

## Van Arty Assoc and RUSI Van Members News April 9, 2013

### Wednesday Lunches

Lunches in the 15<sup>th</sup> Field Officers Mess continue with Mrs Lum cooking at home and bringing the food in. The decision has been made to renovate the upstairs (Mess) kitchen at an estimated cost of \$30-35,000. Fundraising efforts have started, watch this newsletter for events and campaigns.

Remember to drop your lunch ticket in the bowl when you pick up your soup/salad.

And finally, PLEASE DO NOT PARK IN THE VEHICLE COMPOUND!!

### Judge lauds lawyers who worked for veterans in \$887m class action

April 5, 2013 *BY MICHAEL GORMAN TRURO BUREAU*



*Peter Driscoll, left, and Dan Wallace, attorneys representing veterans, confer before a federal hearing on a veterans' settlement agreement at the World Trade and Convention Centre in Halifax on February 14. (TIM KROCHAK / Staff)*

A Federal Court decision cementing an \$887-million settlement in a class action involving thousands of disabled veterans included high praise for lawyers representing the plaintiffs. In his decision, Justice Robert Barnes lauded the lawyers — led by Peter Driscoll of McInnes Cooper in Halifax — representing about 7,500 veterans and their families who saw benefits clawed back for 30 years.

“The certification and liability determinations that provided the impetus for this settlement resulted from the skilful and tenacious advocacy of class counsel in the context of an adversarial contest involving equally skilled and tenacious opposing counsel,” Barnes wrote in his decision dated Thursday. “There is no question that the high quality of the legal work performed by class counsel led to the favourable liability outcome.”

In his decision, Barnes was also tasked with determining how much lawyers for the veterans would be paid. While the plaintiffs' counsel were seeking eight per cent, or about \$65 million, lawyers for the federal government argued that was too high. Barnes awarded counsel \$35 million, or about four per cent. In his decision, Barnes wrote that awards must take into consideration the time, difficulty, cost, effort and risk involved in lawyers taking on class actions. Rewards must be enough to motivate counsel to “take on difficult class litigation involving potentially deserving claims that might not otherwise be pursued.”

Barnes said the veterans' grievance had been well known for more than 30 years and attracted no litigation until Driscoll took up the claim by the lead plaintiff, Halifax resident Dennis Manuge. McInnes Cooper and Branch MacMaster in Vancouver, B.C., the two firms involved in representing the veterans, worked for six years and amassed more than 8,500 hours of unbilled time. Unbilled time is valued at more than \$3.2 million. Out-of-pocket expenses are about \$200,000 and counting. All of this was done with no guarantee of victory and, thus, being paid. Driscoll, in Toronto for meetings, said he was "very pleased" with the decision, which he called "within the band of case law."

While there was a lot of risk in taking on the case, Driscoll said it had nothing to do with a potentially big payday and everything to do with fairness and doing right by a vulnerable group, something he said his firm felt strongly about. "Certainly McInnes Cooper, throughout my pursuing this case, backed me up and supported me the whole way." Margaret Waddell, an experienced class-action lawyer with Paliare Roland in Toronto, said it is "extremely difficult" to get firms to take on complicated, high-risk class actions, especially against Ottawa. The government "has massive resources and fights these cases vigorously," she said. "That's not an easy target." The pool of people in Canada who engage in this kind of litigation is small because of the risks involved, said Waddell. She points to Ontario as an example, where there are only about a dozen firms heavily involved in class-action work.

"You've got to have a very high risk tolerance to agree to take on this kind of litigation." She said that's why lawyers are entitled to be well compensated for positive results. She called the result in this case "unbelievably good," and said she thought the lawyers' fees were on the low end of what is fair. "I think these guys did a fantastic job with this case," she said. "I think the number that they requested was well within the range of reasonable." Dimitri Lascaris, who leads the Siskinds firm's securities class-action group in Ontario, said that while lots of attention is paid to lawyers' fees when they win, very little attention goes to failures. "No one talks about how much those cases cost the lawyers, personally and professionally, when they lose. They only talk about the fabulous successes."

