

Crown Wards Class Action FAQs

1. Why did Koskie Minsky withdraw from the case?

A. Koskie Minsky and the representative plaintiffs decided that it was in the best interests of the class to engage new counsel because they felt that Koskie Minsky was not in the best position to advocate for the best settlement given that they had negotiated the settlement that the court did not approve. A new lawyer would not be hampered by the past concessions that had been made in the earlier negotiations.

2. Why did I get the email notice or automated phone call?

A. People got the email or an automated call to let them know that our firm is taking over the class action from Koskie Minsky.

3. What is the class action about?

A. The action is seeking to obtain compensation for Crown wards who did not receive compensation from the Criminal Injuries Compensation Board because the Crown didn't apply for it for the Crown ward, or the Crown didn't tell the Crown ward that they could apply when they aged out of care. It also is seeking other compensation for the fact that records were not kept properly to help with claims for harms suffered before or while in care, and because it was not explained to the Crown wards that they could bring claims for their injuries.

4. What is going on with the class action?

A. The parties are involved in settlement negotiations to reach a new deal. Presently we are working on trying to better understand how many affected Crown wards there are, with a greater degree of certainty. This involves taking samples of records that are electronic, microfiche and paper format, depending on the years involved. This is slow-going to pull together.

At the same time WP is getting up to speed on the case and deciding on the best course forward.

5. Does the change in lawyers mean that there will be less money for the class?

A. No, it does not. The representative plaintiffs have retained the lawyers to work on this case on a contingency fee basis. If the action is settled, or there is a trial judgment, then the court will be asked to approve the contingency fee, and the one fee will be divided between the law firms that have worked on the action.

6. Is there a settlement happening now?

A. Currently, there is no settlement. After the judge refused to approve the prior proposed settlement, the parties resumed negotiations. Those settlement discussions are continuing. If a new settlement is reached, then another notice will go out to the class members to let them know the terms, and they will again have an opportunity to make submissions about the settlement then.

7. What about getting compensation for the abuse that I suffered either before I was in care or after I became a Crown ward?

A. The class action will not be seeking to recover compensation for all the harms or abuse that Crown wards may have suffered while in CAS care or before they went into care. That is beyond the scope of this claim.

Anyone who was abused before or while they were in care do have the right to bring their own lawsuit to recover compensation for the harm and injuries that they suffered. There are many lawyers who specialize in these kinds of claims who would be able to represent you if you want to pursue the CAS, foster homes, or individual perpetrators for the abuse you suffered.

8. How do I find out more about the class action?

A. The Waddell Phillips webpage will be updated whenever there is a significant development. You can use the “contact us” link on the website to send a secure message to counsel and we will answer all messages as promptly as possible.