

**Indian Residential Schools Resolution Canada  
Media Clips**



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

**Thursday, February 8, 2007 ♦ jeudi, 8 février 2007**

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## February 8, 2007

### Protesters demand payments be made

**The Leader-Post (Regina) (page A9); The StarPhoenix (Saskatoon) (page A4)  
Anne Kyle**

A handful of former residential school students demonstrated outside of Regina lawyer Tony Merchant's office Wednesday demanding that he open his books so they can get their compensation cheques.

The protesters are upset that a squabble between the Merchant Law Group and the federal government over legal fees could delay common-experience payments to the estimated 80,000 claimants under the \$5-billion residential school class-action settlement deal.

"We can't have any more delays. We have a lot of older people expressing concerns about delays. Just on the weekend we lost two elders who were going to be compensated," said former student Grant Severight, speaking on behalf of the demonstrators.

The Assembly of First Nations, which is also concerned about any further delays, is asking the Merchant Law Group and the government to separate the legal fees issue from the settlement agreement.

"We are trying to ensure that the lawyers do everything possible to ensure that the payments start happening this year, on schedule and on time. We wanted to make that point here on behalf of the elders," Severight said.

Merchant said Wednesday his firm is not responsible for any delays in the payment of compensation.

"We are not having any effect whatsoever on delay. And we don't have anything to do with the five judges (who approved the settlement) versus the four (who approved the deal with certain changes) and we didn't have anything to do with launching an appeal," he said, noting the judges are to meet in Calgary some time before March 15 to address the issue of the formal approval of the agreement.

Merchant, who represents some 8,000 former students, could make between \$25 million and \$40 million from this deal, but the federal government is refusing to pay the legal bill until his firm provides a full accounting and verification of the work done by his firm.

Merchant said his firm provided the government with financial records verifying its work prior to the signing of the November 2005 agreement in principle. In January 2006, a team of independent accountants spent a week reviewing financial records and firm documents not covered by solicitor-client privilege. The issue, Merchant said, is the government's demand to review personal files protected under solicitor-client privilege.

"We provided sufficient information and a judge decided (on the legal fees) partially in our favour and partially against us. We didn't like it but we weren't going to do anything to make it harder for First Nations people, And then the government appealed causing further grief for First Nations people. It's up to the government to explain their actions, not me," Merchant said.

"The government's appeal is about the government's desire for delay of implementation of the residential school settlement," he said, explaining he has been attempting to get a March court date.

While the legal wrangling over fees has ended up in the courts, Canada's Indian Affairs Minister Jim Prentice said last week the dispute is not expected to delay payments to former students. The formal approval is expected in the coming weeks followed by a five-month-long "opt-out" period. The settlement is considered binding if fewer than 5,000 students reject the deal.

"We just want the minister to make an announcement and we also want Tony Merchant to be accountable to the survivors," Severight said.

"The survivors would like to get their compensation this year."

Under the common-experience provisions of the deal, every student is eligible for \$10,000 for the first year and \$3,000 for each additional year he or she attended a residential school. The average payout is expected to be about \$28,000.