

## Woodlands class action moves ahead - but slowly

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Six years after it was lodged, the class action for survivors of abuse at Woodlands School is still at least nine months away from the courtroom.

The trial is scheduled for September 2009 in the B.C. Supreme Court in Vancouver.

However, two appeals have yet to be resolved.

The first is whether residents from before Aug. 1, 1974 can claim damages after they were knocked out of the action by an earlier court ruling.

The lawyer representing the residents, David Klein, appealed the ruling and the matter was heard in September.

"We are trying to get them back in, but right now they're not in," he said.

A decision is pending, but it is uncertain when it will be handed down.

The second appeal, probably to be heard in February, relates to the claimants obtaining the records kept on Woodlands residents by the province, who ran the institution.

The province recently appealed a court ruling to hand them over.

"We found that a bit puzzling. We're puzzled as to what it is they don't want us to see, what it is they're hiding," Klein said.

Between 1950 and 1996, Woodlands School's large grounds at McBride Boulevard and Columbia Street in New Westminster housed as many as 1,600 people, many with mental disabilities.

A 2002 report by former ombudsman Dulcie McCallum found evidence suggesting systemic forms of sexual, physical and emotional abuse at the school.

More than 3,000 former residents of Woodlands were eligible for the original class action, but the ruling on pre-1974 students reduced the action to just over 2,000 people.

Klein said they fell into two categories: victims of some form of abuse, and others who experienced "diminished quality of life" from being exposed to abuse.

"Even if someone was not the target of abuse, they lived in an environment of fear and neglect," he said.

"When a kid is sitting there in shackles, even if it's not you, it has an impact."

Gregg Schiller, coordinator of the We Survived Woodlands group, said survivors wanted to get the matter settled quickly out of court, and were seeking at least \$15,000 each.

A \$15,000 compensation to each of the 2,000 eligible survivors would mean a \$30 million payout for the province.

After issuing a formal apology to Woodlands residents and their families in 2003, and setting up a \$2 million trust fund to provide support and counselling, the province has been unwilling to negotiate with the claimants so far.

"Again, the government is not doing the right thing," Schiller said.

"Throughout this, everyone is being re-victimized. The government is ... fighting them with lawyers to prevent the truth from coming out."

Schiller said survivors hoped that the pressure of the upcoming provincial election, followed by the global spotlight on the Olympics, would force a change of heart.

"The trial would be going on right through the Olympics. We're not sure the government would want those headlines competing with the Olympics. So we're hoping they would settle out of court," he said.

Klein and We Survived Woodlands members met last month to talk about the class action's progress.

While still assembling the case, Klein said it documented abuse including children put in shackles, or on a belt leash, overcrowding (22 people in a room for 15), and forms of punishment including bread-and-water diet, cold showers, scalding baths and more.

"Our clients tell us a lot of very unsettling things, it was a very dark place to be. It's a good thing it closed down," he said.

Schiller said some residents were locked up for a weekend with no food or water, or locked outside naked and freezing overnight.

The Ministry of the Attorney General did not respond to the Record's questions.

Klein said his team was currently interviewing former employees and administration of the school.

He said former Woodlands residents who were eligible for the action, but did not want to take part should contact Klein Lyons at 604-874-7171.

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