

FEDERAL COURT

B E T W E E N:

JESSICA RIDDLE, WENDY LEE WHITE
AND CATRIONA CHARLIE

Plaintiffs

- and -

HER MAJESTY THE QUEEN

Defendant

AFFIDAVIT OF PETER GORHAM

I, Peter Gorham, of the Town of Whitby, in the Province of Ontario, SWEAR THAT:

1. I am the President and Actuary of JDM Actuarial Expert Services Inc. (“JDM Actuarial”). My duties and responsibilities in that position include providing pension and actuarial consulting advice, expert testimony, retirement planning and governance services. I am a fellow of both the Canadian Institute of Actuaries and the Society of Actuaries, which is the professional association for actuaries in the United States of America. I attained my designation as Associate, Society of Actuaries, in 1977 and attained both fellowships as an actuary in 1980. I was asked to produce an expert report for use in the “Sixties Scoop” class action litigation. As such, I have personal knowledge of the matters referenced in this affidavit.
2. Attached hereto and marked as Exhibit A is a copy of my curriculum vitae.
3. I was retained by the Attorney General of Canada (the “AGC”) to prepare a preliminary expert report estimating the number of Status Indians who were adopted or who became Crown wards or permanent wards and who were placed in the care of non-Indigenous adoptive or foster

parents between 1951 and 1991; and to estimate the number of those children who are alive and those who are deceased as of 1 October, 2017 (the “Preliminary Report”).

4. In preparing the Preliminary Report, I acknowledged that as an expert, I had a duty to provide evidence as follows:

- a) To provide opinion evidence that is fair, objective and non-partisan;
- b) To provide opinion evidence that is related only to matters that are within my area of expertise; and
- c) To provide such additional assistance as the court may reasonably require, to determine a matter at issue.

5. I acknowledged and I continue to acknowledge that the duty referred to above prevails over any obligation that I may owe to any party or by whom or on whose behalf I was engaged.

6. The Preliminary Report was prepared for Mr. Travis Henderson of the Department of Justice, who is representing Canada in the matters of:

- a) Sharon Russell v. Attorney General of Canada (BC);
- b) Sarah Glenn v. Attorney General of Canada (AB);
- c) Simon Ash v. Attorney General of Canada (SK);
- d) Priscilla Meeches & Stewart Garnett v. Attorney General of Canada (MB);
- e) Marcia Brown v. Attorney General of Canada (ON);
- f) Mary-Ann Ward v. Attorney General of Canada (QC); and
- g) Jessica Riddle v. Her Majesty the Queen (YK and NT).

7. The Preliminary Report was based on data files provided to me by Indian and Northern Affairs Canada (“INAC”) compiled from various historical documents about foster care and adoptions among Status Indians across Canada from 1951 to 1991. I was also provided with spreadsheets of data regarding plaintiffs compiled by counsel for the British Columbia and Ontario plaintiffs.

8. Where gaps in the data regarding the number of children in foster care or adopted during the year were identified, I made assumptions and any adjustments that in my opinion were reasonable and necessary to complete the data.

9. The data provided included each permanent ward multiple times. For example, a child who was a permanent ward from September 1961 to June 1973 was included in the data thirteen times. The data did not include personal identifying information, so it was necessary to make an assumption about how long each child was in permanent care so that each child was counted only once.

10. I was unable to find any information about the average length of a child in permanent care. Consequently, I created a model that would follow each child who was a permanent ward through their period of foster care (the “Care Model”). The Care Model shows the number who were adopted at some point, the number who left care for some reason or completed their period of care upon attainment of the age of majority (assumed herein to be age 18) and the number who are estimated to survive to October 2017.

11. The data about adoptions included those who were adopted without spending time as a permanent ward as well as those adopted after a period of time as a permanent ward. I made an assumption so the adoptions would be split between these two groups, otherwise, children who were in permanent wardship prior to adoption would be counted twice.

12. I developed a set of assumptions about the percent of children who were placed with Indigenous families and those placed with non-Indigenous families. For adoptions, I obtained basic data from the INAC records. For permanent wardship, I obtained some basic data from plaintiff’s data.