Lascaris mentioned several Ontario firms that won at trial only to lose on appeal. He said when one firm that had obtained a summary judgment on behalf of veterans had the decision overturned on appeal; it had devastating financial consequences for the lawyers involved. That's why so few lawyers take on this kind of work, he said. "There are far, far more lawyers on Bay Street getting paid \$500, \$600 an hour with no risk than there are lawyers who are getting paid contingency fees doing plaintiffs' work."

## **Veterans Ombudsman Launches Initiative for the Upcoming New Veterans Charter Parliamentary Review**

**Ottawa, Ontario** – Canada's Veterans Ombudsman Guy Parent released today a report entitled *Improving the New Veterans Charter: The Parliamentary Review*. Its purpose is twofold: to focus discussion for the fast approaching parliamentary committee review of the enhancements

to the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, commonly known as the New Veterans Charter; and to act as a catalyst to broaden the review to include a discussion of the New Veterans Charter, as a whole.

“The October 3, 2011 coming into force of Bill C-55, the *Enhanced New Veterans Charter Act* and amendments to regulations, brought about much needed changes and began the process of making the New Veterans Charter a truly 'living' document,” said Parent. “Importantly, a clause was included stating that a comprehensive review of the provisions and operations of the amendments to the New Veterans Charter would be undertaken within two years by designated/established Senate or House of Commons Committees.”

In preparation for the review, the Office of the Veterans Ombudsman analyzed the more than 200 recommendations for improvements to the New Veterans Charter proposed in various reports since 2006. It found that 145 of the recommendations dealt with three key transition issues: financial instability and decreased standard of living caused by reduced post-release income; limitations in vocational rehabilitation and assistance programs, which can affect second career aspirations and employment options; and difficult family environment situations due to insufficient family support.

“These military to civilian life transition challenges need to be addressed urgently because they can potentially affect a Veteran throughout his or her life,” said Parent. “The first opportunity to do this is the parliamentary review.”

In the lead-up to the review, the Veterans Ombudsman will continue to meet with Veterans and their families and Veterans’ organizations across Canada to discuss the best way forward on this issue. In coming months he will publish a follow-up paper with specific evidence-based recommendations to address the Charter’s shortcomings in relation to military to civilian life transition challenges.

The full report is available online at [www.ombudsman-veterans.gc.ca/reports-rapports/reviewcharter01-examencharte01-01-2013-eng.cfm](http://www.ombudsman-veterans.gc.ca/reports-rapports/reviewcharter01-examencharte01-01-2013-eng.cfm)

## **Canada’s Special Forces Finish Third**

*BY DAVID PUGLIESE, POSTMEDIA NEWS APRIL 6, 2013*

Members of the special operations regiment from CFB Petawawa, Ont., have placed third in an international competition that tests the counter-terrorism skills of law enforcement and military units.

Two teams from China, the Snow Leopard Commando unit and a group from China's police academy, took the top two slots, according to a statement from Jordan's military.

The Canadian Special Operations Regiment placed third during the competition, which included events testing skills in hostage rescue, aircraft assault, building entry and handling casualties. Shooting exercises were also included in the competition held at the King Abdullah II special

operations training centre in Amman from March 24-28. Thirty-five units from 18 countries, including France, the U.S., Russia and the Netherlands, took part in the competition. The Canadian Forces would not comment on the regiment's participation in the competition. But the involvement was mentioned in articles in the Jordan Times and Jane's military magazine.

The Canadian Special Operations Regiment team leader was quoted in the Jordan Times as calling the competition "fun," with the team winning five awards, as well as third place in the overall results. The Palestinian Presidential Guard came in fourth. That unit has been trained by special forces from Russia, the U.S. and Jordan. The Canadian Special Operations Regiment, was created in 2006. It was established to provide support to the military's special forces and counter-terrorism unit, Joint Task Force 2, as well as conduct its own special operations missions. It currently has around 450 personnel.

