

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

Janice E. Beaton, B.A. (Hons.), LL.B.
Flora I. Buchan, B.A., LL.B.
Anne S. Derrick, B.A. (Hons.), LL.B.
Jacqueline L. Mullenger, B.H.Ec., LL.B.
Dawna J. Ring, B.A. (Hons.), LL.B.

Sovereign Building, Suite 205
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
Fax. (902) 423-3544

Telephone (902) 422-7411

May 2, 1990

The Honourable Gregory T. Evans
Commissioner
Royal Commission of Inquiry into
Compensation for Donald Marshall, Jr.
c/o Mr. W. Wylie Spicer
McInnes, Cooper & Robertson
1601 Lr. Water St.
Cornwallis Place
Halifax, NS
B3J 2V1

Dear Mr. Commissioner:

RE: Pecuniary Loss - Exhibit Vol. 6

I will be advancing five broad categories of pecuniary loss with respect to Donald Marshall, Jr.'s claim for compensation. These are as follows:

Legal Bills - (Tab 1)

Donald Marshall, Jr.'s legal bills for the services of Stephen Aronson and Felix Cacchione which were paid in 1984 and totaled \$97,000. It has been agreed by Commission Counsel and Counsel for the Attorney General that this figure requires no further proof.

Loss of Earnings - Past and Future Loss - (Tab 2)

- June 4, 1971 to March 29, 1982 - Loss of Earnings with the first two years being calculated on the assumption that Mr. Marshall would have earned the statutory minimum wage.

- March 30, 1982 to May 11, 1990 with actual employment income taken into account.

- May 12, 1990 for the rest of Donald Marshall, Jr.'s working life, with actuarial calculations being prepared on the following assumptions:

- (a) That Donald Marshall, Jr.'s capacity to work is impaired by 40%.
- (b) That Donald Marshall, Jr.'s capacity to work is impaired by 50%.
- (c) That Donald Marshall, Jr.'s capacity to work is impaired by 60%.

Actuarial calculations have been prepared with respect to Donald Marshall, Jr.'s loss of earnings and loss of future earnings as detailed above. These calculations have been done on the basis of two broad alternative assumptions, one that Donald Marshall, Jr. would have been a drywaller/plaster and the other, that Donald Marshall, Jr. would have been a plumber.

Cost of Future Treatment - (Tab 3)

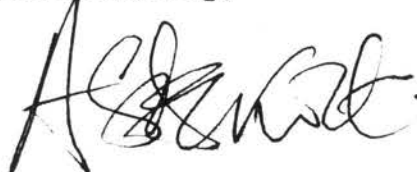
Inquiries have been made of, and information received from a wholistic native-run counselling and therapy centre which provides psychotherapy, drug and alcohol counselling, in a culturally sensitive environment.

Pecuniary Loss of Mr. & Mrs. Marshall (Tab 4 with Appendices A-I)

For prison visits and telephone calls.

All of which is respectfully submitted,

Yours sincerely,



Anne S. Derrick

ASD/har
Evans/Pecuniary Loss
Marshall #2

LEGAL BILLS - Donald Marshall, Jr.

Stephen Aronson \$ 70,000.00

Felix Cacchione \$ 27,000.00

Total \$ 97,000.00

paid October 2, 1984

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 2

**FACTORS TAKEN INTO CONSIDERATION
FOR THE CALCULATION OF PRESENT VALUES**

1. Valuation Date

The date which we have used in calculating present values is May 11, 1990, the final day of the enquiry being held relative to his compensation in connection with this matter.

2. Mortality

Since there is no evidence to the contrary, we have no reason to anticipate that, prior to his wrongful conviction, Mr. Marshall's life expectancy would have been any different to that of any other male of the same age resident in Nova Scotia. Accordingly, we have for the purposes of these calculations used a Mortality Table in respect of the total population of male lives resident in Nova Scotia. This table was developed by Statistics Canada and is based on mortality during the years 1985 to 1987 inclusive.

On the basis of this table, we find that Mr. Marshall's total future life expectancy as of the valuation date would be 37.82 years.

However, if it is assumed that Mr. Marshall retires at age 65, provided he survives until such time, no allowance with respect to income from employment should be made in respect of his years after attainment of that age. On the basis of the same mortality table referred to above, we find that there would be a 78.69% probability of Mr. Marshall surviving to age 65, the actual expected number of years of survival being 26.49.

3. Unemployment

In reports of this nature, we do not usually make direct allowance for future unemployment contingencies because these are normally dealt with by the courts in making overall contingency deductions.

However, because of the special circumstances surrounding this case, I feel that it would be inappropriate for us not to comment on this matter.

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 3

The family owned and operated drywall business had been operating successfully since 1940. (Mr. Marshall's paternal grandfather had worked as a drywaller/plasterer prior to 1940) Mr. Marshall Sr. worked with his father in the business from 1940 until 1953. He then took over the business upon his father's death in 1953. Donald Marshall Jr. worked for his father in this business from 1970 until his arrest in 1971. Had Donald Marshall Jr. been in a position to continue working in this business with his father, and eventually take it over when his father retired, there is every reason to anticipate that there would have been stability of employment for him. Therefore the risk of unemployment would have been negligible.

On the other hand, if he had chosen to go into the plumbing trade, it would not be realistic to ignore the unemployment contingency.

