

## CURRICULUM VITAE

of

**Daniel Shapiro, Q.C., C. Arb.**

**PRESENT POSITION:** Self-employed (ADR Practitioner)  
Daniel Shapiro ADR Offices  
c/o Daniel Shapiro Legal Professional Corp.  
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and

Chief Adjudicator  
Indian Residential Schools Adjudication Secretariat (Canada)  
2010 - 12<sup>th</sup> Avenue, 9<sup>th</sup> Floor  
Regina, SK, S4P 0M3

### PERSONAL

D.O.B. October 20, 1955  
Canadian. Married. Two Adult Children

### *Education*

Northern Secondary School, Toronto, graduated 1973  
York University, Toronto, Undergraduate work, Social and Political Thought – 1973-1975  
University of Sherbrooke – summer program – Common Law / Droit Civil Exchange - 1977  
University of Saskatchewan, College of Law – Juris Doctor, 1978  
Mediation Training (Daniel Hamoline), 1994

### Student Prizes and Scholarships:

York University Scholar, 1973  
York University Scholar, 1974  
Prize in Advanced Labour Law, University of Saskatchewan College of Law, 1978

### *Employment and Professional Experience*

July 2013 – present Chief Adjudicator, Indian Residential Schools Adjudication Secretariat (Canada)

2007 – 2013 Deputy Chief Adjudicator, Indian Residential Schools Adjudication Secretariat (Canada)

2003 – 2017	Senior Adjudicator, Alternative Dispute Resolution Process (Indian Residential Schools claims)
1982 – present	Co-founded Brayford Shapiro Law Office, Saskatoon – remains practicing in that firm through Daniel Shapiro ADR Office / Legal Professional Corporation
1979 – 1982	Associate, Hnatyshyn Sandstrom Law Office, Saskatoon
1978 – 1979	Articling student, Hnatyshyn Sandstrom Law Office, Saskatoon
1977	Summer law student, Meadow Lake Legal Assistance Clinic

### Professional Background

Mr. Shapiro appeared in all levels of court in Saskatchewan and Alberta, the Supreme Court of British Columbia, the Tax Court of Canada and the Supreme Court of Canada. He served as counsel in many precedent-setting court decisions in areas of public interest litigation,<sup>1</sup> medical negligence,<sup>2</sup> fatal accidents, aviation litigation, Criminal/*Charter* Law<sup>3</sup> and personal (including catastrophic) injury claims. For a fuller sampling of court decisions in which Mr. Shapiro was counsel, see Appendix A.

Since the early 1990s, Daniel Shapiro limited his professional / legal practice to alternative dispute resolution, including the areas of:

- Labour Arbitration
- Class Actions arbitration/adjudication
- Human Rights (appointed by SK Minister of Justice to chair Boards of Inquiry)
- Insurance mediation
- No-Fault Claims mediation
- Public Sector Union Disability arbitrations
- Commercial disputes arbitration and mediation
- Professional / Regulatory bodies

Daniel Shapiro served in leadership positions within the Saskatchewan legal profession; founding member (1985) and later President (1988-1989) of the Saskatchewan Trial Lawyers Association; inaugural Chair, Health Law Section, Canadian Bar Association (Saskatchewan); member of the National Health Law Section of the Canadian Bar Association; Chair, Joint No-

<sup>1</sup> *Fancy, Sask. Human Rights Commission v Board of Education of Saskatoon*, [1999] 35 C.H.R.R. D/9 (Sask. Board of Inquiry, Halvorson, J.) [Lord's Prayer in public schools]

<sup>2</sup> *Haughian v Paine* [1987] 4 W.W.R. 97 (Sask. C.A.) (leave to appeal to S.C.C. refused) [Claim for medical negligence against neurosurgeon, leading to paralysis, informed consent issues], *Steier v University Hospital Board*, [1988] 4 W.W.R. 309 (Sask. C.A.) [Claim against anaesthetist re: severe brain damage due to anaesthesia complications], *Finley v Sugarman*, [1987] 2 W.W.R. 40 (Sask. Q.B.) [Hospital claim of privilege re: peer review/quality assurance programs, obstetrical negligence action]

<sup>3</sup> *R. v Latimer*, Intervenor status, February 20, 1995, (Sask. C.A.), Main Appeal; [1995] 8 W.W.R. 609 (Sask. C.A.) [Mercy killing]

fault Committee of the Law Society of Saskatchewan and the Canadian Bar Association (Saskatchewan Branch).

On a community level, Mr. Shapiro established corporate funding for and participated as presenter at Saskatchewan Book Awards, from inauguration (1993) to 2003.

