

**Indian Residential Schools Resolution Canada  
Media Clips**



**Résolution des questions des pensionnats indiens Canada  
Actualité**

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## January 17, 2007

### Gov't to appeal legal fees in residential school settlement

**The StarPhoenix (Saskatoon) (page B8); Regina Leader-Post (page A1)  
Pamela Cowan**

REGINA (SNN) -- The Attorney General of Canada is appealing part of a Regina Court of Queen's Bench decision to approve the Indian residential school class action lawsuit in Saskatchewan.

The attorney general's concern revolves around the payment of legal fees to the Merchant Law Group, which was to receive between \$25 million and \$40 million for representing thousands of former residential school students.

According to the appeal filed on Monday at the Saskatchewan Court of Appeal, the attorney general claims Saskatchewan Court of Queen's Bench Justice Dennis Ball did not have jurisdiction to rule on legal fees for the Merchant Law Group.

In effect, the attorney general is asking that a portion of the judgment be set aside or quashed and that the matter go back before the Court of Queen's Bench to be dealt with "on proper notice, evidence and submissions."

On Dec. 15, the courts approved the largest class action settlement in Canadian history brokered on behalf of thousands of former aboriginal students.

The settlement involved judges in six provinces and the Yukon and was estimated to cost between \$4 billion to \$5 billion. Nunavut and the Northwest Territories were the only jurisdictions left to sign off on the deal.

"I am approving the entire settlement as fair, reasonable and in the best interests of the class as a whole," Ball said in a written ruling.

The settlement included a common experience payment of \$10,000, plus \$3,000 for every year a student attended school -- an average of \$24,000 -- to all of the nearly 80,000 living residential school students minus the \$8,000 advance payments made to elderly and ailing claimants.

A chunk of the billion-dollar settlement was to go to law firms, including the Merchant Law Group.

The appeal will delay the entire Indian settlement process, said Regina lawyer Tony Merchant.

"The impact on Indian people is going to be devastating and I don't think that they can succeed with the appeal," he said.

Lawyers from the Department of Justice Canada, who launched the appeal, could not be reached on Tuesday.

The Merchant Law Group has 15 days to file its position with the Court of Appeal.