For the purposes of our calculations, we have assumed:

i) that on average, he would have been subject to an unemployment rate of 25%.

ii) unemployment insurance benefits would have replaced 40% of the lost income.

Hence, the net effects of the assumptions would be to reduce all of the past and future income in respect of the plumbing trade by 15%.

4. Interest on Past Loss

Interest on past loss has been accumulated at average annual Chartered Bank 90-day deposit rates. These are one of three recommended sets of rates for calculating prejudgment interest in Practice Memorandum No. 23.

5. Interest Rate to be used in the Calculation of Present Value of Future Loss

The interest rate we have used in calculation of a present value of future loss is 2-1/2% per annum as prescribed by Civil Procedures Rule No. 31.10.

6. Investment Administration

No allowance has been made for investment administration expenses because of the intention to use the funds received by Mr. Marshall under a structured settlement arrangement.

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 4

LOSS OF INCOME TO BE VALUED

We have evaluated Mr. Marshall's income on the basis of two assumptions. In our first assumption, we have assumed that had Mr. Marshall not been incarcerated he would have gone on to become a drywaller employed in the family business. For this assumption we took into account that Mr. Marshall would probably have taken some time to gain experience in the business so in our figures for this assumption we have assumed Mr. Marshall would make minimum wage only, for the first two years after his imprisonment. After that period, we have assumed he would begin to make wages more appropriate for a drywaller. The wages we have used for a drywaller were obtained from The United Brotherhood of Carpenters and Joiners and start at \$5.00 per hour in 1973 eventually reaching \$18.08 per hour in 1990. Please note that we have assumed a 40-hour work week, 52 weeks per year.

In our second assumption we have assumed Mr. Marshall would have become a plumber. Again we have allowed for a two year period in which he would make only minimum wage. After that two year period we have assumed Mr. Marshall would become an apprentice plumber eventually obtaining full plumber status. The wages which we have used for plumbers were received from The United Association of Journeyman and Pipefitters in respect of mainland Nova Scotia. They have further advised us that during most or all of this period, the same hourly rates applied in respect of Cape Breton, but will not be in a position to confirm this (or otherwise) for several days. Should it turn out that there are any differences in any of these hourly rates, we will advise you immediately upon so finding out, and will prepare revised schedules and tables for this report. The wages begin at \$2.63 per hour in 1973 for a new apprentice up to \$26.49 per hour for a plumber in 1990 dollars. Again we have assumed a 40-hour work week, 52 weeks per year.

From the earnings which Mr. Marshall would have made had he not been imprisoned we have subtracted his actual earnings from the past and his expected earnings for the future, (taking into account the findings of various psychological studies) in order to calculate net loss.

VALUATION OF PAST LOSS

Schedule 1A, attached, gives the results of our calculations for past loss of income from employment as a drywaller proceeded by two years of minimum wage from the date of Mr. Marshall's arrest (June 4, 1971) to his release from prison (March 29, 1982). Schedule 1B, attached, gives the results of our calculations for past loss of income as a drywaller for the period from his release to the final day of the enquiry (March 30, 1982 - May 11, 1990). Schedules 2A and 2B, attached, show figures for the same periods for Mr. Marshall's potential employment as a plumber. Schedule 3, attached, shows Mr. Marshall's actual employment income from the time of his release until the final scheduled day of the enquiry.

VALUATION OF FUTURE LOSS

Schedule 4, attached, shows what Mr. Marshall would have earned in the future as a drywaller had he not been imprisoned. Schedule 5, attached, gives a similar figure for Mr. Marshall's potential employment as a plumber. Schedule 6, attached, shows what Mr. Marshall can be expected to make in the future based on preliminary indications from the psychological study undertaken recently. Specifically, his earning capacity is expected to be diminished to 40-60% of his pre-incarceration expectations. Therefore we have included six figures in Schedule 6, attached, 40%, 50% and 60% of the figures in Schedules 4 and 5.

SUMMARY OF VALUATION RESULTS

The following tables summarize the results of the calculations for the present value of income loss for Mr. Marshall.

Ms. Anne S. Derrick
 RE: Donald Marshall Jr.
 May 2, 1990

Page 6

EMPLOYMENT ASSUMPTION 1: DRYWALLER

FUTURE INCOME EXPECTATION -*	40%	50%	60%
Loss from June 4/71-Mar29/82:	\$509,321.95	\$509,321.95	\$509,321.95
Loss from Mar 30/82-May11/90:	\$371,023.05	\$371,023.05	\$371,023.05
Future Loss:	\$719,106.65	\$719,106.65	\$719,106.65
LESS			
Actual Income Mar30/82-May11/90	41,310.41	41,310.41	41,310.41
Expected future Income:	<u>\$287,642.66</u>	<u>\$359,553.33</u>	<u>\$431,463.99</u>
TOTAL LOSS:	\$1,270,498.54	\$1,198,587.91	\$1,126,677.25

EMPLOYMENT ASSUMPTION 2: PLUMBER

FUTURE INCOME EXPECTATION -*	40%	50%	60%
Loss from June 4/71-Mar29/82:	\$390,588.86	\$390,588.86	\$390,588.86
Loss from Mar 30/82-May11/90:	\$390,600.18	\$390,600.18	\$390,600.18
Future Loss:	\$895,562.21	\$895,562.21	\$895,562.21
LESS			
Actual Income Mar30/82-May11/90	41,310.41	41,310.41	41,310.41
Expected future Income:	<u>\$358,224.88</u>	<u>\$447,781.11</u>	<u>\$537,337.33</u>
TOTAL LOSS:	\$1,277,215.96	\$1,187,659.73	\$1,098,103.51

* - Expressed as a percentage of normal expectation.

