

Educating lawyers

The criminal prosecution of abusers in residential schools and the subsequent civil lawsuits were a difficult experience for Survivors. The courtroom experience was made worse by the fact that many lawyers did not have adequate cultural, historical, or psychological knowledge to deal with the painful memories that the Survivors were forced to reveal. The lack of sensitivity that lawyers often demonstrated in dealing with residential school Survivors resulted, in some cases, in the Survivors' not receiving appropriate legal service. These experiences prove the need for lawyers to develop a greater understanding of Aboriginal history and culture as well as the multi-faceted legacy of residential schools.

Calls to Action

- 27) We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
- 28) We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Aftermath of the Settlement Agreement

During the 1990s, the number of civil lawsuits against Canada and the churches that ran the schools steadily increased. Many of these claims were combined into class actions that were certified by provincial courts. In May 2005, the Government of Canada appointed former Supreme Court Justice Frank Iacobucci as its chief negotiator to help reach a settlement agreement among the many parties involved in litigation: representatives from Aboriginal communities, church groups, the federal government, and Survivors represented by various law firms. The parties reached an agreement in principle in November 2005. The details of the Indian Residential Schools Settlement Agreement were finalized and approved by the federal cabinet on May 10, 2006. The thousands of legal claims made against the federal government and the churches were concluded and settled under the terms of the Settlement Agreement.¹²⁶