

Indian Boarding Homes Program

Applicability Statement re: Protocol for Payment of Individual Legal Fees (February 24, 2025)

Effective: August 21, 2026

Introduction

This document provides guidance, clarification and context to the Protocol for Payment of Individual Legal Fees ("the Protocol") approved by the Federal Court on April 29, 2024.

Background

Pursuant to the Protocol and section 11.02 of the Settlement Agreement, in the event a Claimant has been assisted by a lawyer with the preparation of their individual claims, the lawyer is eligible to a payment equal to 5% of the Claimant's Category 2 Payment plus applicable taxes. Legal fees and disbursements will only be paid in relation to Category 2 applications.

This document further defines the conditions that must be met for a lawyer to qualify as having assisted a Claimant with their claims for the purposes of payment of individual legal fees. This document also clarifies the management of lawyer financial information by the Claims Administrator.

Clarifications re: eligibility for payment

1. The Claims Administrator will only consider the first Category 2 claim form submitted by or on behalf of a Claimant (the "Primary Category 2 Claim form"). The Claims Administrator will not consider any subsequent Category 2 claim form submitted by or on behalf of a Claimant.
2. A lawyer identified in "Schedule A – Lawyer Information" of the Primary Category 2 Claim form will be considered by the Claims Administrator to have assisted the Claimant and will be eligible for payment.
3. If no lawyer is identified in "Schedule A – Lawyer Information" of the Primary Category 2 Claim form, but a "Lawyer Assistance Attestation Form" is submitted

subsequently within 120 days of a decision being made on the Category 2 claim, the lawyer identified in that form will be considered by the Claims Administrator to have assisted the Claimant and will be eligible for payment.

4. If the Primary Category 2 Claim form is considered incomplete and is processed in accordance with the Missing Information Protocol, and the Claimant is assisted by a lawyer to provide the missing information, the lawyer identified in the "Lawyer Assistance Attestation Form" will be considered by the Claims Administrator to have assisted the Claimant and will be eligible for compensation. The Lawyer Assistance Attestation Form must be submitted to the Claims Administrator with the missing information 120 days after a decision is made on the Category 2 claim.
5. If a lawyer has already received a payment for legal fees with respect to the claimant's Primary Category 2 claim form, no other payment will be made to any subsequent lawyer, except for a reconsideration request as provided for under the Protocol.
6. The provisions set out above do not apply to a lawyer's submission of a subsequent Category 2 claim form following the submission of a Primary Category 2 Claim form.

Clarifications re: lawyer financial information

7. The Claims Administrator will issue payment of individual legal fees to the account designated in "Schedule A – Lawyer Information" of the Primary Category 2 Claim form or in the "Lawyer Assistance Attestation Form". The Claims Administrator will not verify the financial terms of that account with the lawyer's employer or law firm prior to issuing payment.
8. A lawyer identified in "Schedule A – Lawyer Information" of the Primary Category 2 Claim form or in the "Lawyer Assistance Attestation Form" may modify any financial information associated with their payment of individual legal fees. The Claims Administrator will not verify such modifications with the lawyer's employer or law firm prior to the execution of these modifications.