For over twenty-five years, Mr. Shapiro has mediated dozens of disputes and chaired many labour arbitration boards involving both public sector and private sector grievance disputes. He has been appointed by the Minister of Labour (Saskatchewan) to arbitrate such disputes and to chair boards of inquiry under the *Saskatchewan Human Rights Code*.

Mr. Shapiro is an experienced chair of discipline hearing committees for the College of Physicians and Surgeons of Saskatchewan.

For a sampling of awards and decisions, see Appendix B. Note that IAP decisions are private and confidential and are not publicly available.

For a number of years in the late 1980s and early 1990s, Mr. Shapiro taught Trial Advocacy as sessional lecturer at the College of Law, University of Saskatchewan and has been a regular guest lecturer in the fields of Alternative Dispute Resolution and Aboriginal Justice and Policy.

Although Mr. Shapiro has continued with a limited amount of non-IAP arbitration, tribunal and mediation work throughout his time with the IAP, with the end of the IAP now in sight, Mr. Shapiro has returned to his former mediation and arbitration practice, with a focus on labour arbitrations. He has labour arbitrations underway which were interrupted by the COVID-19 emergency and has recently presided over a 3-day labour arbitration virtual hearing. He has numerous labour arbitrations scheduled for the fall of 2020 as he returns more fully to his labour arbitration practice. Recently, he was invited to speak at the 38<sup>th</sup> Annual Labour Arbitration and Policy Conference, Lancaster House, on the Opening Plenary, *The COVID-19 Pandemic Pressing Issues for Unions and Employers* (with Union and Employer counsel, an economist and physician), Calgary, AB, June 4, 2020 (ultimately delivered by Zoom).

### *Memberships & Affiliations*

Starting upon his admission to the Saskatchewan Bar in 1979, Daniel Shapiro has enjoyed the following memberships, affiliations and honours:

- Registered continuously with the Law Society of Saskatchewan since 1979
- Registered with the Law Society of Alberta from 1987-2003
- Trained Mediator since 1994
- Queen's Counsel (Saskatchewan), 1996
- 2000 to date: Vice Chair of Discipline Committee and chair of numerous discipline hearing committees of the College of Physicians and Surgeons of Saskatchewan
- Recognized with "Chartered Arbitrator: designation by ADR Institute of Canada since 2003
- Selected by his peers to be included in The Best Lawyers of Canada in the field of ADR since 2011
- Recipient of Saskatchewan Trial Lawyers Association "Outstanding Lawyer Award", June 2020

- Currently a member of The ADR Institutes of Canada and Saskatchewan, Conflict Resolution Saskatchewan, The Saskatchewan Trial Lawyers Association, The Saskatchewan Association of Administrative Tribunals
- Honourary lifetime member, Army, Navy and Airforce Veterans in Canada, Saskatoon Unit No. 38

### *Class Actions Adjudication*

The unique background and skillset related to both litigation and alternative dispute resolution summarized above led to an opportunity for Daniel Shapiro to deepen his service beyond Saskatchewan to serve vulnerable Canadians nationally, in the form of class actions arbitrations, references and adjudications. His appointment as arbitrator/referee under the national Hepatitis C Class Actions Settlement in turn led to his current role, with which he is most closely identified and associated, as Chief Adjudicator of the Independent Assessment Process (IAP) of the Indian Residential Schools Adjudication Secretariat.

2001-present: Mr. Shapiro was appointed by Justice Winkler of the Supreme Court of Ontario as Saskatchewan (and at times Manitoba) Referee/Arbitrator for disputes under the Hepatitis C Class Actions 1998-1990 Settlement Agreement.

2003-present: Indian Residential Schools claims adjudication

In the fall of 2003, Mr. Shapiro was appointed in the first group of senior adjudicators under the Alternative Dispute Resolution (ADR) Process, to adjudicate upon claims of physical and sexual abuse brought by former students of Indian Residential Schools. The ADR process was led by then Chief Adjudicator Ted Hughes, O.C., Q.C. The ADR process dealt with approximately 5,000 individual claims before it began to conclude in 2007, with the implementation of the IAP. ADR introduced the concept of *reconciliation*, before that term was in common usage, into the hearing process. In this and other important respects, while not in itself the product of class action litigation, the ADR Process was an important precursor to the IAP.

