

*Commission of Inquiry Into the Wrongful
Conviction of David Milgaard before
The Honourable Mr. Justice Edward P. MacCallum*

Transcript of Proceedings
and
Testimony before the Commission
sitting at the Sheraton Cavalier Hotel at
Saskatoon, Saskatchewan

On April 20th, 2004

Volume 1

RE: Standing and Funding Applications



Commission Staff:

<i>Mr. Douglas C. Hodson,</i>	Commission Counsel
<i>Ms. Vanessa Monar Enweani,</i>	Assistant Commission Counsel
<i>Ms. Candace D. Congram,</i>	Executive Director
<i>Ms. Irene Beitel,</i>	Clerk to the Commission

Appearances:

<i>Mr. Hersh Wolch, Q.C.,</i>	for Mr. David Milgaard
<i>Mr. Aaron Fox, Q.C.,</i>	for Mr. Eddie Karst
<i>Mr. Silas Halyk, Q.C.,</i>	for Mr. T.D.R. Caldwell
<i>Mr. Barry Rossmann, Q.C.,</i>	for the Saskatoon Police Service
<i>Ms. Sharon Pratchler,</i>	for Government of Saskatchewan
<i>Mr. Melvin Green,</i>	for The Association in Defence of the Wrongly Convicted (AIDWYC)
<i>Mr. James Lockyer,</i>	for Ms. Joyce Milgaard
<i>Mr. Bruce Gibson,</i>	for the RCMP
<i>Mr. Brian A. Beresh,</i>	for Mr. Larry Fisher

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(Proceedings commenced at 10:03 a.m.)

COMMISSIONER MacCALLUM: Good morning.

CLERK: This hearing is now in session. The Honourable Justice MacCallum presiding as Commissioner.

COMMISSIONER MacCALLUM: Welcome to the opening session of the Commission of Inquiry into the Wrongful Conviction of David Milgaard. Today's hearing is limited to a discussion of which parties will be granted standing and funding meaning who will actively participate in the inquiry and who will have their legal fees paid for doing so. The balance of the public hearings, as I will explain, will not take place for some time.

I will begin with introductions, then make opening remarks about public inquiries in general, and this one in particular, and finally move to the business of standing and funding.

My name is Edward MacCallum, I am a Justice of the Court of Queen's Bench of Alberta. By Order-in-Council dated the 18th of February, 2004, the Lieutenant Governor in Council of Saskatchewan appointed me to conduct



1 this inquiry. Since then Commission staff has
2 been hired and an office established at
3 1020 - 606 Spadina Crescent East in Saskatoon.
4 The public hearings will be held in this city at
10:05 5 locations to be announced.

6 Let me introduce my staff.
7 Douglas C. Hodson is Commission counsel. Mr.
8 Hodson practices law in Saskatoon as a civil
9 litigator. His associate is Vanessa Monar
10:05 10 Enweani, also a litigation specialist in this
11 city. Candace Congram is our executive director
12 and her regular duties are as manager of strategic
13 communications for Saskatchewan Justice. You find
14 her in Regina. Mel Olsen-Thoen of Viscount is the
10:05 15 Commission secretary. She runs the office in
16 Avord Towers at the address I mentioned. The
17 clerk for the hearings will be Irene Beital. The
18 RCMP will provide security and the recording of
19 evidence will be done by Meyer CompuCourt
10:06 20 Reporting.

21 Several counsel present
22 represent parties seeking standing. I ask them to
23 introduce themselves at the podium and identify
24 their clients. Perhaps I'll just call you up,
10:06 25 gentleman or ladies, in the order in which your



1 names appear on the list of applications. For
2 David Milgaard, Hersh Wolch. Thank you, Mr.
3 Wolch. At the moment it won't be necessary to
4 make your application. I just wanted everybody to
10:06 5 be able to see you.

6 MR. WOLCH: No, I appreciate that. I just
7 indicate that I am here for David Milgaard.

8 COMMISSIONER MacCALLUM: Thank you very
9 much. And then for Mr. Eddie Karst, Mr. Fox?

10:07 10 MR. FOX: Yes.