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## **Operation PALACI keeps roads and railways open in BC**



*Gunners from the Royal Canadian Horse Artillery aim a C3 105-mm howitzer during avalanche control operations in Rogers Pass, BC  
Photo: Jacolyn Daniluck*

The world's largest mobile avalanche control program is doing more than keeping roads and railways clear. It's helping to keep the Canadian economy "on track".

"So far this season we've fired 167 rounds resulting in 92 controlled, recordable avalanches," said Lieutenant Matthew Hughes, Gun Troop Commander for Operation PALACI Roto 1. "Usually from November to February they've fired 300 rounds, so it's been a little slower."

Op PALACI is the Canadian Armed Forces contribution of two Royal Canadian Horse Artillery (RCHA) gun troops each year to Parks Canada's avalanche-control program in Rogers Pass, B.C. The goal is to prevent uncontrollable, naturally occurring avalanches which would block essential road and rail lines that connect BC to the rest of Canada.

Because Rogers Pass is located inside Glacier National Park, Op PALACI is conducted under a memorandum of understanding between DND and Parks Canada, who have jurisdiction over the area.

“Together, we are the world’s largest mobile avalanche control program and the Canadian Armed Forces have a great role in assisting Parks Canada by providing artillery support,” said Jeff Goodrich, Senior Avalanche Forecaster for Mount Revelstoke and Glacier National Parks. “Our strong relationship has lasted for over 50 years and we look forward to many more years of joint operations to keep the Trans-Canada Highway safe for motorists in the winter.”

Rogers Pass – which stretches over 120 km by road from Revelstoke to Donald, B.C. – has over 130 avalanche paths intersecting the Trans-Canada Highway and Canadian Pacific Railway. Winter traffic can reach 4,000 motor vehicles and 40 trains per day in this area.

“It’s important for everyone to realize that what we’re doing is keeping a major economic infrastructure completely functional and open to keep traffic moving through it safely,” said Lt Hughes. “If the traffic wasn’t able to come through here, the Canadian economy would be losing millions and millions of dollars.”

The artillery gun troop of 17 Regular and Reserve Force personnel take their positions at 18 platforms along the eastern and western side of the highway when requested by Parks Canada Agency, who monitor the weather conditions. The platforms are equipped with C3 105-mm howitzers anchored to the firing platforms for precision firing.

So far this year, Parks Canada has asked the gun troop to deploy five times – three times for half-day shoots and twice for full-day shoots. When they shoot, the highway is closed for safety reasons. This coordination is important because every hour the road is closed the cost to the Canadian economy is roughly \$65,000.

“We keep speed and efficiency in mind when closing the highway because we know the implications,” said Lt Hughes. “They are usually able to plough at least one lane so we can get through to keep working fairly quickly. However, there have been days when it has taken longer than a day to clear out the snow.”

However, the cost of closing the road for a shoot is nothing compared to the amount of time and money it would cost if the routes were blocked by an uncontrolled avalanche.

After two months deployed to Revelstoke, B.C., the first rotation of soldiers deployed on Op PALACI returned to 1 RCHA’s home station at CFB Shilo, Man. on February 8. Roto 2 of Op PALACI will remain in Revelstoke until April.

*Several members of 15Fd Regt served with other Artillery personnel on Roto 1.*

# 2013 Vancouver Strategic Studies Conference

## 2013 Vancouver Strategic Studies Conference

Vancouver Community College  
Downtown Campus  
(Dunsmuir St & Hamilton St)



Robert Fisk



Major-General (ret'd) Ed Fitch

### Contact the Organizers -

RUSI-Vancouver -  
Col (retd) Keith Maxwell, OMM, CD  
kdmaxwell@gmail.com  
604 865 0612 or 604 740 8124

SNF Centre for Hellenic Studies/SFU -  
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### Sponsoring Hosts -

Royal United Services Institute -  
Vancouver  
Simon Fraser University/Stavros  
Niarchos Foundation Centre for  
Hellenic Studies

### Sponsoring Societies/Associations -

British Columbia Regiment (DCO)  
Royal Westminster Regiment  
Seaforth Highlanders of Canada  
Department of National Defence  
- Defence Engagement Program