In 2007, Mr. Shapiro was appointed Deputy Chief Adjudicator of the IAP, Indian Residential Schools Adjudication Secretariat, led by then Chief Adjudicator Dan Ish, O.C., Q.C. The IAP operates under supervision of superior court judges in 9 provinces and territories. The IAP is one of two reparations components of the Indian Residential Schools Settlement Agreement. Brokered by retired Supreme Court of Justice Frank Iacobucci, it is the largest and most comprehensive pan-Canadian class action settlement in Canadian history. This historic settlement is the first such program internationally, and has been studied in countries with similar dark chapters in their own histories, such as New Zealand and Australia. The IAP is the private, confidential, reparations component of the IAP and the sister tribunal to the Truth and Reconciliation Commission (TRC), the public face of the Settlement Agreement. Designed to deal with an estimated 12,500 claims over five years, in fact, over 38,260 IAP applications were filed. While serving as Deputy Chief Adjudicator, in addition to presiding over his own hearings in urban settings, remote and northern communities across the country, and conducting reviews of decisions of other adjudicators, Daniel Shapiro chaired the Technical Sub-committee of the IAP Oversight Committee. In that capacity, he was the lead in working with the multi-party stakeholders, facilitating the development of the innovative policies procedures necessary to

implement the complex IAP, which has been described *as sui generis* and unique among tribunals around the world.

In July 2013, Daniel Shapiro was appointed as Chief Adjudicator of the IAP, Indian Residential Schools Adjudication Secretariat. The appointment was made by court order of Warren Winkler, then Chief Justice of Ontario, on the unanimous recommendation of the stakeholder representatives on the IAP Oversight Committee, including representatives of former students (AFN and Inuit Representatives), lawyers representing former students, the Government of Canada and the Churches that operated the Indian Residential Schools. At its peak, with an annual budget of approximately \$60,000,000, Mr. Shapiro led a team of 109 adjudicators and Deputy Chief Adjudicators across the country, with approximately 275 staff, in offices in Vancouver, Regina, Winnipeg and Gatineau, conducting over 4,500 in-person hearings per year.

As of May 31, 2020, a total of \$3.232B in payments has been made to satisfy awards and settlements to former students under the IAP. The average compensation awarded is \$91,500. With only 8 cases left to address, barring new claims being referred by the courts, implementing the decision of the Supreme Court of Canada to notify claimants of their right to archive their hearing materials with the National Centre for Truth and Reconciliation is the last main project remaining before the final administrative closure of the Secretariat planned for March 31, 2021.

The unique inquisitorial process of the IAP was designed and implemented to provide redress for historic state wrongs, eliminate questioning of former students by lawyers, be claimant-centred and provide a private, safe, culturally-appropriate and respectful setting in which former students could provide their testimony of the most deeply personal and painful experiences in their lives. It was implemented in a manner designed to provide opportunities for reconciliation and individual and multi-generational healing. Rather than requiring former students to come to larger centres for their hearings, IAP adjudicators went to them – conducting hearings in claimants’ homes, nursing homes, hospitals and correctional facilities, and incorporating Indigenous health supports, ceremony and traditional methods of solemnization of testimony chosen by former students into the hearings. Due to the highly sensitive and politically charged nature of the issues surrounding Canada’s role in both creating and then seeking to address the dark chapter of its history that led to the creation and operation of Indian residential schools, and the historic nature of the process, the IAP has attracted an extraordinary level of media attention, both in mainstream media nationally and locally and in Indigenous media, both nationally and extensively in the north.

The unique nature of the process and vulnerabilities of class members created many challenges and required many steps to be taken to address these vulnerabilities that had not been anticipated by the framers of the Settlement Agreement. Daniel Shapiro played a key role in developing and implementing many of these important efforts.<sup>4</sup> Among them, the Lost

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<sup>4</sup> See for example cases relating to the regulation of lawyers and others representing IAP claimants:

- (a) *Fontaine v. Canada (Attorney General)*, 2014 MBQB (Schulman, J.) : “Manitoba Form-Fillers” case: <https://www.canlii.org/en/mb/mbqb/doc/2014/2014mbqb113/2014mbqb113.pdf>, and
- (b) *Fontaine v. Canada (Attorney General)*, 2016 BCSC 1306 and on appeal, *Canada (Attorney General) v. Merchant Law Group*, 2017 BCCA 198 “Assignment of Indian Residential Schools Settlement Agreement proceeds: <https://www.canlii.org/en/bc/bcca/doc/2017/2017bcca198/2017bcca198.pdf> (application for leave to appeal to Supreme Court of Canada pending)

Claimants Protocol went to extraordinary lengths not seen in any other tribunal anywhere, to search for and locate claimants who had lost contact with the Secretariat, resulting in finding over 500 claimants, who were given an opportunity for a hearing.

