



## Politics

# 45,000 legal claims pending against federal government



Settlement of all claims could be in the 'hundreds of billions of dollars'

[Murray Brewster](#) · CBC News · Posted: Aug 26, 2016 5:00 AM ET | Last Updated: August 26, 2016



Fisheries Minister Dominic LeBlanc, left, shown here at the 2016 Liberal Biennial Convention in Winnipeg, is the chair of the new cabinet committee on litigation management tasked with advising Justice Minister Jody Wilson-Raybould, right, on lawsuits facing the government. (John Woods/Canadian Press)

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The Canadian government has as many as 45,000 legal claims — big and small — pending against it, representing a potential liability that stretches into the "hundreds of billions of dollars," CBC News has learned.

The breadth and potential depth of the litigation quagmire was the driving force behind the Trudeau government's recent decision to establish a full cabinet committee to track the lawsuits.

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The Finance Department is concerned with the impact possible future settlements might have on the federal treasury, says Fisheries Minister Dominic LeBlanc, who chairs the litigation committee.

"When you look at the whole pool of litigation — theoretically — is in the hundreds of billions of dollars," LeBlanc told CBC News in an exclusive interview.

"For the minister of finance, it's a huge source of concern. The more coherence and effective management we can bring to this, it might have a positive impact on the government's financial position."

The reason LeBlanc says "theoretically" is because federal Finance officials have been adding up the cost if the federal government were to pay out the full amount of damages outlined in the thousands of statements of claim.

Even so, the numbers are scary enough to prompt serious political attention.

## **Steady increase in lawsuits against the government**

While the cases carry serious financial and sometimes political jeopardy, LeBlanc insisted politicians will not get down into the legal weeds to start directing how individual cases are fought.

Instead, the Liberal government is going to start by organizing the challenges it faces and then attempt to figure out what is behind the steady increase in citizens and corporations taking the Crown to court.

There are a number of questions ministers are asking themselves, LeBlanc said.

"What are the policy reasons? Why has litigation has gone up considerably in the last number of years? And what is the government perhaps doing that will remove the need for many of these communities to see the courts as their only source of remedy?"

The government is also curious how many of the cases might go away if there are minor tweaks in regulations and legislation, he said.

## **Court seen as only recourse**

While there has been a continual increase in lawsuits over the past decade, LeBlanc wasn't fully prepared Thursday to blame the previous Conservative government and its policies.

He says he needs more data to fully understand the trend.

"I don't have an answer to that [political] question," he said. "But if you run a government that is not transparent, not open, not accessible to Canadians, that doesn't answer questions from Canadians ... often, I think, people saw the courts as the only way to break through in terms of being given information and rationales for decisions."

The cases run the gamut from large class-action lawsuits to minor accident and personal injury cases involving federal departments and institutions.

Some of the claims are natural resource and environmentally based; many involve First Nations communities.

One of the more high-profile cases lately involves a class-action lawsuit by veterans of the Afghan war, who say changes to the benefits regime a decade ago mean they are being discriminated against.

The lawyer representing the veterans, Don SoroChan, agreed with LeBlanc on at least one point: People have been going to court more often because they are frustrated with either the system or the lack of accountability from institutions.

"The real problem is that there is no ongoing access to justice for citizens who are affected by government decisions on a daily basis, and that nothing happens to correct these injustices until there is a huge problem that justifies the bringing of a large and potentially expensive action against the government," he said Thursday.

But Sorochan also suggested the federal government is often its own worst enemy when it comes to this train wreck of litigation.

"I do not believe this is a matter of one government or another," he said. "Unjust actions take place because bureaucrats know that few can challenge the decisions and that the Department of Justice will be there to stonewall for them."

The Liberals recently allowed the Department of Justice to restart the lawsuit involving veterans — a case that had been put into abeyance by the former Conservative government as it introduced new programs, benefits and services to address the concerns of ex-soldiers.

The Afghan veterans would have been prepared to drop the class-action suit had the Trudeau government confirmed a timetable to implement the promises it made to ex-soldiers in the last election, Sorochan said.

"The response to us was that they would not do so," he said.

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