

Lawyer says native leaders have failed abused students

SASKATOON (CP) - Lawyers have become advocates for aboriginals abused in residential schools because native leaders failed to take the lead, says the partner in a firm that represents almost half of all lawsuits stemming from the abuse.

"A problem existed for 50 years and it was lawyers who said, 'This is wrong,'" said Tony Merchant of the Merchant Law Group, which has 40 lawyers in Western Canada.

"First Nations leadership didn't do any of that."

Merchant, whose Saskatoon firm represents 3,000 former students of the government-run schools, has filed statements of claim against Ottawa on behalf of about 1,500.

Firms such as Merchant's have been criticized by aboriginal leaders for taking advantage of residential school abuse victims to earn handsome profits by holding what some suggest are high-pressure recruiting meetings on reserves.

Merchant's firm charges up to 40 per cent of any monetary settlement reached as a fee. Out-of-court settlements have ranged between \$60,000 and \$100,000.

Grand Chief Phil Fontaine of the Assembly of First Nations voiced his concern last fall in a letter to the country's law societies.

The Law Society of Saskatchewan responded last month with a new rule that says lawyers cannot directly approach potential clients who are in a "weakened state."

Merchant acknowledged the lawsuits have "the potential to be lucrative."

"The market is more than 5,000 or 6,000 lawsuits. As more First Nations people start to know about their rights, more and more of them will be coming forward."

But more than money is involved, he added, and he resents any criticism. It was the legal profession who fought hard for former students when no else - including Indian leaders - cared, he said.

Fontaine, himself an abuse victim, was not available for comment. Assembly spokesman Maurice Switzer said Merchant's comments are incredibly insensitive and show "woeful ignorance."

"It was a number of years ago at a public meeting that the national chief went public with his experiences," said Switzer.

"This going public was pivotal in getting the whole ball rolling. It's that kind of leadership that helped survivors and victims."

"The debate really began to build momentum after that."

It is now generally acknowledged that some aboriginals were physically, sexually and emotionally abused in government and church-run schools created at the turn of the century and phased out in the 1980s.

But not all abuse victims are ready to come forward, said Delia Opekokew, a lawyer with the Federation of Saskatchewan Indian Nations.

"They may not be ready to disclose the traumatic events of their lives," said Opekokew.

"Some of these people may not be prepared emotionally to handle the things they can remember."

It was the recruiting style of two Merchant group lawyers on a reserve near Kamloops, B.C., that prompted a Vancouver-based organization providing counselling and crisis intervention to residential school victims to complain to the Saskatchewan law society last year. A society committee is still investigating.

Recently another Merchant group lawyer was challenged when he showed up at a residential school workshop in Kelowna, B.C.

"I wondered who the heck this guy was," said Stewart Phillip, president of the Union of B.C. Indian Chiefs. "I demanded to know who he was."

Several former students have also complained after getting soliciting letters in the mail, said Grant Severight, a

member of the Aboriginal Healing Foundation, which oversees a \$350-million fund set up by Ottawa for abuse victims.

"Most native people don't know where to turn ... so consequently they are vulnerable to this sort of stuff."