In addition to travelling for hearings including many remote communities in the Canadian north and writing hundreds of ADR and IAP decisions, Mr. Shapiro led the Secretariat through a complex series of court cases, including a precedent-setting privacy law 2017 decision by the Supreme Court of Canada, in *Canada (Attorney General) v. Phil Fontaine et al*, 2017 SCC 47.<sup>5</sup> The Court unanimously agreed with Mr. Shapiro's controversial position that the choice of whether or not to archive transcripts of IAP hearings and other materials generated in these private processes belonged to the claimants alone. The Supreme Court of Canada rejected the positions of the Truth and Reconciliation and the Government of Canada to the effect that these materials were automatically to be shared in a public archive, without the consent of former students. The court arrived at this decision despite the highly emotionally charged arguments that would have given precedence of the "collective right to know" over the individual's privacy rights that had been promised to them in the IAP.

Mr. Shapiro has played a key role in shaping the IAP, which in turn has played a fundamental role in allowing the parties to the Settlement Agreement to meaningfully work towards reconciliation; it is now generally accepted that without justice, there can be no reconciliation between Canada and its Indigenous peoples. In a very real sense, particularly in his capacity as Chief Adjudicator, Mr. Shapiro has been an advocate for a process – one designed to provide redress for historic wrongs, while playing an important role in achieving healing and reconciliation. Mr. Shapiro has written hundreds of decisions in the IAP. As Chief Adjudicator, he has been the "court of last resort" within the IAP, which sets out two levels of review of decisions by other adjudicators and one level of appeal regarding adjudicator decisions regarding the appropriate amount of legal fees to be paid to claimant counsel. As Deputy Chief Adjudicator, from 2008 until his elevation to Chief Adjudicator in July 2013, Mr. Shapiro chaired/facilitated the Technical Sub-Committee of the Oversight Committee for the IAP, which consists of an independent Chair and stakeholder representatives of Canada, Church Organizations, the Assembly of First Nations, the Inuit and two organizations of claimant counsel. This process resulted in the creation of most of the policy papers that governed the operation of the IAP and met every 6 weeks over the busier years of the IAP.

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(c) *Fontaine v. Canada (Attorney General)*, 2016 BCSC 595 (protecting claimants from claims for legal fees by predecessor counsel):

<https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc595/2016bcsc595.pdf>

<sup>5</sup> The "Disposition of Records case": <https://www.canlii.org/en/ca/scc/doc/2017/2017scc47/2017scc47.pdf>

## Appendix A

### Sampling of Previous Litigation Cases of Note

#### Administrative Law

- *Stromberg et al v Law Society of Saskatchewan et al* [1996] 3 W.W.R. 389 (Sask. Q.B.) [1996] 10 W.W.R. 737 (Sask. Q.B.) [Application to quash quasi-criminal charges by Law Society against lawyer]
- *Stolar v Moore et al* [1995], 128 Sask. R. 144 (Sask. C.A.) [Judicial Review - Workers' Compensation Board decision]
- *Milne v Government of Saskatchewan*, [1992] 3 W. W. R. 354 (Sask. C.A.) [Judicial Review - bias re: Chair of government chiropractic billings review committee]

#### Auto Accidents, Personal Injury, Insurance

- *Willms v Saskatchewan Government Insurance* 2002 SKQB 278, [2002] TWL QB02276 (Sask. Q.B. Allbright J.) <http://www.lawsociety.sk.ca/dbtw-wpd/exec/dbtwpub.dll> 2003 SKCA 18, [2003] TWL CA03018 (Sask. C.A.) <http://www.lawsociety.sk.ca/dbtw-wpd/exec/dbtwpub.dll> [Suit against SGI for denying insurance benefits to farmer who collided with train, where SGI alleged that the farm plates were not applicable]
- *Cox et al v Board of Education of Battlefords School Division No. 118 of Saskatchewan* [2002] SKQB 150 (Sask. Q.B., Baynton, J.) [Claim for damages from environmental illness on behalf of a group of high school teachers]
- *Flysak v St. Paul's Roman Catholic Separate School Division No. 20*, 2002 SKQB 2, [2002] TWL QB02002 (Dovell, J.) [Claim for damages from school playground incident]
- *Zip Transfer Ltd. v Sask. Power Corp.*, Sask. Q.B., 2000SKQB132 [Auto accident]
- *Gallant v Belcourt, Sask. Court of Appeal CA 91028* January 1991 [Auto accident]

#### Aviation Accident Litigation

- *Stolar v Moore et al* (see under Administrative Law)

