

## Change in Process:

As of December 5, 2011 changes to hearing dates and locales will be handled differently.

## Qs and As for all hearing participants

### 1. How does the Secretariat schedule hearings?

The Secretariat schedules hearings according to Schedule D of the IRS Settlement Agreement, based on the availability of parties, counsel and the adjudicator and on the cost effectiveness of the location. The Secretariat asks for adjudicator and claimant counsel availability for IAP hearings on a regular basis. If your availability changes, it is important that you let the Secretariat as soon as possible.

Question	Self-Represented Claimants	Claimant Counsel	Defendant (POI/Canada/Church Counsel)
<i>I can't make the hearing date – what should I do?</i>	Call 1-877-635-2648 and let your IAP Support Officer know as soon as possible if you cannot attend your hearing.	<p>If you cannot attend your client's hearing date, the first thing you should consider is whether you have a qualified colleague who could attend on your behalf or find another way to preserve your client's hearing date. If there are no options, or if it is your client that cannot attend the scheduled date, you should email all of the hearing participants, the Scheduler who set the hearing date via email and copy the Registry Officer as well at <a href="mailto:postponement-reporter@irsad-sapi.gc.ca">postponement-reporter@irsad-sapi.gc.ca</a>.</p> <p>If the hearing date is within 24 hours you should also call the adjudicator. Do not rely on email if the hearing date is within 24 hours.</p>	<p>If you cannot attend a hearing, the first thing you should consider is whether you have a qualified colleague who could attend on your behalf or find another way to preserve the hearing date. If there are no options, you should email all of the hearing participants, the Scheduler who set the hearing date via email and copy the Registry Officer as well at <a href="mailto:postponement-reporter@irsad-sapi.gc.ca">postponement-reporter@irsad-sapi.gc.ca</a>.</p> <p>If the hearing date is within 24 hours you should also call the adjudicator. Do not rely on email if the hearing date is within 24 hours.</p>

Question	Self-Represented Claimants	Claimant Counsel	Defendant (POI/Canada/Church Counsel)
<b><i>Can I reschedule the hearing?</i></b>	Yes. If you cannot attend the hearing as scheduled, please let your IAP Support Officer know as soon as possible. Keep in mind that rescheduling your hearing might result in a long delay before your hearing will occur.	Yes. You have until 10 weeks prior to the hearing date to reschedule the hearing. The Hearing Set Notification will tell you the expiry date the rescheduling period. Keep in mind that requesting a different date will likely cause your client's hearing to be delayed.	In limited circumstances. You have up to ten weeks prior to the hearing date to request that a hearing be rescheduled. The Hearing Set Notification will tell you the expiry date of the rescheduling period. Requesting that a claimant's hearing be rescheduled is a serious matter as it delays the claim. Alternatives to rescheduling such as sending a qualified colleague to attend on your behalf should be considered in advance of requesting that the hearing be rescheduled.
<b><i>What if the hearing is less than ten weeks in the future, and I just received notification?</i></b>	N/A	You will have ten days to request that the hearing be rescheduled. The Hearing Set Notification will tell you the expiry date of the rescheduling period.	You will have ten days to request that the hearing be rescheduled. The Hearing Set Notification will tell you the expiry date of the rescheduling period.
<b><i>What if I need to reschedule my client's hearing, but it is after the deadline for rescheduling?</i></b>	N/A	If you want to change your client's hearing date after the rescheduling period, the adjudicator will review the request. The adjudicator will decide whether or not your client's hearing can be postponed. The adjudicator will take into account how reasonable and timely your request is.	If you want to change a hearing date after the rescheduling period, the adjudicator will review the request. The adjudicator will decide whether or not the hearing will proceed. The adjudicator will take into account how reasonable and timely your request is.

Question	Self-Represented Claimants	Claimant Counsel	Defendant (POI/Canada/Church Counsel)
<i>What happens if I, (or my client) miss the hearing?</i>	Failing to attend the IAP hearing is a serious matter. However if you cannot attend your hearing, please let your IAP Support Officer know as soon as possible. If you feel like the memories of Residential School are affecting you too much to be able to attend your hearing, there are supports available for students who attended the schools. If you require help please call the 24-Hour Crisis Line 1-866-925-4419.	Failing to attend an IAP hearing is a serious matter and it could result in serious consequences to your client's claim. The adjudicator will review the reasons why you or your client missed the hearing. If the adjudicator determines that you or your client did not have a good reason to miss their hearing the adjudicator may apply one of the penalties set out in the Guidance Paper.	Failing to attend an IAP hearing is a serious matter and it could result in serious consequences for your participation in the claim. The adjudicator will review the reasons why you missed the hearing. If the adjudicator determines that you did not have a good reason to miss the hearing the adjudicator may apply one of the penalties set out in the Guidance Paper.
<i>I have another client would could use the hearing date. Can they take over the hearing date from my client who cannot make it?</i>	N/A	In limited circumstances. If the hearing is ten weeks or more in the future, and the other client is willing to have their hearing in the same locale, another client can use that hearing date. <b>You will need to get your client's hearing preferences to the Secretariat immediately</b> in order to do a substitution. If the hearing is fewer than ten weeks in the future, another client cannot be substituted in as this does not provide sufficient time to arrange the hearing.	N/A