OTHER CONTINGENCIES

Please note that there are certain "negative" contingencies which we have not taken into consideration in these calculations relating to the loss of future employment income. These are "negative" in the sense that they would tend to reduce the present value of future pecuniary loss.

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 7

For example, we have not taken into consideration the possibility of additional future periods of unemployment (mitigated to a certain degree by assumed receipt of unemployment insurance benefits). We have also not included the possibility that Mr. Marshall might have retired before age 65.

On the other hand, there are also certain "positive" contingencies which we have not included in our calculations. These are "positive" in the sense that they would increase the present value of future pecuniary loss.


For example, we have made no allowance for the possibility that Mr. Marshall could have continued working after age 65.

STATEMENT OF OPINION

In my opinion, this report has been prepared using actuarial assumptions that are appropriate for the purposes of the calculations described herein and in accordance with generally accepted actuarial principles.

I shall be happy to provide you with any additional explanation or details that you may require in connection with any of the matters dealt with in this report.

Respectfully submitted,



Brian J. Burnell
F.C.I.A., F.I.A., A.S.A.
Manager & Actuary

BLB/psb
Attachments

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 8

SCHEDULE 1A

LOSS OF INCOME FOR MR. MARSHALL FOR EMPLOYMENT AS A DRYWALLER FROM
THE TIME OF HIS ARREST TO THE TIME OF HIS RELEASE

TIME PERIOD	AMOUNT	INTEREST	TOTAL
JUN04/71-JUN30/71	200.57	992.94	1,193.51
JUL01/71-SEP30/71	702.00	3,403.05	4,105.05
OCT01/71-DEC31/71	702.00	3,332.03	4,034.03
JAN01/72-MAR31/72	702.00	3,262.24	3,964.24
APR01/72-JUN30/72	702.00	3,193.66	3,895.66
JUL01/72-SEP30/72	806.00	3,589.41	4,395.41
OCT01/72-DEC31/72	806.00	3,513.37	4,319.37
JAN01/73-MAR31/73	806.00	3,435.39	4,241.39
APR01/73-JUN30/73	1,263.71	5,266.21	6,529.92
JUL01/73-SEP30/73	2,470.00	10,062.70	12,532.70
OCT01/73-DEC31/73	2,556.67	10,181.57	12,738.24
JAN01/74-MAR31/74	2,600.00	10,115.85	12,715.85
APR01/74-JUN30/74	2,686.67	10,140.63	12,827.30
JUL01/74-SEP30/74	2,730.00	10,029.29	12,759.29
OCT01/74-DEC31/74	2,816.67	10,070.07	12,886.74
JAN01/75-MAR31/75	2,860.00	9,945.20	12,805.20
APR01/75-JUN30/75	2,946.67	9,964.50	12,911.17
JUL01/75-SEP30/75	2,990.00	9,830.90	12,820.90
OCT01/75-DEC31/75	3,076.67	9,833.79	12,910.46
JAN01/76-MAR31/76	3,120.00	9,686.49	12,806.49
APR01/76-JUN30/76	3,497.87	10,546.22	14,044.09
JUL01/76-SEP30/76	3,686.80	10,792.72	14,479.52
OCT01/76-DEC31/76	3,804.67	10,811.58	14,616.25
JAN01/77-MAR31/77	3,863.60	10,709.00	14,572.60
APR01/77-JUN30/77	3,995.33	10,799.95	14,795.28
JUL01/77-SEP30/77	4,061.20	10,704.38	14,765.58
OCT01/77-DEC31/77	4,137.47	10,631.73	14,769.20
JAN01/78-MAR31/78	4,175.60	10,406.83	14,582.43
APR01/78-JUN30/78	4,258.80	10,292.02	14,550.82
JUL01/78-SEP30/78	4,425.20	10,366.64	14,791.84
OCT01/78-DEC31/78	4,425.20	10,046.22	14,471.42
JAN01/79-MAR31/79	4,425.20	9,639.18	14,064.38
APR01/79-JUN30/79	4,602.00	9,612.89	14,214.89
JUL01/79-SEP30/79	4,690.40	9,390.03	14,080.43
OCT01/79-DEC31/79	4,690.40	8,993.98	13,684.38
JAN01/80-MAR31/80	4,690.40	8,586.07	13,276.47
APR01/80-JUN30/80	4,863.73	8,492.98	13,356.71
JUL01/80-SEP30/80	4,950.40	8,239.08	13,189.48
OCT01/80-DEC31/80	5,123.73	8,120.62	13,244.35
JAN01/81-MAR31/81	5,210.40	7,707.79	12,918.19
APR01/81-JUN30/81	5,366.40	7,395.04	12,761.44
JUL01/81-SEP30/81	5,444.40	6,973.63	12,418.03
OCT01/81-DEC31/81	5,600.40	6,651.62	12,252.02
JAN01/82-MAR29/82	5,678.40	6,350.84	12,029.24
TOTAL LOSS -->			\$509,321.95