13. Based on the number of children entering permanent wardship or adopted in each year, and where placement was assumed to be with a non-Indigenous family, I applied historic mortality rates for Indigenous Canadians to determine the expected number of the children who have survived to 2017 and the expected number who are deceased.

14. The results of the Care Model were examined by me to ensure the individual numbers by year were reasonable. I also modified the assumptions made to examine other results and to ensure the changes were reasonable given the assumption change made. I am satisfied that the model produces reasonable results.

15. The Preliminary Report findings can be summarized as follows:

- A. Based on the data regarding adoption and foster care of Status Indians from 1951 to 1991, the number of unique children was estimated using the Care Model.
- B. I modelled the number of children by using the Care Model with a number of differing assumptions in order to provide a range within which the number of children is most likely to lie.

C. In my opinion, the number of children who were permanent wards and/or adopted by non-Indigenous families from 1951 to 1991 is likely to be:

- i) between 20,000 and 24,000; of which
- ii) about 18,800 to 22,200 are alive in October 2017; and
- iii) about 1,200 to 1,800 are deceased by October 2017.

D. To provide a single number as a best estimate, I suggest there were about

- i) 16,600 permanent wards;
- ii) about 5,800 adoptions without having first been a permanent ward;
- iii) for a total of about 22,400 children; of whom
- iv) about 20,800 are alive in October 2017; and
- v) about 1,600 are deceased by October 2017.

16. The results I presented in the Preliminary report are the same I expected to produce in a final report on these matters. Where assumptions were made in the preparation of the Preliminary Report, my opinion is that those same assumptions would be equally reasonable and necessary if I were to prepare a similar report today.

17. I make this affidavit in good faith for the purposes of the present proceedings and for no other or improper purpose.

AFFIRMED BEFORE ME at the Town of)
Whitby, in the Province of Ontario,)
this 4th day of May, 2018.)

7 (P4)

P. Branton
Commissioner of Oaths
And Notary Public

Peter Gorham



**This is Exhibit A referred to in
the Affidavit of Peter Gorham,**

Sworn before me this ^{7th} day of May, 2018

P. Branton

A Commissioner for Taking Affidavits etc.

And Notary Public



Curriculum Vitae of Peter Gorham, F.S.A., F.C.I.A.

Position & Responsibilities

Peter is President and Actuary of JDM Actuarial Expert Services Inc. (JDM Actuarial). He provides pension and actuarial consulting advice, expert testimony, retirement planning and governance services.

Areas of Specialization

Peter has provided expert advice and testimony to the legal profession since 1987. His experience includes determining:

- certification of criminal rates of interest,
- lost benefits for wrongful dismissal,
- the present value of future income and future care costs,
- valuation of life estates,
- present value of future trust plan benefits and present value of past funds under various possible investment scenarios,
- present value of future contingent events.

In the past, Peter has also provided expert evidence for:

- family law pension valuations.

He has provided expert testimony to the Supreme Court of British Columbia, Court of Queen's Bench of Alberta, Court of Queen's Bench of Manitoba, the Ontario Superior Court of Justice, La Cour Supérieure du Québec, the Ontario Unified Family Court, the High Court of Justice of Trinidad and Tobago, the Supreme Court of Bermuda, Ontario Employment Standards Tribunal, Ontario Workplace Safety and Insurance Tribunal and the Canadian Institute of Actuaries Disciplinary Tribunal.

Within the actuarial consulting practice, Peter's main areas of expertise include the design, financing, administration and governance of pension and benefit plans. His strengths lie in providing innovative and workable solutions that address a client's needs. He is effective in communicating actuarial concepts in simple and understandable terms.

Peter is an experienced public speaker and an author of numerous articles related to pensions and benefits.

Background

Peter is an actuary, receiving his fellowship in 1980. He attended the University of Toronto, graduating with a B.Sc. in Actuarial and Computer Sciences. Prior to founding JDM Actuarial in 2011, Peter spent 13 years as a partner at Morneau Shepell, and prior to that, 20 years with Aon Consulting, (formerly MLH + A inc), serving clients in the area of pension and employee benefits.

Professional & Other Affiliations

Fellow of the Canadian Institute of Actuaries
Fellow of the Society of Actuaries
Faculty, Humber College PPAC program
Past-President, Rotary Club of Whitby Sunrise