden has a client pool that stretches from Germany to Vancouver Island to various states across the United States.

This case began back in 1999 with 39 men filing a statement of claim against the Christian Brothers and the RCECSJ. It is expected by both parties over 100 claimants will step forward and that monetary claims will exceed \$50 million.

“We want to figure out in this time of media and social media of how to appropriately inform plaintiffs of this process and of the deadline,” said Budden. “I am confident we can figure out all these details amicably.”

If any upcoming disagreements do logjam the process, both sides will again seek clarity in court.

While these details are being ironed out, the RCECSJ is still working to raise that \$50 million figure. The selling of 43 parish properties in the St. John’s area reaped \$20.6 million. Over 70 rural properties in the southern Avalon Peninsula and the Burin Peninsula are poised to enter an auctioning process.

Budden said he hopes claimants could receive funds beginning in the fall.

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