11 COMMISSIONER MacCALLUM: Mr. Fox, Aaron A.
12 Fox for Mr. Eddie Karst, and for Mr. Caldwell,
13 Mr. Silas Halyk?

14 MR. HALYK: That's correct, sir.

10:07 15 COMMISSIONER MacCALLUM: Representing
16 Mr. T.D.R. Caldwell, and for the Government of
17 Saskatchewan, Ms. Sharon Pratchler?

18 MS. PRATCHLER: Yes.

19 COMMISSIONER MacCALLUM: Thank you. And for
10:07 20 AIDWYC, that's an acronym for The Association in
21 Defence of the Wrongfully Convicted.

22 MR. LOCKYER: James Lockyer. I actually
23 have two hats today.

24 COMMISSIONER MacCALLUM: I believe you
10:07 25 represent Joyce Milgaard as well?



1 MR. LOCKYER: That's correct.

2 COMMISSIONER MacCALLUM: Thank you,
3 Mr. Lockyer. And for the RCMP, Mr. Gibson?

4 MR. GIBSON: Yes, good morning.

10:07 5 COMMISSIONER MacCALLUM: Bruce Gibson?

6 MR. GIBSON: Yes.

7 COMMISSIONER MacCALLUM: And for the
8 Saskatoon Police Services, Mr. David Rossmann?

9 MR. ROSSMAN: Barry Rossman.

10:07 10 COMMISSIONER MacCALLUM: Barry Rossmann,
11 sorry. And for Larry Fisher?

12 MR. BERESH: Mr. Beresh appearing, Mr.
13 Commissioner.

14 COMMISSIONER MacCALLUM: Mr. Brian Beresh.

10:08 15 This inquiry was established
16 under Sections 2 and 5 of *The Public Inquiries*
17 *Act of Saskatchewan*. Section 2 reads:

18 "The Lieutenant Governor in Council, when he
19 deems it expedient to cause inquiry to be
10:08 20 made into and concerning a matter within the
21 jurisdiction of the legislature and connected
22 with the good government of Saskatchewan or
23 the conduct of the public business thereof,
24 or that is in his opinion of sufficient
10:08 25 public importance, may appoint one or more



Commissioners to make such inquiry and to
report thereon."

The public business which
concerns us is the wrongful conviction of David
Milgaard for the murder of Gail Miller on the 31st
of January, 1969. The circumstances of her death
excited great sympathy and outrage at the time and
still do. Such emotion could play no part in the
criminal investigation and prosecution and we
cannot allow emotion to cloud our judgment in this
public inquiry. The Miller family should
understand that clinical detachment is necessary
in dealing with the evidence and should not be
taken by them for lack of sympathy.

A year to the day following the
death, David Milgaard was convicted of the murder
and sentenced to life imprisonment. His appeal
from conviction was dismissed by the Saskatchewan
Court of Appeal on the 5th of January, 1971 and
leave to appeal to the Supreme Court of Canada was
denied.

Pursuant to an application under
Section 690 of the Criminal Code by David Milgaard
to the Minister of Justice, the matter was
referred to the Supreme Court of Canada which held



1 a hearing and considered fresh evidence. The
2 court said in part, I quote:

3 "It is appropriate to begin by stating that
4 in our view David Milgaard had the benefit of
10:10 5 a fair trial in January, 1970. We have not
6 been presented with any probative evidence
7 that the police acted improperly in the
8 investigation of the robbery, sexual assault
9 and murder of Gail Miller or in their
10:10 10 interviews with any of the witnesses, nor has
11 evidence been presented that was inadequate
12 disclosure in accordance with the practice
13 prevailing at the time. However, fresh
14 evidence has been presented to us. Ronald
10:10 15 Wilson, a key witness at the trial, recanted
16 part of his testimony. Additional evidence
17 has been presented with respect to Milgaard's
18 alleged motel room confession. More
19 importantly, there was evidence led as to
10:11 20 sexual assaults committed by Larry Fisher
21 which came to light in October, 1970 when
22 Fisher made a confession. In our view, this
23 evidence, together with other evidence we
24 have heard, constitutes credible evidence
10:11 25 that could reasonably be expected to have



1 affected the verdict of the jury considering
2 the guilt or innocence of David Milgaard."

3 The court held that the continued conviction of
4 David Milgaard constituted a miscarriage of
10:11 5 justice and recommended that the conviction be
6 quashed and a new trial was ordered. Saskatchewan
7 declined to further prosecute and entered a stay.

