

## Notice to Independent Assessment Process (IAP) Claimant:

<b>This notice is about your legal fees.</b>
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When the courts approved the Independent Assessment Process for resolving abuse claims, they wanted to make sure that the legal fees charged to claimants are fair and reasonable.

The courts set a maximum percentage that can be charged. Also, they said that fees must be fair and reasonable, even if they are less than the maximum.

The Adjudicator must get a copy of your fee agreement from your lawyer. The Adjudicator reads the agreement to make sure that you are not charged more than the maximum that is allowed.

You have the right to ask the Adjudicator to review your lawyer's fees, to make sure they are fair and reasonable.

**If you want your fees reviewed**, fill in the bottom of this form, sign it, and mail it to the Adjudication Secretariat.

There is a **time limit** for this—you have **14 days** after the Secretariat tells you that the decision on your claim has been sent to your lawyer. Even if you do not ask for a review, the Adjudicator could decide to review your lawyer's fees.

If there is a review of your legal fees, the Adjudicator will ask your lawyer for information about the work that was done for you. You and your lawyer will be asked to comment about the fairness and reasonableness of the fees. You might be asked to do this over the telephone, or in writing, or both. The Adjudicator will then make a decision about the legal fees. You and your lawyer will each get a copy of that decision.

## Rules about legal fees under the IAP:

These are the rules the courts have made about the legal fees your lawyer can charge:

### 1. Maximum 15%

Canada contributes an amount equal to 15% of the compensation awarded to help you pay your lawyer. On top of that, your lawyer may charge you up to another 15%, maximum.

*For example:* if you were awarded \$10,000 in compensation, Canada would contribute \$1,500 (15% of the award) to help you pay your lawyer. Your agreement with your lawyer could require you to pay up to another 15% in fees. In that case, your lawyer would receive a total fee of \$3,000. You must pay GST (or QST or HST) and any PST that may apply in your province on those fees. You receive the amount remaining from the \$11,500 after deducting the \$3,000 legal fee and taxes on that fee.

(Reasonable out-of-pocket expenses, such as travel costs, are paid by Canada—not by you.)

### 2. Fair and reasonable

To decide whether legal fees are fair and reasonable, an Adjudicator considers all the circumstances, such as:

- a. the amount of time the lawyer spent;
- b. how complicated the case was;
- c. the responsibility your lawyer took on;
- d. the amount of money involved;
- e. the importance of the case to you;
- f. the skill and competence shown;
- g. the result achieved, and your lawyer's contribution to that result;
- h. your ability to pay;
- i. your expectations about how much the legal fees would be; and
- j. the fact that Canada pays legal fees equal to 15% of the compensation award.

**Important**

If you are satisfied that your lawyer's fees are fair and reasonable, you do not need to complete this form or do anything further.

Decision makers only have the ability to review legal fees in claims made under the Independent Assessment Process (IAP). If you have concerns about legal fees charged to you

by your lawyer for your claim under the Alternative Dispute Resolution (ADR) Process, or in litigation, **PLEASE DO NOT SUBMIT THIS REQUEST FOR REVIEW.** You should consult another lawyer, or your local Law Society or Court House, for information on how to challenge your lawyer's fees and on when this must be done.

**Request for Review of legal fees under the Independent Assessment Process (IAP):**

I ask the adjudicator to review my legal fees for reasonableness and fairness.

IAP Claim Number: E-5447-10- \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Signature: \_\_\_\_\_

**Send to:** IAP Adjudication Secretariat  
ATTN: Chief Adjudicator's Office  
2010 - 12th Ave, 9th floor  
Regina SK S4P 0M3

**Office of the Chief Adjudicator  
Independent Assessment Process  
Indian Residential Schools Adjudication Secretariat  
2010 - 12th Ave, 9th floor  
Regina SK S4P 0M3**

Re: Review of Legal Fees

Confirmation of Claimant Address:

File Number: \_\_\_\_\_

Name (Please Print): \_\_\_\_\_

Address: \_\_\_\_\_

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Lawyer: \_\_\_\_\_

Address: \_\_\_\_\_

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