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 9

SCHEDULE 1B

LOSS OF INCOME FOR MR. MARSHALL FOR EMPLOYMENT AS A DRYWALLER FROM
THE TIME OF HIS RELEASE TO THE LAST SCHEDULED DAY OF THE ENQUIRY

TIME PERIOD	AMOUNT	INTEREST	TOTAL
MAR30/82-JUN30/82	5,998.06	6,305.96	12,304.02
JUL01/82-SEP30/82	5,964.40	5,883.10	11,847.50
OCT01/82-DEC31/82	6,155.07	5,683.97	11,839.04
JAN01/83-MAR31/83	6,250.40	5,545.25	11,795.65
APR02/83-JUN30/83	6,250.40	5,322.77	11,573.17
JUL01/83-SEP30/83	6,434.13	5,254.54	11,688.67
OCT01/83-DEC31/83	6,801.60	5,321.59	12,123.19
JAN01/84-MAR31/84	6,801.60	5,034.44	11,836.04
APR01/84-JUN30/84	7,203.73	5,035.17	12,238.90
JUL01/84-SEP30/84	7,404.80	4,877.73	12,282.53
OCT01/84-DEC31/84	7,404.80	4,586.81	11,991.61
JAN01/85-MAR31/85	7,404.80	4,347.43	11,752.23
APR01/85-JUN30/85	7,869.33	4,370.84	12,240.17
JUL01/85-SEP30/85	8,101.60	4,248.29	12,349.89
OCT01/85-DEC31/85	8,101.60	4,001.76	12,103.36
JAN01/86-MAR31/86	8,101.60	3,764.36	11,865.96
APR01/86-JUN30/86	8,614.67	3,755.28	12,369.95
JUL01/86-SEP30/86	8,871.20	3,617.25	12,488.45
OCT01/86-DEC31/86	8,871.20	3,372.30	12,243.50
JAN01/87-MAR31/87	8,871.20	3,149.43	12,020.63
APR01/87-JUN30/87	8,871.20	2,930.62	11,801.82
JUL01/87-SEP30/87	8,871.20	2,715.79	11,586.99
OCT01/87-DEC31/87	8,871.20	2,504.87	11,376.07
JAN01/88-MAR31/88	8,871.20	2,248.66	11,119.86
APR01/88-JUN30/88	8,871.20	1,998.21	10,869.41
JUL01/88-SEP30/88	8,871.20	1,753.41	10,624.61
OCT01/88-DEC31/88	8,871.20	1,514.11	10,385.31
JAN01/89-MAR31/89	8,871.20	1,221.91	10,093.11
APR01/89-JUN30/89	8,916.27	942.69	9,858.96
JUL01/89-SEP30/89	9,006.40	672.02	9,678.42
OCT01/89-DEC31/89	9,006.40	399.71	9,406.11
JAN01/90-MAR31/90	9,006.40	122.93	9,129.33
APR01/90-MAY11/90	4,138.59	0.00	4,138.59
		TOTAL LOSS -->	\$371,023.05

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 10

SCHEDULE 2A

LOSS OF INCOME FOR MR. MARSHALL FOR EMPLOYMENT AS A PLUMBER FROM
THE TIME OF HIS ARREST TO THE TIME OF HIS RELEASE

TIME PERIOD	AMOUNT	INTEREST	TOTAL
JUN04/71-JUN30/71	200.57	992.94	1,193.51
JUL01/71-SEP30/71	702.00	3,403.04	4,105.04
OCT01/71-DEC31/71	702.00	3,332.02	4,034.02
JAN01/72-MAR31/72	702.00	3,262.23	3,964.23
APR01/72-JUN30/72	702.00	3,193.65	3,895.65
JUL01/72-SEP30/72	806.00	3,589.40	4,595.40
OCT01/72-DEC31/72	806.00	3,513.36	4,319.36
JAN01/73-MAR31/73	806.00	3,435.38	4,241.38
APR01/73-JUN30/73	876.00	3,650.51	4,526.51
JUL01/73-SEP30/73	1,154.00	4,701.34	5,855.34
OCT01/73-DEC31/73	1,256.00	5,001.83	6,257.83
JAN01/74-MAR31/74	1,368.00	5,322.48	6,690.48
APR01/74-JUN30/74	1,524.00	5,752.20	7,276.20
JUL01/74-SEP30/74	1,602.00	5,885.30	7,487.30
OCT01/74-DEC31/74	1,765.00	6,310.15	8,075.15
JAN01/75-MAR31/75	1,846.00	6,419.16	8,265.16
APR01/75-JUN30/75	2,029.00	6,861.27	8,890.27
JUL01/75-SEP30/75	2,122.00	6,976.96	9,098.96
OCT01/75-DEC31/75	2,309.00	7,380.11	9,689.11
JAN01/76-MAR31/76	2,402.00	7,457.33	9,859.33
APR01/76-JUN30/76	2,538.00	7,652.15	10,190.15
JUL01/76-SEP30/76	2,605.00	7,625.84	10,230.84
OCT01/76-DEC31/76	2,736.00	7,774.76	10,510.76
JAN01/77-MAR31/77	2,803.00	7,769.24	10,572.24
APR01/77-JUN30/77	2,938.00	7,941.81	10,879.81
JUL01/77-SEP30/77	3,006.00	7,923.10	10,929.10
OCT01/77-DEC31/77	3,137.00	8,060.87	11,197.87
JAN01/78-MAR31/78	3,203.00	7,982.80	11,185.80
APR01/78-JUN30/78	3,339.00	8,069.16	11,408.16
JUL01/78-SEP30/78	3,406.00	7,979.00	11,385.00
OCT01/78-DEC31/78	4,446.00	10,093.41	14,539.41
JAN01/79-MAR31/79	5,382.00	11,723.29	17,105.29
APR01/79-JUN30/79	5,677.00	11,858.36	17,535.36
JUL01/79-SEP30/79	5,824.00	11,659.43	17,483.43
OCT01/79-DEC31/79	5,824.00	11,167.66	16,991.66
JAN01/80-MAR31/80	5,824.00	10,661.15	16,485.15
APR01/80-JUN30/80	5,824.00	10,169.75	15,993.75
JUL01/80-SEP30/80	5,864.00	9,759.57	15,623.57
OCT01/80-DEC31/80	6,500.00	10,301.84	16,801.84
JAN01/81-MAR31/81	6,500.00	9,615.47	16,115.47
APR01/81-JUN30/81	6,937.00	9,559.33	16,496.33
JUL01/81-SEP30/81	7,155.00	9,164.67	16,319.67
OCT01/81-DEC31/81	7,155.00	8,497.99	15,652.99
JAN01/82-MAR29/82	7,440.65	8,321.77	15,762.42

