



Commission of Inquiry Into the
Wrongful Conviction of David Milgaard
Honourable Mr. Justice Edward P. MacCallum, Commissioner

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RULINGS

Commission of Inquiry Into the Wrongful Conviction of David Milgaard

RULING ON STANDING AND FUNDING

(Saskatoon Criminal Defence Lawyers Association and Serge Kujawa)

The Saskatoon Criminal Defence Lawyers Association and Mr. Serge Kujawa have each applied for standing and funding to appear before the Commission of Inquiry into the Wrongful Conviction of David Milgaard. The original deadline for applications was April 6, 2004. On April 20, 2004, the Commission held a hearing and ruled on the applications for standing and funding that were received by the April 6, 2004 deadline.

Subsequent to the deadline, the Commission received two additional applications for standing and funding. The first application is dated April 19, 2004 and was received from the Saskatoon Defence Lawyers Association. The second application is dated May 20, 2004 and was received from Mr. Serge Kujawa.

Despite missing the deadline for filing applications, I am prepared to consider the applications on their merits.

The criteria for standing are set out in the Standing and Funding Guidelines. They provide that the Commissioner will determine who has standing to participate in Commission proceedings, the extent of such participation and that the Commissioner will determine applications for standing based on the following criteria:

- a. the applicant is directly and substantially affected by the Inquiry; or
- b. the applicant represents interests and perspectives essential to the successful conduct of the Inquiry; or
- c. the applicant has special experience or expertise with respect to matters within the Commission's Terms of Reference.

Saskatoon Criminal Defence Lawyers Association

I am not prepared to grant standing to the Saskatoon Criminal Defence Lawyers Association at this time. I propose to defer this application to be dealt with when the Commission moves into the phase of the inquiry dealing with recommendations relating to the administration of criminal justice in the province of Saskatchewan. I do not think the Association meets the criteria for standing to participate in the fact finding part of the Inquiry. When the Commission moves into the phase of the inquiry dealing with systemic and public policy issues, I will reconsider the Association's application for standing and funding.

Serge Kujawa

I grant standing to Mr. Serge Kujawa. Mr. Kujawa is directly and substantially affected by the Inquiry and he represents interests and perspectives essential to the conduct of Inquiry. He also has special experience and expertise relating to the Terms of Reference. I am also

satisfied that Mr. Kujawa is entitled to funding in accordance with the Standing and Funding Guidelines.

I would ask that counsel for Mr. Kujawa read and adhere to the opening remarks that I made to all counsel and parties on April 20, 2004.

Dated at the City of Saskatoon, in the Province of Saskatchewan, this 31st day of May, 2004.

Mr. Justice Edward P. MacCallum
Commissioner

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