

## **Supplement to the Rules of Procedure and Practice**

(Issued by the Commission on October 31, 2006)

### **Guidelines for Written and Oral Submissions By Parties with Standing**

1. Parties with standing are entitled to file written submissions with the Commission. The submissions shall be filed in electronic format with the Commission office by 5:00 p.m. central standard time on Tuesday, November 14, 2006. Submissions should be emailed to the Commission's document manager, Sandy Boswell at sboswell@milgaardinquiry.ca. A written copy of the submission may also be delivered to the Commission office but is not necessary.
2. Written submissions do not need to be served on other parties. The Commission will provide copies of all submissions to the parties by email and will post the submissions on Case Vault.
3. The written submissions shall be made part of the Commission's public record on December 11, 2006. Until they are part of the public record, parties shall treat the submissions received from the Commission as confidential documents, and the submissions shall not be made public.
4. Written submissions shall be as concise as practicable. They must relate only to the party's interest and to the Commission's Terms of Reference. Parties may make submissions regarding proposed findings and recommendations that are relevant to their interest. Where possible, submissions should identify how the proposed findings and recommendations fall within the Commission's Terms of Reference.
5. In written and oral submissions, counsel shall refer only to documents that have been made public exhibits and which constitute part of the Commission's public record (in accordance with Rule 35 and 35A). If a document in Case Vault is not a public exhibit, counsel who wish to refer to it in submissions may submit to the Commission office a written request for the document to be made a public exhibit. References to the transcript of evidence shall cite page and line number and may be reproduced as a schedule or incorporated in the text. References to documents shall include the docid. Information such as academic articles or other similar documents may be filed as part of the submission.

6. Notwithstanding paragraph 4, any party may make submissions on systemic issues which fall within the Commission's Terms of Reference.
7. Parties are entitled to file a supplemental written submission to respond to matters raised in other submissions that affect that party's interest. The supplemental written submission shall be filed in electronic format with the Commission office by 5:00 p.m. on November 30, 2006. Electronic copies of supplemental submissions will be provided to counsel for all parties and posted on Case Vault.
8. If any of the written submissions refer to the conduct of persons who are not parties with standing, the Commission may provide notice to that person (or counsel on their behalf) of the contents of the submission that affect that person.
9. On December 11 and 12, 2006, counsel for parties are entitled to make oral submissions to the Commissioner, in accordance with the following guidelines:
  - a) After receipt of all written submissions, the Commissioner will set the order in which he wishes to hear counsel. There will be no rebuttal submissions.
  - b) It is expected that a party's submission to the Commission will be contained in their written submission. The purpose of oral argument will be to emphasize and elaborate upon the written submissions.
  - c) Submissions will start at 9:00 a.m. on Monday, December 11, 2006. Each counsel will be limited to 30 minutes to present oral submissions.
  - d) The hearing room will not be equipped with the electronic document system and if counsel need to refer to any document in their submission, paper copies shall be used. Internet will be available for counsel to access Case Vault.
10. At a time following completion of the oral submissions on December 12, 2006, the Commissioner will provide notices to parties and non-parties regarding potential findings of misconduct in accordance with Part IV of the Commission's Rules of Procedure and Practice.
11. In accordance with Rules 49 and 50 of the Commission's Rules of Procedure and Practice:
  - a) Notices of potential findings of misconduct will be served on persons or parties on a confidential basis.

- b) The recipient of a notice will have an opportunity to file a written submission in response to the notice.
- c) If the recipient of a notice believes it is necessary to produce documentary evidence or to call evidence to respond to allegations of possible misconduct in the notice, the recipient may apply for leave to have that evidence heard by the Commission. If leave is granted, Rule 50 shall be applicable to the calling of the evidence.