TOTAL LOSS --> \$459,516.31

Less 15 % to account for unemployment --> \$390,588.86

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 11

SCHEDULE 2B

LOSS OF INCOME FOR MR. MARSHALL FOR EMPLOYMENT AS PLUMBER FROM
THE TIME OF HIS RELEASE TO THE SCHEDULED END OF THE ENQUIRY

TIME PERIOD	AMOUNT	INTEREST	TOTAL
MAR30/82-JUN30/82	7,775.02	8,174.11	15,949.13
JUL01/82-SEP30/82	7,831.00	7,724.26	15,555.26
OCT01/82-DEC31/82	7,831.00	7,231.62	15,062.62
JAN01/83-MAR31/83	7,821.00	6,947.51	14,778.51
APR01/83-JUN30/83	7,688.02	6,547.03	14,235.05
JUL01/83-SEP30/83	7,924.80	6,471.92	14,396.72
OCT01/83-DEC31/83	7,924.80	6,200.38	14,125.18
JAN01/84-MAR31/84	7,924.80	5,865.81	13,790.61
APR01/84-JUN30/84	8,288.80	5,793.60	14,082.40
JUL01/84-SEP30/84	8,470.80	5,579.94	14,050.74
OCT01/84-DEC31/84	8,710.00	5,395.31	14,105.31
JAN01/85-MAR31/85	8,829.60	5,183.95	14,013.55
APR01/85-JUN30/85	9,509.07	5,281.60	14,790.67
JUL01/85-SEP30/85	9,848.80	5,164.48	15,013.28
OCT01/85-DEC31/85	9,848.80	4,864.78	14,713.58
JAN01/86-MAR31/86	9,848.80	4,576.19	14,424.99
APR01/86-JUN30/86	10,614.93	4,627.22	15,242.15
JUL01/86-SEP30/86	10,987.60	4,480.22	15,467.82
OCT01/86-DEC31/86	10,987.60	4,176.83	15,164.43
JAN01/87-MAR31/87	10,987.60	3,900.79	14,888.39
APR01/87-JUN30/87	10,987.60	3,629.78	14,617.38
JUL01/87-SEP30/87	10,987.60	3,363.70	14,351.30
OCT01/87-DEC31/87	10,400.00	2,936.55	13,336.55
JAN01/88-MAR31/88	10,400.00	2,636.18	13,036.18
APR01/88-JUN30/88	10,389.60	2,340.23	12,729.83
JUL01/88-SEP30/88	10,384.40	2,052.49	12,436.89
OCT01/88-DEC31/88	10,384.40	1,772.38	12,156.78
JAN01/89-MAR31/89	10,384.40	1,430.34	11,814.74
APR01/89-JUN30/89	12,298.00	1,300.23	13,598.23
JUL01/89-SEP30/89	13,254.80	989.02	14,243.82
OCT01/89-DEC31/89	13,254.80	588.26	13,843.06
JAN01/90-MAR31/90	13,254.80	180.91	13,435.71
APR01/90-MAY11/90	6,078.79	0.00	6,078.79

