

# NATIONAL ADMINISTRATION COMMITTEE COMITÉ D'ADMINISTRATION NATIONAL

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POSTAL ADDRESS – ADRESSE POSTALE  
1155 University, Suite 1400 Montréal, Québec, H3B 3A7

Montréal, December 1, 2009

**Mr. Edward G. Sadowski**  
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Dept. of Law & Politics  
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Dear Mr. Sadowski:

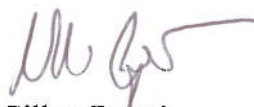
This is in response to your recent e-mail exchanges with Mr. Kerry Eaton of Crawford Class Action Services.

Firstly, I wish to clarify that the Regional Administration Committees (the “RAC’s”) have never been set up by the Parties to the Indian Residential Schools Settlement Agreement (“IRSSA”).

As for the identity of the members of the National Administration Committee (“NAC”), I invite you to consult the Residential Schools’ website at <http://www.residentialschoolsettlement.ca>.

As to the manner in which recourses may be exercised under or in relation to the IRSSA, we invite you to consult the IRSSA and for all matters not covered thereby, I am attaching the Court Administration Protocol.

Yours truly,



Gilles Gagné,  
Chair

GG/ld  
Encls.

## COURT ADMINISTRATION PROTOCOL

In order to ensure the efficient and expeditious administration of the Agreement, the courts have determined that a streamlined process for addressing all matters that require court orders, directions or consideration during the course of the administration is desirable. Accordingly, the procedure set out below will be followed in respect of all such matters.

1. The courts will designate two Administrative Judges from among the 9 (nine) judges who heard the motions for approval of the Agreement, or their successors as supervising judges. There will be one Eastern Administrative Judge and one Western Administrative Judge.
2. All matters that require court orders, directions or consideration, will be brought to the attention of the Administrative Judges at first instance by the filing of a Request For Direction. The Request will identify the party, counsel or other entity with standing in respect of the Agreement who is bringing the matter forward, the matter(s) in issue, the relief requested, whether it is on consent, or if opposed, the various positions of those in favour and those opposed. It is expected that all parties, counsel and entities with standing will cooperate to the extent that a single Request that fairly and accurately sets out the issue(s) and their positions in brief form is filed. The Judges do not expect to receive initial Requests that exceed 3 pages in length.
3. Upon receipt of a Request, the Administrative Judges will determine whether a case management conference is required or whether the matter should be directed to a hearing.
4. In the event that a case management conference is required, the conference will be conducted by one or both of the Administrative Judges.
5. Should a hearing be required, the Administrative Judges will make such direction and determine the jurisdiction in which the hearing should be held. In making this determination the Administrative Judges will be guided by the following principles:
  - (a) Where the issue(s) involve relief for a particular class member or particular class, the hearing will be directed to the supervising court with jurisdiction over the class member or class pursuant to the terms of the Agreement and the Approval Orders.

- (b) Where the issue(s) affect more than one jurisdiction, but not all, the hearing will be directed to a supervising court in one of the affected jurisdictions.
  - (c) Where the issue(s) will affect all jurisdictions, the hearing may be directed to any court supervising the Agreement.
  - (d) If the issue(s) raised are such that the relief requested may result in an order that would constitute an amendment of the Agreement or the Approval Orders, the Administrative Judges will direct that a full record be delivered to each of the supervising courts and direct that the matter be heard by at least one of the supervising courts. Upon communication with all the supervising courts, the Administrative Judges will advise the parties further how many additional hearings will be held, if any. A supervising court that has received a copy of the full record may choose to adopt the reasons of any other supervising court hearing the matter without holding a formal hearing of its own, but no order amending the Agreement or the Approval Orders shall be effective unless it is approved by all 9 (nine) supervising courts.
  - (e) On purely procedural matters, the Administrative Judges may direct that any hearing shall be in writing only. On substantive matters, the court to which the hearing is directed, shall in its discretion, determine the manner in which the matter will be heard, whether in writing or by appearance, or both.
  - (f) In applying these principles, the Administrative Judges may also be guided by any other consideration that he or she deems to be appropriate in the circumstances.
6. Any task designated to be carried out by the Administrative Judges, may be carried out by either one of them acting alone or both acting together.
7. Nothing in this protocol shall be construed as derogating from the authority of the Administrative Judge in his or her capacity as a supervising judge under this Agreement, and for greater clarity, neither Administrative Judge shall be precluded from referring any matter to be determined to him or herself or to the other Administrative Judge.
8. During the course of the administration of the Agreement, the judges of the supervising courts will continue to communicate with one another in the same manner and on the same basis that was the case with respect to the motions for approval of the Agreement.