

► Cheryl Macdonald, B.A., LL.B.

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Adjudication Experience

- **2009 – Present – Independent Assessment Process (IAP), Indian Residential School Adjudication Secretariat (IRSAS) - Vancouver**

Adjudication of claims commenced under the Independent Assessment Process (“IAP”). This process was set up as an alternate dispute resolution process to resolve historical claims of sexual abuse, serious physical abuse and claimant’s actual income loss related to the operation of over 100 Indian Residential Schools in Canada. I am part of a national team that has helped to resolve over 37,000 claims to date, often times travelling to remote locations within Canada. As an IAP Adjudicator I am responsible for conducting hearings, weighing evidence and awarding compensation for proven cases and ensuring the fees charged by lawyers in the process are fair and reasonable. I also conducted reviews of decisions by other Adjudicators as a designate of the Chief Adjudicator. I have also been part of a small team of adjudicators with the responsibility of resolving Estate Claims in the IAP.

- **2004 – 2010 – Alternative Dispute Resolution Process (IRSAS) – Vancouver**

Contracted as an independent adjudicator to conduct hearings with Indian Residential School claimants, Government of Canada and the Churches to settle claims and prepare written reasons for decision. The hearing process is inquisitorial in nature with the adjudicator alone managing the hearing and asking questions of the claimant. I have adjudicated cases of sexual abuse and serious physical harm, determined liability and provided quantum for consequential harm, loss of opportunity, aggravating factors and future care. This work required sensitivity, cultural awareness and excellent listening and communication skills.

- **1995 – 2007 - National Parole Board, Pacific Region - Abbotsford, BC**

The National Parole Board is an independent administrative tribunal that makes decisions on the conditional release of offenders sentenced to federal penitentiaries. Each year I conducted over 300 hearings and participated in writing over 1,000 decisions. The decision process is inquisitorial and involves hearings, risk assessment and analysis of all available relevant information to ensure a quality decision.

An essential component of the process is to assess the reliability, credibility and persuasiveness of relevant information from various sources including offenders, victim presentations and statements and considering professional assessments from physicians, psychologists and psychiatrists.

As a full time member of the National Parole Board for 12 years I dealt with offenders who had victimized others and who had been victims themselves. Board members were provided with comprehensive victim information on every file that recorded the traumatic and pervasive impact of sexual, emotional, psychological and physical harm. I have read countless psychological and psychiatric reports addressing the impact of sexual, emotional and physical violence on victims and offenders. I have conducted hearings with victims present and as participant. The job involved well developed reading, interviewing and listening skills. In addition to regular hearings board members also conducted elder assisted circle hearings, a process respectful to aboriginal culture, tradition and spirituality

Mediation Experience

- **1988 – 1994 - Practicing law as an associate with the firms Fraser Warren, Shortt Moore, Arsenault and Victory Square Law office - Vancouver**

In addition to participating in the preparation of and conduct of civil trials in the Provincial Court and Supreme Court of British Columbia as an associate of the above firms, I was also involved in extensive labour law cases, including negotiated settlements, arbitrations, mediations and hearings.

Education & Certification

- 1988 – Present – Various Legal, ADR, Adjudication courses including courses in risk assessment, seminars with respect to the impact of sexual and physical abuse as well as training in aboriginal culture, traditions and spirituality.
- 1989 – Called to the Bar in British Columbia
- 1988 – Bachelor of Laws – University of British Columbia – won the graduating award for the highest mark in Creditors' Remedies.
- 1975 – Bachelor of Arts – University of British Columbia – majoring in psychology.

Language Fluency

- English