TOTAL LOSS --> \$459,529.62

Less 15% to account for unemployment --> \$390,600.18

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 12

SCHEDULE 3

ACCUMULTED VALUE OF MR. MARSHALL'S ACTUAL EARNINGS FORM THE TIME
OF HIS RELEASE TO THE SCHEDULED LAST DAY OF THE ENQUIRY

TIME PERIOD	AMOUNT	INTEREST	TOTAL
MAR30/82-JUN30/82	909.21	955.88	1,865.09
JUL01/82-SEP30/82	6,185.25	6,100.95	12,286.20
OCT01/82-DEC31/82	6,185.25	5,711.83	11,897.08
JAN01/83-MAR31/83	0.00	0.00	0.00
APR01/83-JUN30/83	0.00	0.00	0.00
JUL01/83-SEP30/83	0.00	0.00	0.00
OCT01/83-DEC31/83	0.00	0.00	0.00
JAN01/84-MAR31/84	0.00	0.00	0.00
APR01/84-JUN30/84	0.00	0.00	0.00
JUL01/84-SEP30/84	1,287.53	848.13	2,135.66
OCT01/84-DEC31/84	3,862.60	2,392.64	6,255.24
JAN01/85-MAR31/85	3,506.53	2,058.72	5,565.25
APR01/85-JUN30/85	839.57	466.32	1,305.89
JUL01/85-SEP30/85	0.00	0.00	0.00
OCT01/85-DEC31/85	0.00	0.00	0.00
JAN01/86-MAR31/86	0.00	0.00	0.00
APR01/86-JUN30/86	0.00	0.00	0.00
JUL01/86-SEP30/86	0.00	0.00	0.00
OCT01/86-DEC31/86	0.00	0.00	0.00
JAN01/87-MAR31/87	0.00	0.00	0.00
APR01/87-JUN30/87	0.00	0.00	0.00
JUL01/87-SEP30/87	0.00	0.00	0.00
OCT01/87-DEC31/87	0.00	0.00	0.00
JAN01/88-MAR31/88	0.00	0.00	0.00
APR01/88-JUN30/88	0.00	0.00	0.00
JUL01/88-SEP30/88	0.00	0.00	0.00
OCT01/88-DEC31/88	0.00	0.00	0.00
JAN01/89-MAR31/89	0.00	0.00	0.00
APR01/89-JUN30/89	0.00	0.00	0.00
JUL01/89-SEP30/89	0.00	0.00	0.00
OCT01/89-DEC31/89	0.00	0.00	0.00
JAN01/90-MAR31/90	0.00	0.00	0.00
APR01/90-MAY11/90	0.00	0.00	0.00
	TOTAL LOSS -->		\$41,310.41

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 13

SCHEDULE 4

FUTURE LOSS OF INCOME FOR MR. MARSHALL FROM THE VALUATION
DATE UNTIL HIS ASSUMED RETIREMENT FROM DRYWALLING BUSINESS
(FIGURES ARE BASED ON \$37,606.40 P.A)

INTEREST RATE: 2-1/2% Per Annum

Present value: \$719,107

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 14

SCHEDULE 5

FUTURE LOSS OF INCOME FOR MR. MARSHALL FROM THE VALUATION
DATE UNTIL HIS ASSUMED RETIREMENT FROM PLUMBING BUSINESS
(FIGURES ARE BASED ON \$55,099.20 P.A)

INTEREST RATE: 2-1/2% Per Annum

Present value: \$1,053,603
less 15% to allow for unemployment: 158,041
Balance: **895,562**

Ms. Anne S. Derrick
RE: Donald Marshall Jr.
May 2, 1990

Page 15

SCHEDULE 6

PRESENT VALUE OF EXPECTED FUTURE EARNINGS FOR MR. MARSHALL
BASED ON DIMINUTION OF EARNING CAPACITY UNDER THE ALTERNATIVE
ASSUMPTIONS OF 40%, 50% AND 60% OF THE AMOUNTS HE WOULD
OTHERWISE HAVE EARNED

INTEREST RATE: 2-1/2% Per Annum

<u>FUTURE INCOME EXPECTATION</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>
EMPLOYMENT AS DRYWALLER:	\$287,643	\$359,553	\$431,464
EMPLOYMENT AS PLUMBER:	\$358,225	\$447,781	\$537,337

PART I - Initial Consultation and Assessment

Two month assessment of Donald Marshall, Jr.	\$ 9,000.00
Airfare and ground transportation (\$1,400 each way)	2,800.00
Accompaniment of family member with Junior for first two weeks (\$150 x 14 days)	2,100.00
Airfare and ground transportation (\$1,400 each way)	<u>2,800.00</u>
Subtotal	\$ 16,700.00

PART II - Regular One-Month Sessions for Drug and
Alcohol Problems Over 16 Month Period

Eight months - on an "every-other-month" basis (\$4,500 x 8)	\$36,000.00
Airfare and ground transportation (\$1,400 x 8 x 2)	22,400.00
Accompaniment by family member for one month during the course of this treatment (30 days x \$150)	4,500.00
Airfare and ground transportation (\$1,400 each way)	<u>2,800.00</u>
Subtotal	\$ 65,700.00

PART III - Additional Counselling and Psychological
Services for Donald Marshall, Jr.

