

## **REPORT OF FUND COUNSEL**

1. The duties and responsibilities of Trust Fund Counsel are defined by Section 7.01 of the January 1, 1986 – July 1, 1990 Hepatitis C Settlement Agreement. These duties and responsibilities include:

- (a) defending decisions made by the Administrator;
- (b) defending and advancing the interests of the Trust;
- (c) receiving financial statements and actuarial and other reports relating to the financial sufficiency of the Trust Trust Fund from time to time; and

if deemed necessary or desirable by Trust Fund Counsel, making applications to the courts pursuant to Section 10.01 of the Settlement Agreement.

2. Since being appointed, I am advised by Fund Counsel that they have been actively involved in carrying out their duties and responsibilities. The work has included:

- i) Working closely with the Joint Committee to prepare the necessary protocols for the administration of the settlement.
- ii) Reviewing and advising on proposals of Administrator, Joint Committee and service providers to assess the potential impact on the sufficiency of the Trust;
- iii) Providing legal advice to the Administrator when requested.
- iv) Defending the decisions made by the Administrator when a claimant institutes an appeal. The appeals can be done in writing or in person. When the appeal is in person Trust Fund Counsel attends the appeal. In each case, Trust Fund Counsel prepares written submissions defending the Administrator's decision. The submissions are delivered to the claimant and to the Referee or Arbitrator.
- v) If confirmation of a Referee's decision is opposed by a claimant, the Referee's decision is reviewed by the Court. On behalf of the Administrator, Trust Fund Counsel may make submissions to the court.
- vi) Trust Fund Counsel regularly receives and reviews financial statements and other reports relating to the financial sufficiency of the Trust Fund. Trust Fund Counsel are currently participating in the Joint Committee's actuarial review that will

enable Trust Fund Counsel to make submissions to the court on the financial sufficiency of the Trust Fund.

- vii) Trust Fund Counsel reviews the terms of appointment and the fees and disbursements of service providers involved in the administration of the settlement. When requested Fund Counsel provides comments concerning the reasonableness of these amounts to the Court.
- viii) Reports to and appears before the Courts when necessary.