#### Commercial Litigation

- *Kaplan v Congregation Agudas Israel* 2001 SKQB 3, [2001]TWL QB01011 (Sask. Q.B., Wright, J.) 2001 SKCA 100, [2001]TWL CA01100 (Sask. C.A.) [Claim against directors alleging inducement to breach contract]
- *First Choice Capital Fund Ltd. v First Canadian Capital Corp.*, [1997] 9 W.W.R. 177 (Sask.Q.B.) [Immigrant investor litigation]
- *Porter Development Ltd. et al v Cairns Homes Ltd. et al*, March 29, 1983, Sask. C.A. [Complex commercial real estate litigation]
- *Co-op Trust of Canada v Target 21 Industries Ltd.*, [1983] 3 W.W.R. 97 (Sask. C.A.) [Complex commercial real estate/mortgage litigation]

#### Criminal Law

- *R. v Latimer*, Intervenor status, February 20, 1995, (Sask. C.A.), Main Appeal; [1995] 8 W.W.R. 609 (Sask. C.A.) [Mercy killing]
- *R. v Harvey Smith*, [1983] 4 W.W.R. 717 (Sask. C.A.) [Tax evasion - art fraud]

#### Fatal Accidents Litigation

- *Attorney General of Canada v Ahenakew* [1984] 3 W.W.R. 442 (Sask. Q.B.) [1986] 4 W.W.R. 230 (Sask. C.A.)
- *Brazeau v Olson* (civil jury trial - loss of single parent Indigenous mother of young children)

### **Medical Malpractice Litigation**

- *Robinson v Royal University Hospital and Hanson*, Sask. Court of Appeal, 94130, Sep. 1993 [Claim against obstetrician and hospital alleging failure to prevent transmission of Group B Strep from mother to baby during delivery]
- *Steier v University Hospital Board*, [1988] 4 W.W.R. 309 (Sask. C.A.) [Claim against anaesthetist re: severe brain damage due to anaesthesia complications]
- *Finley v Sugarman*, [1987] 2 W.W.R. 40 (Sask. Q.B.) [Hospital claim of privilege re: peer review/quality assurance programs, obstetrical negligence action]
- *Haughian v Paine* [1987] 36 C.C.L.T. 242 (Sask. Q.B.) [1987] 4 W.W.R. 97 (Sask. C.A.) (leave to appeal to S.C.C. refused) [Claim for medical negligence against neurosurgeon, leading to paralysis, informed consent issues]

### **Public Interest Litigation**

- *Fancy, Sask. Human Rights Commission v Board of Education of Saskatoon*, [1999] 35 C.H.R.R. D/9 (Sask. Board of Inquiry, Halvorson, J.) [Prayer in Schools]
- *Attorney General of Canada v Saskatchewan Water Corporation et al* [Rafferty/Alameda dam case], [1991] 2 W.W.R. 614 (Sask.C.A.)
- *Welk v Saskatchewan Social Services Appeal Board* (1985), 21 Admin. L.R. 78 (Sask. Q.B.) (1986), 28 D.L.R. (4th) 476 (Sask. C.A.) (leave to appeal to S.C.C. refused) [Whether "family" includes common law spouses]
- *Saskatoon Criminal Defence Lawyers Association v Government of Saskatchewan and Lane* (1985), 11 D.L.R. (4th) 239 (Sask. Q.B.) [Whether province can unilaterally reduce size of Court of Queen's Bench]