Psychological and Counselling Services over 10 month period broken up into smaller time periods (10 x \$1,000 - based on an estimate of 1.5 hour session per week)	\$10,000.00
Additional counselling and psychological services required for family member attending counselling with Mr. Marshall (10 x \$250)	<u>2,500.00</u>
Subtotal	\$ 12,500.00

PART IV - Follow-up Sessions

Eight 10 day sessions (1 session every 3 months after initial course of treatment) (10 day sessions - \$150/day x 80 days)	\$12,000.00
Airfare and ground transportation (8 x \$1,400 x 2)	22,400.00
Attendance of family member with Mr. Marshall at follow-up sessions (4 x 10 day sessions x 2 persons (mother, girlfriend) = 40 x 2 x \$150	12,000.00
Airfare and ground transportation for family members (8 x \$1,400 x 2)	<u>22,400.00</u>
Subtotal	<u>\$ 68,800.00</u>
TOTAL	<u>\$163,700.00</u> =====

N.B. Direct involvement of family recommended as part of a
successful programme.

arm

MET #1

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

Janice E. Beaton, B.A. (Hons.), LL.B.
Flora I. Buchan, B.A., LL.B.
Anne S. Derrick, B.A. (Hons.), LL.B.
Jacqueline L. Mullenger, B.H.Ec., LL.B.
Dawna J. Ring, B.A. (Hons.), LL.B.

Sovereign Building, Suite 205
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
Fax. (902) 423-3544

April 30, 1990

Telephone (902) 422-7411

The Honourable Gregory T. Evans
Commissioner
Royal Commission of Inquiry into
Compensation for Donald Marshall, Jr.
c/o Mr. W. Wylie Spicer
McInnes, Cooper & Robertson
1601 Lr. Water St.
Cornwallis Place
Halifax, NS
B3J 2V1

Dear Mr. Commissioner:

RE: Mr. and Mrs. Marshall - Pecuniary Loss

A component of the claim by Donald Marshall, Jr. for compensation relates to the pecuniary loss suffered by his parents as a result of maintaining contact with him through prison visits and telephone calls. Unfortunately, precise prison records have not been available to assist in quantifying this loss. The only precise prison records available are from Dorchester Penitentiary for the years 1981 and 1982. No other records remain in existence. Therefore, approximations have been made with respect to the numbers of visits by the Marshalls to Donald Marshall, Jr. between the years 1972 and 1982.

The Marshalls' pecuniary loss has been quantified by reference to the following:

1. Discussions with Mr. and Mrs. Marshall.
2. Reference to existing prison visit records.
3. Inquiries of various Government departments for New Brunswick, Nova Scotia and Canada, local motels, Maritime Tel & Tel, N.B.Tel., the Public Utilities Board.

The following assumptions have been made for the purposes of this exercise:

1. Mr. and Mrs. Marshall visited their son ten times per year from November 11, 1972, when Donald Marshall, Jr. was transferred from the Cape Breton County Correctional Centre to Dorchester Penitentiary, to and including March 29, 1982 when Donald Marshall, Jr. was released from Dorchester Penitentiary to the Carleton Centre in Halifax.
2. Based on the existing prison records, it has been approximated that one half of these prison visits involved the Marshalls staying away two nights, the other half of the visits involved them staying over three nights.
3. Other expenses in addition to accommodations, (which have been calculated on the basis of two cabins or motel rooms) included:
 - i. Meals
 - ii. Babysitters for children left at home
 - iii. Mileage
 - iv. Money left with Junior (an average of \$35 per visit)
4. Approximately four times per year, Pius Marshall, Donald Marshall, Jr.'s younger brother would visit him. Mr. and Mrs. Marshall would provide Pius with \$50 for expenses each time.
5. With respect to telephone calls, Mrs. Marshall advises that Donald Marshall, Jr. would call them collect approximately once per month and talk for 20 minutes. In addition to this they called him approximately five times during the ten years that he was incarcerated in either Dorchester or Springhill. It has been arbitrarily determined that 3 of these calls were to Dorchester and 2 to Springhill.

The following appendices should be referred to:

- Appendix A - Dorchester Visiting Records
- Appendix B - Prison Visits according to Date and Institution
- Appendix C - Calculations for Cost of Accomodations
- Appendix D - Costs of Accomodations by Year
- Appendix E - Mileage by Year

- Appendix F - Cost of Meals
- Appendix G - Other Costs Related to Prison Visits
- Appendix H - Cost of Telephone Calls
- Appendix I - Summary of Pecuniary Loss to Mr. and Mrs. Marshall in Relation to Prison Visits and Telephone calls.

All of which is respectfully submitted.

Yours sincerely,

BUCHAN, DERRICK & RING

A handwritten signature in cursive script, appearing to read "Anne S. Derrick".

Anne S. Derrick

ASD/har
Evans/Brief/Marshalls
Marshall #2

Correctional Service
Canada

Service correctionnel
Canada

Atlantic Region

Région de l'Atlantique

APPENDIX "A"

March 27, 1990

Your file Votre référence

Our file Notre référence

Martin C. Ward
Counsel
Department of Justice
Atlantic Region
4th Floor, Royal Bank Bldg.
5161 George St.
Halifax, N. S.
B3J 1M7

Dear Mr. Ward:

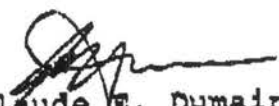
RE: MARSHALL COMPENSATION UNIT

As per your request to provide information concerning Donald Marshall's visiting history at Dorchester Penitentiary, we were able to accumulate some limited information from old visiting logs dating back to 1981 and 1982 only. Please note no records are available prior to his transfer to Springhill for the years 1970 to 1974.

The following dates are actual visits received by Donald Marshall from his parents or family members for the years 1981 and 1982 while incarcerated in Dorchester Penitentiary: January 30, 1981; March 25, 1981; April 29, 1981; May 23, 24, 1981; June 20, 21, 27, 28, 1981; July 18, 1981; August 25, 26, 1981; September 1, 1981; January 8, 1982; and March 28, 1982.

