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Horne victims win \$21.5 million from territorial governments

Lawyer praises GN, GNWT for "sincere desire to resolve the issue"

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Eighty-two Nunavut men have won a \$21.5-million settlement from the governments of Nunavut and the Northwest Territories in compensation for sexual abuse they suffered as boys at the hands of Edward Horne, a teacher who worked for the GNWT between 1971 and 1985.



Ed Horne, one of Nunavut's most reviled pedophiles, leaves the Iqaluit courthouse in 2000.

(FILE PHOTO)

Geoffrey Budden, a lawyer who filed a statement of claim on behalf of the men, said it's the largest damage award he knows of in Canada related to sexual abuse by a single perpetrator.

"I'm not aware of a larger one," Budden said. "The reason why is that there were so many victims and many of them were very severely abused. A lot of them were profoundly, terribly abused."

The two governments have already paid out \$4.2 million to the men, to cover legal and research fees, and to provide therapy and counselling for those victims who want it.

The rest will be divided into individual awards for each of the 82 men, and for the estates of three men who are now dead.

The settlement ends a legal process that began in 2001, when Budden, with the help of U.S. lawyer Stephen Rubino, filed a lawsuit against the two governments. They alleged that territorial government officials failed to protect the men — who were school children at the time — against Horne's sexual abuse, and failed to provide them with adequate care

afterward.

But instead of having the issue tried in an adversarial court process, lawyers for all sides agreed to use what's called an "alternative dispute" method to work out a settlement.

Budden praised the territorial governments for how they behaved during negotiations.

"I think part of the reason this worked is that the government approached it with a realistic sense of their exposure and a sincere desire to resolve the issue through good-faith negotiations. I think the way the government handled this is a lesson other governments could learn from," Budden said.

Most of the men will take their damage awards in "structured settlements."

That means that instead of taking their money in a lump sum, many of the men are choosing to have some or all of it put into investment funds and then paid out regularly over a period of several years.

"You would have the option of, rather than taking it all right now, you might elect to take \$30,000 cash at the moment and \$70,000 paid out over a period of years, which would depend on your age and how long you wanted it paid out over," Budden said.

"There are several advantages to it. The big one is that it allows for long-term budgeting, and it allows a person to get certain tax advantages," Budden said.

The damage award payments are tax-free, Budden said.

The structured settlements also constitute a form of "financial counselling," he said.

Some men, however, will take all their money now and make their own decisions about how to spend or invest it, Budden said.

"Some have very specific investment plans."

Individual amounts vary according to the personal circumstances of each victim, but Budden wouldn't state what they are.

On average, the settlements work out to about \$260,000 for

each victim, minus a certain amount for legal and research fees.

Kelvin Ng, Nunavut's finance minister, said each government's financial management board authorized the expenditures late last week by issuing "special warrants."

Ng said that to become legal, the two legislative assemblies must vote to approve the special warrants, which he expects will be a routine matter.

The two governments will pay out the money during their 2002-3 fiscal years, Ng said.

They'll divide it under a 1999 agreement for splitting the NWT's assets and liabilities with the new territory of Nunavut — with the GNWT paying 55.66 per cent of the cost, and the GN paying 44.43 per cent.

For his part, Budden said he's hopeful that the territorial legislatures will take the step needed to make the settlement final.

"We feel it works for all parties and the cabinet obviously feels that way so we hope the legislature will see it that way also," Budden said.

In February 1987, Horne received a six-year jail sentence for eight charges involving 24 boys he molested between 1983 and 1985 in Kimmirut and Cape Dorset.

After Horne served that sentence and left Canada to work in Mexico, more than 50 men in Sanikiluaq, Cape Dorset and Iqaluit came forward to disclose that Horne molested them between 1973 and 1982.

After pleading guilty to another 20 sex offenses Horne received a five-year jail sentence, imposed Sept. 14, 2000.