### Friday April 26, 2013

6:30 PM Doors Open  
7:00 PM **Keynote Event** - Round Table Discussion -

**"Syria, Security and the Middle East"**

Featuring

Robert Fisk, Middle East correspondent for "The Independent" of London, UK  
With Major-General (retired) Ed Fitch, former Commander, Canadian Land  
Forces Western Area

**Moderator** - Dr John Craig, Dean of Arts, Simon Fraser University



National  
Défence nationale

### Saturday April 27, 2013

- 8:30 AM Doors Open with Opening Remarks at 8:50 AM  
9:00 AM **Mike Molloy** - Former Canadian Ambassador to Jordan  
*Jerusalem and Refugees: Challenges to Peace*  
9:45 AM **Colonel (retired) Pat Dennis** - Wilfrid Laurier University  
*Slackers, Shirkers & Malingerers and other great myths about Canadian  
Conscripts in the First World War*  
10:30 AM Coffee break  
10:45 AM **Stewart Muir** - Former Deputy Editor, Vancouver Sun  
*The Soldier and The Journalist: An untold World War II story of the press, public  
opinion, politics and war planning on the west coast of Canada*  
11:30 AM Lunch in the BCR Beatty Street Drill Hall, 620 Beatty St (Displays and Museum open)  
12:40 PM **Canadian Forces Perspective** - Commodore Scott Bishop - Commander, Canadian  
Fleet, Pacific  
*The Royal Canadian Navy in the Middle East*  
1:25 PM **Special Presentation** - **Robert Fisk** - Middle East Correspondent for "The  
Independent" of London, UK  
*The Middle East Security Environment*  
2:10 PM **Capstone Presentation** - Major-General (ret'd) Edward Fitch - former Commander,  
Canadian Land Forces Western Area  
*Canada's role in the Middle East*  
2:55 PM **Panel Discussion** - *The Middle East, Israel, Palestine, Iran - Is Diplomacy Dead?*  
**Moderator** - Nelofer Pazira, Award-winning Afghan-Canadian director, actor,  
journalist and author. Co-Producer and Director of the film "Return to Kandahar"  
**Featuring** - Robert Fisk and a panel of our Conference Presenters  
3:50 PM Closing remarks by the Conference Organizers

Venue - Presentation Room 420 at Vancouver Community College  
Enter VCC through the Dunsmuir St and Hamilton St entrance

Registration - (including coffee and lunch): \$35 regular, \$20 students and junior ranks

Register online visit - <http://2013vancouverstrategicstudiesconference.eventbrite.com/>

Note - Special rates for the Conference at the nearby Victorian Hotel - <http://www.victorianhotel.ca/>

# Curry Lunch – Singapore



**Hosted by:**  
*The British Columbia  
Regiment  
Officers' Mess*

**Coordinated by:**  
*The BC Regiment  
(DCO) Association*



- Date:** Thursday, April 25, 2013
- Time:** 11:45 am – 1:30 pm  
(bar opens at 11:45am)  
(welcome at 12:15pm)  
(lunch starts at 12:20pm)
- Location:** Officers' Mess – The BC Regiment  
620 Beatty Street, Vancouver, BC
- Dress:** Business Attire (jacket & tie, ladies similar)
- Price:** \$30/person (\$5 discount for those that confirm attendance by April 19, 2013)
- RSVP:** For more information or to register, please contact Bill Diamond at [Bill@DukeaBear.com](mailto:Bill@DukeaBear.com) or 604.618.3607  
(Please advise of any dietary needs with your RSVP)

Payment by cheque or cash will be accepted at the door  
Cheques are payable to: The BC Regiment (DCO) Association  
No cancellations after April 19, 2013

**NEXT PLANNED LUNCH:** Thursday, May 30, 2013

**From the 'Punitary'**

Why do cows wear cowbells? Because their horns don't work.

**Murphy's Rules of Combat Operations.**

Failure of plan A will directly affect your ability to carry out plan B.

**Great Truths**

Fear or stupidity has always been the basis of most human actions. - *Albert Einstein*