## Appendix B

### Sampling of decisions authored:

**Labour Arbitration Awards** (of approximately 45 decisions authored between 1995 and May 2020)

- *Unifor Local S-1 v Saskatchewan Telecommunications (Sasktel)*, 2018 CanLII 6387 (SK LA) <https://www.canlii.org/en/sk/skla/doc/2018/2018canlii6387/2018canlii6387.pdf>
- *Unifor Canada, Local 594 v Consumers' Co-operative Refineries Ltd*, 2017 CanLII 96684 (SK LA) <https://www.canlii.org/en/sk/skla/doc/2017/2017canlii96684/2017canlii96684.pdf>
- *United Food and Commercial Workers, Local 649 (Johan Ruehs grievance) and Federated Co-operatives Limited*, Aug. 25, 2014
- *SGEU v. Public Service Commission (SK)*, re Frank Sagal grievances, April 10, 2012
- *United Food and Commercial Workers, Local 649 (Accountant Trainees Grievance) and Federated Co-operatives Limited*, June 28, 2011
- *SGEU v. Government of Saskatchewan (Barb Robinson grievance)*, Final Award (Sep. 30, 2009)
- *SGEU (SIASST Academic Bargaining Unit) Family Day Policy Grievance) v. SIASST* (Sep. 30, 2009)
- *SGEU v. Government of Saskatchewan (Barb Robinson grievance)*, Interim Award, 2—7 CarswellSask 755, [2007] S.L.A.A. No. 15, 164 L.A.C. 94<sup>th</sup>) 129, 91 C.L.A.S. 20
- *Re Regina Qu'Appelle Health Region and Saskatchewan Union of Nurses (Kennedy)*, [2006] 155 L.A.C. (4<sup>th</sup>) 97
- *Re Regina Qu'Appelle Health Region and Saskatchewan Union of Nurses (Kennedy)*, preliminary issues, October 6, 2006
- *Saskatchewan Union of Nurses (Statutory Pay Group Grievance and Bartlett) v. Saskatoon Regional Health Authority (O/A Saskatoon City Hospital)*, July 13, 2006
- *Re: Mitchell's Gourmet Foods Inc. and United Food & Commercial Workers Union, Local 248-P (Bobowski)*, [2005] 133 L.A.C. (4<sup>th</sup>) 210"
- *Kelsey Trail Regional Health Authority and Sask. Union of Nurses, Locals 5 & 16 (Re: Carlson)*, [2004] 129 L.A.C. (4<sup>th</sup>) 43
- *Prairie North Health Region (Lloydminster Hospital), Saskatchewan Union of Nurses (Rowley)*, 2004 CarswellSask 978, 77 C.L.A.S. 259
- *North East Health District (Nipawin Hospital) and Saskatchewan Union of Nurses (Carlson and Stadnek)*, May 27, 2004
- *Victoria Hospital and SUN, Local 62 (Knoke and Paskaruk)*, 2001 CarswellSask 927, 67 C.L.A.S. 99 (family leave)
- *Professional Association of Internes and Residents and the University of Saskatchewan*, November 27, 2000 (upheld by Sask. Court of Queen's Bench, 2001 SKQB 470), <https://www.canlii.org/en/sk/skqb/doc/2001/2001skqb470/2001skqb470.pdf>
- *University of Saskatchewan and University of Saskatchewan Faculty Association (and CUPE Local 3287)*, 1999 CarswellSask 986, 57 C.L.A.S. 322
- *Re: University of Saskatchewan and C.U.P.E., Local 1975* [1997] 60 L.A.C. (4<sup>th</sup>) 404
- *Re: University of Saskatchewan and University of Saskatchewan Faculty Association* [1997] 59 L.A.C. (4<sup>th</sup>) 273

- *Canadian Union of Public Employees, Local 650 v. Board of Education of Regina School Division No. 4 of SK*, 1996 CarswellSask875, 46 C.L.A.S. 298
- *Re University of Saskatchewan and University of Saskatchewan Faculty Association (Archer)*, [1995] 59 L.A.C. (4<sup>th</sup>) 273

**Hepatitis C Class Actions Settlement decisions authored:** (of approximately 20 decisions authored from 2001 to 2018)

- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Unconfirmed Referee Decision No. 155 decision subsequently reviewed, confirmed and upheld by Justice Pitfield, Supreme Court of British Columbia*  
<http://www.hepc8690.ca/content/appeals/decisions/08092004-e.shtml>
- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Confirmed Referee Decision No. 82*  
<http://www.hepc8690.ca/content/appeals/decisions/03102003-e.shtml>
- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Arbitrator Decision No. 56*  
<http://www.hepc8690.ca/content/appeals/decisions/09052002-e.shtml>
- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Arbitrator Decision No. 47*  
<http://www.hepc8690.ca/content/appeals/decisions/06172002a-e.shtml>
- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Arbitrator Decision No. 21*  
<http://www.hepc8690.ca/content/appeals/decisions/08152001-e.shtml>
- Hepatitis C, 1986-1990 Class Actions Settlement Arbitration - *Referee Decision No. 31*  
<http://www.hepc8690.ca/content/appeals/decisions/01072002-e.shtml>

