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'Let's get on with it,' judge says, bringing Mount Cashel abuse survivors one step closer to getting compensation

Compensation claim process approved; deadline to file claim is Sept. 30

Tara Bradbury • Reporter | Posted: a day ago | Updated: a day ago | 3 Min Read



Lawyers Geoffrey Spencer (left) and Geoff Budden shake hands in a St. John's courtroom Monday, March 27, 2023, after a Supreme Court of Newfoundland and Labrador judge approved a claims process by which survivors of abuse at Mount Cashel will receive compensation from the Roman Catholic Episcopal Corporation of St. John's. Spencer represents the corporation while Budden represents many of the survivors. TARA BRADBURY • THE TELEGRAM

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ST. JOHN'S, N.L. — “Time is of the essence. Let’s get on with it,” Newfoundland and Labrador Supreme Court Justice Garrett Handrigan said Monday, March 27, approving a claims process that will see survivors of abuse at Mount Cashel receive compensation at last.

Lawyers Geoff Budden, representing survivors, and Geoffrey Spencer, representing the Roman Catholic Episcopal Corporation of St. John’s (RCECSJ), made submissions to the court, asking Handrigan to approve the process, allowing claimants to start receiving money by the fall.

The parties had previously proposed differing processes: the RCECSJ had argued for individual impact assessments of claimants, while the claimants argued for a process that would not require expert advice for proof of damages.

In January, Handrigan issued a ruling to guide the process, with the parties working out the details.

The approved claims process will see an independent, court-appointed officer assessing each claim and determining the amount of compensation to be paid, with discretion when it comes to considering claims from deceased survivors, previous compensation awards, and determining the amount of interest that can be applied to the claims. Survivors have the option of appealing to the court if they aren’t happy with the assessment outcome.

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The claims officer is expected to be in place in the coming weeks and will begin the assessments immediately, giving, said Spencer, “a procedural safeguard for adjudication of the claims in a fair, reasonable and transparent manner.”

The approved process “shows a fair and efficient and cost-effective claims process which reduces the evidentiary burden that would be put on claimants,” Spencer submitted.

A call for claims will be broadcast and published in media outlets across the country starting in April, and the deadline for all compensation claims to be filed is Sept. 30. The identities of the claimants will not be publicly disclosed.

The compensation has been a long time coming, with the case working its way through the courts since 1999, when 39 former residents of Mount Cashel orphanage filed statements of claim alleging they were abused during the 1940s, '50s and '60s by certain Christian Brothers who ran the facility.

The courts have determined the archdiocese vicariously liable for the abuse and the RCECSJ has been granted creditor protection while it sells churches and other properties to collect the funds to settle the claims.

Documents indicate the RCECSJ has so far raised more than \$30 million. It is currently in discussions with counsel for the province, the Newfoundland and Labrador English School District, survivors and restructuring monitor Ernst & Young to sort out the status and marketable asset potential of about three dozen schools it may technically still own but the school board operates.

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Budden has said up to \$50 million could be needed to settle the claims properly.

"I think we will get quite close to there when all is said and done," he told reporters after court Monday.

"People have suffered terribly in the pain they've experienced but also in the economic impacts it's had on their careers and on their education, and damages as a consequence of suffering can be large. We're not talking small sums of money, we're talking awards that typically run well into the hundreds of thousands."

Budden said his firm has been busy putting the claims together, hiring extra staff.

"I think there will be satisfaction that today has happened and we have, by consent, gotten to this point," he said of the survivors he represents. "Hopefully the next number of months will pass smoothly as we work with them to finalize their claims."

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