8 A cover-up was alleged and
9 Saskatchewan Justice asked the RCMP to investigate
10:12 10 and report, which it did in January of 1994,
11 concluding that there was no evidence of criminal
12 wrongdoing on the part of Saskatchewan Justice
13 officials or Saskatoon City Police officers. Mr.
14 Milgaard continued to seek complete exoneration
10:12 15 and in 1997 DNA testing of the Gail Miller crime
16 exhibits was conducted. Larry Fisher was arrested
17 and charged for the murder of Gail Miller.

18 The Government of Saskatchewan
19 committed to holding a public inquiry after
10:12 20 criminal proceedings were concluded and both the
21 Federal and Saskatchewan governments participated
22 in a monetary settlement with David Milgaard and
23 his family. On November 22nd, 1999 Larry Fisher
24 was convicted of the murder of Gail Miller. His
10:13 25 appeal to the Saskatchewan Court of Appeal was



1 dismissed on the 29th of September, 2003 and he is
2 currently seeking leave to appeal to the Supreme
3 Court of Canada.

4 In view of all that has passed,
10:13 5 the public might well ask what more could a public
6 inquiry hope to accomplish. The answer to that is
7 to be found in the nature of a public inquiry and
8 in the terms of reference. We are charged with
9 the responsibility of inquiring into any and all
10:13 10 aspects of the conduct of the investigation into
11 the Miller death and the subsequent criminal
12 proceedings resulting in the wrongful conviction
13 of David Edgar Milgaard. The Supreme Court was
14 not presented with credible proof that the police
10:14 15 had acted improperly in the investigation and
16 found that Milgaard had received a fair trial and
17 adequate disclosure. Our direct concern is not
18 the trial, but rather the propriety of the
19 investigation and the prosecution.

10:14 20 Our inquiry also has the
21 responsibility to seek to determine whether the
22 investigation should have been reopened based on
23 information subsequently received by the police
24 and the Department of Justice. The Supreme Court
10:14 25 of Canada ordered a new trial, but did not address



1 its remarks specifically to the reopening of an
2 investigation.

3 The RCMP investigation, on the
4 other hand, was focused on allegations of
10:14 5 wrongdoing by the Saskatoon City Police and
6 Saskatchewan Justice in both the investigation and
7 the prosecution of David Milgaard. As many as 10
8 RCMP investigators worked on the case, thousands
9 of documents were read, hundreds of witnesses
10:15 10 interviewed and a report of some 300 pages was
11 produced.

12 The investigation was led by the
13 Alberta Attorney General's department for the sake
14 of impartiality and the appearance of
10:15 15 impartiality. Nevertheless, the effort was
16 conducted by a police force regarded by some as
17 sympathetic to the prosecution's case and to the
18 Saskatoon police. That might be unfair, but the
19 perception remains.

10:15 20 Although our Commission will go
21 over some of the same ground, we will be taking
22 statements from witnesses followed by sworn
23 testimony at public hearings. We will have, in
24 addition, the benefit of sworn testimony at our
10:16 25 hearings which was not available to the RCMP.



1 Also, we are charged with making such
2 recommendations as we consider advisable relating
3 to the administration of criminal justice in the
4 Province of Saskatchewan. We regard the work we
10:16 5 are asked to do as being a culmination of what has
6 gone before rather than simply putting a new face
7 on old news.

8 In light of the terms of
9 reference given to us by the Government of
10:16 10 Saskatchewan, it is important to understand what
11 this inquiry is about. It concerns David
12 Milgaard's wrongful conviction. In 1992 the
13 Supreme Court of Canada decided that his continued
14 conviction constituted a miscarriage of justice in
10:17 15 view of certain evidence which was before them,
16 but not before the jury at his trial in 1970. The
17 Supreme Court set aside the conviction and ordered
18 a new trial. Had the trial been held, a court
19 might have found him guilty as charged, that is,
10:17 20 of murder, not guilty of murder but guilty of some
21 lesser offence, or not guilty, but a new trial was
22 not held because the Government of Saskatchewan,
23 as was their prerogative, decided not to continue
24 with the prosecution.