**College of Physicians and Surgeons of Saskatchewan Discipline Hearing Committee Decisions authored:**

- 2019 – Dr. El-Fellani Mohammed  
[https://cps.sk.ca/imis/CPSS/Physician\\_Summary/Physician\\_Profile.aspx?ProfileCCO=3&ID=3180](https://cps.sk.ca/imis/CPSS/Physician_Summary/Physician_Profile.aspx?ProfileCCO=3&ID=3180) (click on "Discipline Committee Decision")
- 2016 - Dr. Adarine Anderson  
[https://www.cps.sk.ca/imis/CPSS/Physician\\_Summary/Physician\\_Profile.aspx?ProfileCCO=3&ID=5111](https://www.cps.sk.ca/imis/CPSS/Physician_Summary/Physician_Profile.aspx?ProfileCCO=3&ID=5111) (click on "Council Decision")
- 2016 - Dr. Yagan Pillay  
[https://www.cps.sk.ca/imis/CPSS/Physician\\_Summary/Physician\\_Profile.aspx?ProfileCCO=3&ID=8134](https://www.cps.sk.ca/imis/CPSS/Physician_Summary/Physician_Profile.aspx?ProfileCCO=3&ID=8134) (click on "Council Decision")
- 2013 – Dr. Amjad Ali  
[https://www.cps.sk.ca/imis/CPSS/Physician\\_Summary/Physician\\_Profile.aspx?ProfileCCO=3&ID=7316](https://www.cps.sk.ca/imis/CPSS/Physician_Summary/Physician_Profile.aspx?ProfileCCO=3&ID=7316) (click on "Discipline Committee Decision")

**Public Sector Long-Term Disability Arbitrations**

Not – published, authored approximately 30 decisions from 2001 - 2020

## **Mediation**

Mediated dozens of labour relations, personal injury, no-fault insurance and commercial disputes.

## Appendix "C"

### Special lectures, presentations, papers presented

- 2020 (June 4): 38<sup>th</sup> Annual Labour Arbitration and Policy Conference, Lancaster House, on the Opening Plenary, *The COVID-19 Pandemic Pressing Issues for Unions and Employers* (with Union and Employer counsel, an economist and physician), Calgary, AB, June 4, 2020 (ultimately delivered by Zoom).
- 2019 (October 10, 11): Speaker, Opening Plenary, *Whose Settlement is it Anyway?* Conference, University of Regina, First Nations University of Canada
- 2017 (November 9), Regina: Saskatchewan Youth Network, Government of Canada), Effective Leadership, Senior Leaders' Panel
- 2017 (February 22) – presenter, Update on the Independent Assessment Process, Canadian Bar Association, Mid-winter meeting
- 2017, Guest Arbitrator, Edwards School of Business, University of Saskatchewan, Labour Arbitration Course
- 2015 (September 16), Keynote Address, College of Law, University of Saskatchewan, Welcoming Ceremony
- 2014 (June 19), Keynote Address, Access and Privacy 2014 Conference, Edmonton, AB, Fate of IAP Records
- 2014 (May 22), presenter, leadership challenges – Saskatchewan Association of Administrative Tribunals
- 2005 (February), Guest Speaker, Canadian Bar Association (SK), Labour and Administrative Law North, "When Rights Collide - Intersection between Collective Bargaining Rights and Human Rights Law"
- 2004 (November): Presenter and Panelist in training session for new adjudicators, Indian Residential Schools Dispute Resolution Process, Regina
- 2003 (February 7): Panelist and Presenter, Canadian Bar Association, Sask. Branch. Mid-Winter Meeting, Saskatoon, "Consent Issues in Medical Cases"
- 2002 (September) Guest speaker, Canadian Association of Risk Managers, national conference, Saskatoon - "Demystifying the Legal Process"
- 2002 (June), Faculty member, guest speaker, panelist at Saskatchewan Trial Lawyers Conference, Saskatoon, "Suing the Pros - The Professional Negligence Action
- 2002 (January 29), Guest speaker, Canadian Bar Association, Administrative and Labour Law North Section, "View from the Arbitrator's Chair - how to improve the Arbitrator's field of vision", January 29, 2002 [Commentary published in CBA Bar Notes, Spring 2000 issue]
- 2001 (November), Guest speaker, Canadian Bar Association, Young Lawyers North Section, No-fault Auto Insurance
- 1999 (December 9) Guest Speaker at C.B.A. (Sask. Branch), Young Lawyers North Section, topic "No-fault Auto Insurance"
- 1999 (January 28-30), Presented paper, "The Role of Lawyers under 'No-fault'," Canadian Bar Association, Saskatchewan Branch, Mid-Winter Meeting, Saskatoon
- 1997 (February 5), Guest Speaker at Canadian Bar Association, Saskatchewan Branch, Health Law Section, topic, "The Issue of Informed Consent in Medical Negligence Litigation"

