



October 5, 2012

By e-mail

(See Distribution List)

Dear Parties,

**Re: First Nations Child and Family Caring Society et al. v. Attorney
General of Canada (Tribunal File: T1340/7008)**

This letter is a summary of the CMCC held on September 26, 2012, from 1 pm to 2 pm, between the Members of the Panel and the Parties.

1. IN ATTENDANCE

Sophie Marchildon, Panel Chairperson
Edward Lustig & Réjean Bélanger, Tribunal Members
Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada
Paul Champ, Counsel for the First Nations Child and Family Caring Society of Canada
Daniel Poulin & Samar Musallam (with Sarah Pentney), Counsel for Canadian Human Rights Commission
Jonathan Tarlton & Melissa Chan, Counsel for the Attorney General of Canada
Krista Robertson, Litigation Case Manager for the Department of Aboriginal Affairs and Northern Development Canada
David Nahwegahbow and Stuart Wuttke, Counsel for Assembly of First Nations
Mike Sherry, Counsel for the Chiefs of Ontario
Dragisa Adzic, Registry Officer

2. ISSUES RAISED

(a) Dates for filing of disclosure

After consideration of the parties' oral submissions on the issue of dates for filing of disclosure materials expressed during the September 26, 2012 meeting, please note that the Panel, in agreement with the parties, sets the timeline for ongoing filing of disclosure materials (including revised witness lists) as follows: **October 31, 2012; December 28, 2012; and February 25, 2013.**

(b) Respondent's request to adjourn proceedings until FCA decision is released

After examining points raised by all parties present during the meeting with respect to the Respondent's counsel request to adjourn proceedings in this matter until the Federal Court of Appeal has ruled on the Attorney General of Canada's application for judicial review of the Federal Court's decision T-578-11, the Panel is of the view that this request should be dismissed as the Respondent has not sought a stay of the Tribunal's proceedings at the Federal Court. The Tribunal panel is of the view that this matter should be dealt with expeditiously and without further delay.

(c) Duration and scheduling of the hearing

With regards to the duration and scheduling of hearing dates, please note that the Panel, after considering every party's comments, determined that the hearing of this complaint will be scheduled for 14 weeks and, in the event that 14 weeks is not necessary, the remaining unnecessary weeks of hearing planned will be cancelled. For the most part, the hearing weeks will be scheduled on a "two weeks on, one week off" basis, with five days of hearing per week. This said, please note that the hearing will start **February 25, 2013 for only one week, and will resume on the first week of April 2013 for two weeks. There will be no hearing dates scheduled for the month of March 2013 and from mid-April to mid-May 2013.** The normal schedule will start again on the third week of May 2013 for the remaining weeks of the hearing. Every hearing week will consist of five consecutive days (weekdays), except for national statutory holidays and unforeseen situations, in which case the week will be shorter. The Panel also acknowledges concerns expressed by Mr. Tarlton with respect to his unavailability to attend the hearing for the month of September 2013; therefore, **no hearing dates will be scheduled for September 2013.**

For ease of reference, please see the calendar of hearing dates below:

- February 25 to March 1st, 2013;
- April 1st to 12, 2013;
- May 13 to 24, 2013;
- June 3 to 14, 2013;
- June 24 to July 5, 2013;
- July 15 to 26, 2013;
- August 5 to 16, 2013;
- August 26 to 30, 2013;

Moreover, in light of Mr. Poulin's concerns regarding a possible disruption of the regular hearing schedule because of summer vacations, the Panel does not exclude the possibility to adjust the hearing schedule so as to proceed on a "two weeks on, two weeks off" basis (or an alternative arrangement) if there need be.

Lastly, the Panel directs that all parties who will not be able to participate on any of the hearing dates scheduled advise the Tribunal at their earliest convenience. Please note that the hearing schedule will remain unfettered unless otherwise specified by the Panel, in which case any change in schedule will be communicated to you in writing.

If you have any questions or concerns, please do not hesitate to contact Mr. Dragisa Adzic, Registry Officer, at (613) 947-1151 or by email at dragisa.adzic@chrt-tcdp.gc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read 'JR', is positioned above the typed name of the signatory.

Jamie Robertson, CD
Director, Registry Operations

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