I Hope this information will provide some limited help.

Yours sincerely,


Claude E. Dumaine
Warden

Dorchester Penitentiary
Drawer A
Dorchester, N. B.
EOA 1M0

Canada

APPENDIX "B"

VISITS BY YEAR AND PLACE

	DORCHESTER	SPRINGHILL
1972	5	0
1973	10	0
1974	9	1
1975	0	10
1976	0	10
1977	0	10
1978	0	10
1979	0	10
1980	4	6
1981	9	0
1982	2	0
	<hr/>	<hr/>
	39	57 = 96

APPENDIX "C"

CALCULATIONS FOR COST OF ACCOMODATIONS

1.	YEAR	VISITS	2 NIGHTS	3 NIGHTS
	1972	5	2	3
	1973	10	5	5
	1974	10	5	5
	1975	10	5	5
	1976	10	5	5
	1977	10	5	5
	1978	10	5	5
	1979	10	5	5
	1980	10	5	5
	1981	9	5	4
	1982	2	1	1

2.	YEAR	APPROXIMATE COST PER ROOM OR CABIN
----	------	------------------------------------

	1972	\$ 31
	1973	\$ 33
	1974	\$ 33
	1975	\$ 35
	1976	\$ 37
	1977	\$ 39
	1978	\$ 41
	1979	\$ 43
	1980	\$ 45
	1981	\$ 49
	1982	\$ 51

3.	EQUATION
----	----------

Cost of room according to year x no. of nights x no. of rooms
 (2) x no. of visits = cost of accomodations

APPENDIX "D"

COSTS OF ACCOMODATIONS BY YEAR

YEAR	TOTAL COST
1972	\$ 806.00
1973	1,650.00
1974	1,650.00
1975	1,750.00
1976	1,790.00
1977	1,950.00
1978	2,050.00
1979	2,150.00
1980	2,250.00
1981	2,156.00
1982	<u>510.00</u>
T O T A L	\$18,712.00

APPENDIX "E"

MILEAGE BY YEAR

Sydney to Dorchester 285 miles

Sydney to Springhill 253 miles

	To Dorchester	To Springhill	Total Mileage	Rates cents/mile	Total
1972	2,850		2,850	x .14	399.00
1973	5,700		5,700	x .16	912.00
1974	5,130	506	5,636	x .16	901.76
1975		5,060	5,060	x .192	971.52
1976		5,060	5,060	x .225	1,138.50
1977		5,060	5,060	x .243	1,229.58
1978		5,060	5,060	x .25	1,265.00
1979		5,060	5,060	x .25	1,265.00
1980	2,280	3,036	5,316	x .26	1,382.16
1981	5,130		5,130	x .31	1,590.30
1982	1,227		1,227	x .34	417.18

Total mileage costs = \$11,472.00

F

APPENDIX "F"

COST OF MEALS*

YEAR	AMOUNT
1972	\$ 780.00
1973	1,500.00
1974	1,500.00
1975	1,500.00
1976	1,500.00
1977	1,500.00
1978	2,000.00
1979	2,000.00
1980	2,000.00
1981	1,440.00
1982	<u>400.00</u>
Total	16,120.00

*The cost of meals has been calculated from information obtained from a publicly funded institution which in 1981 paid a per diem of \$21 for meals. This was the only reliable information available. Calculations for 1972-1977 were therefore made on the basis of \$15/day x 2 or 3 days (as appropriate) x 4 "adults" (assuming 2 adults + 3-5 kids) x number of visits.

For the years 1978-1982, the per diem meal rate used was \$20.

APPENDIX "G"

OTHER COSTS RELATED TO PRISON VISITS

BABYSITTERS	96 visits x \$20	= \$ 1,920
MONEY FOR JUNIOR	96 visits x \$35	= \$ 3,360
PIUS' VISITS	4 visits x 10 yrs x \$50	= \$ 2,000

APPENDIX "H"

COST OF TELEPHONE CALLS BY YEAR AND ORIGIN

	COST	FROM	CALLS
1972	\$ 52.86	Dorchester	6
1973	105.72	Dorchester	12
1974	106.96	Dorchester	11
		Springhill	1
1975	122.50	Springhill	12
1976	143.40	Springhill	12
1977	138.10	Springhill	12
1978	189.35	Springhill	12
1979	173.20	Springhill	12
1980	153.72	Springhill	8
		Dorchester	4
1981	149.16	Dorchester	12
1982	38.40	Dorchester	<u>3</u>
			117

5 calls by Mr. and Mrs. Marshall to Donald Marshall, Jr.
 (3 to Dorchester, 2 to Springhill) for a total of
 65.81

Total cost \$1,439.18



APPENDIX "I"

SUMMARY OF PECUNIARY LOSS
TO MR. AND MRS. MARSHALL

ACCOMODATIONS	\$ 18,712.00
MILEAGE	11,472.00
MEALS	16,120.00
BABYSITTERS	1,920.00
MONEY FOR JUNIOR	3,360.00
PIUS' VISITS	2,000.00
TELEPHONE CALLS	1,439.18
<hr/>	
TOTAL	\$ 55,023.18
<hr/>	