- 1995 (March 17), 1999 (December 9) Guest Speaker at C.B.A. (Sask. Branch), Young Lawyers North Section, topic "No-fault Auto Insurance"
- 1994 (March 4, 5), Saskatchewan Trial Lawyers Association, Spring Seminar, on Effective Advocacy: Winning Your Case, paper presented: "Civil Pre-Trial Motions, Notices for Trial", Saskatoon
- 1993, 1992, 1989, 1988, Sessional Lecturer at College of Law, University of Saskatchewan (Trial Advocacy)
- Guest Speaker at Canadian Bar Association, Saskatchewan Branch, Young Lawyers (North) Section, Topic: "Conduct of a Personal Injury Action", Saskatoon (December 12, 1991)
- Status to Sue Under The Fatal Accidents Act?" (August, 1991 issue), "Public Interest Intervention: Is Saskatchewan Poised to Catch Up to Everyone Else?" (February, 1992 issue), "The Ontario No-Fault Experience" and "The American No-Fault Experience" (February, 1993 issue)
- Saskatchewan Trial Lawyers Association publication "The Advocate", papers presented: "Peer Review: Issues of Discovery", Vol. II, Issue III, "Task Force Reviews Liability & Compensation Issues in Health Care", Vol. III, Issue III, "Rigid Interpretation of Limitation Periods Alive and Well" and "In Search of Roots" (June, 1990 issue), "Common Law Spouses
- Faculty Member, Conference Committee member and Guest Speaker at Saskatchewan Trial Lawyers Association Conference on Computer-Assisted Litigation, co-presented with Mr. Henry Kloppenburg on "Using Computers to Evaluate Structured Settlements: Decision-Making with Computers (Settle or Litigate)" (March 30 & 31, 1990)
- Guest Speaker at joint meeting of Canadian Bar Association, Saskatchewan Branch, Civil Litigation (Northern) Section and Health Law (Northern) Section, Topic: "Tips in Preparing for and Conducting Cross Examination of Experts", Saskatoon (February 15, 1990)
- Guest Lecturer for Public Legal Education Association on numerous occasions on a wide range of topics since 1979, as well as participating in a televised Public Legal Education Telecable 10 Program on "Personal Injury Claims" and guest on the Roy Norris Open Line Show, Topic: "Medical Malpractice" (January 17, 1990)
- Guest Lecturer at College of Family Physicians of Canada, Family Medicine Residence Seminar entitled, "How to Avoid Litigation: A Legal Perspective", Saskatoon City Hospital Auditorium (January 16, 1990)
- Faculty member and panellist at 31st Annual Scientific Assembly of The College of Family Physicians of Canada, along with Dr. John Alexander, Plains Health Centre, Regina and Dr. Stewart B. Lee, Secretary-Treasurer, Canadian Medical Protection Association, Ottawa; Saskatoon (May 16, 1989)
- Conference Committee, Saskatchewan Trial Lawyer's Association, "Charter Conference: Criminal and Civil", Saskatoon (April 21 & 22, 1989)
- Guest Lecturer at the Saskatchewan Union of Nurses Labour School, re: Medical Negligence, Fort Qu'Appelle (June, 1987), Waskesiu (May, 1988) and Regina and Saskatoon (February, 1989); Presented paper: "Profile of a Medical Negligence Action"
- Presentation at Canadian Bar Association, Saskatchewan Branch, Mid-Winter Meeting, re: Settlement Pre-Trial Conferences; Paper: "Pre-Trial Settlement Conferences: Pandemonium or Panacea" (February, 1989)

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- Participated in the College of Medicine Dean's Lecture Series Debate with Dr. H. Emson, re: "The Deterrent Component of Medical Negligence Litigation" (October 20 - 23, 1988)
  - Presentation at Interphase Saskatchewan Conference, re:"Medical-Legal Aspects of Emergency Care", Saskatoon (October, 1988)
  - Participated in Debate before Council of the Canadian Bar Association, Saskatchewan Branch, with Dr. Dennis Kendel, Registrar of Saskatchewan College of Physicians and Surgeons, re: "Privilege and Peer Review" (March, 1988)
  - Presentation at Canadian Bar Association, Saskatchewan Branch, Mid-Winter Meeting, re: Medical Negligence; Paper: "Anatomy of a Medical Malpractice Action; Practical Pre-Trial Considerations from the Plaintiff's Perspective" (February, 1987)
  - Presentation at Saskatchewan Trial Lawyers Association, Spring Seminar, on Medical Negligence, Paper: "Medical Malpractice Actions: Gathering the Evidence", Saskatoon (April, 1986)
  - Guest Speaker at First-Year Banquet for University of Saskatchewan, College of Law (1979)