10:17 25 Our task is to discover, if



1 possible, why David Milgaard was wrongfully
2 convicted. Was it because of evidence or the lack
3 thereof flowing from a flawed investigation or
4 prosecution? Should the case have been reopened
10:18 5 when new evidence came to light after the trial?
6 This inquiry is dedicated to seeking out the truth
7 and we will go where the evidence leads and draw
8 conclusions of fact where warranted by the
9 evidence irrespective of the findings of others,
10:18 10 but essentially we are concerned with the
11 integrity of the process of a criminal
12 investigation and prosecution. The Supreme Court
13 of Canada said that Mr. Milgaard received a fair
14 trial, but the concern is did the jury receive the
10:18 15 best evidence available and, if not, why not.

16 The Commission is a fact finding
17 body and not a court. We cannot make findings of
18 criminal or civil responsibility, but we will not
19 shrink from finding personal responsibility for
10:19 20 actions, for political decisions or for systemic
21 failures if that is where the evidence leads. The
22 reach of our Commission is constitutionally
23 limited to matters within the jurisdiction of the
24 legislature. We cannot infringe on federal power
10:19 25 over the criminal law or criminal procedure. We



1 cannot investigate the internal workings of a
2 federal institution. We do have the power to make
3 findings of misconduct against persons and, if the
4 evidence seems to point in that direction, we will
10:19 5 give such persons notice that an adverse finding
6 is possible.

7 I am expected to be, and I am,
8 both impartial and independent. Commission
9 counsel is my agent and he and his associate will
10:20 10 gather and present evidence impartially. They are
11 advocates only for truth and not for the interests
12 of any party. Our inquiry will seek to be fair,
13 to be effective, to be speedy and to be
14 economical. It will be driven by evidence, not by
10:20 15 theories. I will not allow our hearings to serve
16 as a platform for the propagation of baseless
17 assertions about persons or organizations. I
18 expect that any allegation of wrongdoing will be
19 backed by evidence. The public inquiry will only
10:21 20 be successful to the extent that the public is
21 informed. The role of the media is important.

22 The Commission of Inquiry has
23 two functions; one is to ascertain facts, the
24 other is to give advice. The Commission's
10:21 25 position statement on the meaning of the terms of



1 reference will be circulated to parties with
2 standing as soon as possible. Any party disputing
3 the positions expressed will have 45 days from
4 receipt of the statement to make its objections
10:21 5 known. A hearing will be set to settle
6 objections, if any.

7 The Commission expects that some
8 witnesses' evidence will relate to one or all of
9 the investigation, the prosecution and the
10:22 10 reopening aspects of the terms of reference. For
11 that reason, it might not be possible to treat
12 those aspects as discrete subjects in separate
13 hearings. We propose that the fact finding part
14 of the inquiry dealing with those subjects will
10:22 15 take place no sooner than 60 days after the Fisher
16 criminal proceedings are finished to be followed
17 by the hearing of expert or other evidence
18 touching systemic or public policy issues.

19 We have settled on this time
10:22 20 frame with the following factors in mind. First
21 of all, there's a great deal of work to be done by
22 Commission staff before the start of hearings.
23 Secondly, the reservation of hearing venues
24 requires significant time. Thirdly, summer
10:23 25 holidays in July and August would make holdings of



1 public hearings difficult to arrange in those
2 months, and finally, we must allow a reasonable
3 period for the Fisher criminal proceedings to
4 reach finality. This last point requires
10:23 5 amplification.

6 We are obliged by our terms of
7 reference to carry on our work, "...without
8 interfering with any ongoing criminal proceeding."
9 At present, Larry Fisher is seeking leave from the
10:23 10 Supreme Court of Canada to appeal his conviction
11 for the murder of Gail Miller. If he is granted
12 leave and does appeal, it might be argued that the
13 public inquiry cannot proceed without interfering
14 with that ongoing criminal proceeding. In the
10:23 15 meantime, the Commission intends to carry on with
16 its investigations and preparatory work in a
17 manner which will not interfere with the Fisher
18 proceedings.

19 In the case of parties funded
10:24 20 through the Commission, we have a duty to ensure,
21 insofar as possible, that they do not use their
22 funding for activities which might interfere with
23 the Fisher criminal proceedings. Therefore, until
24 further notice, such parties will be funded only
10:24 25 for legal work which is approved in advance by



1 Commission counsel on the basis that, (a), it is
2 necessary in the representation of their clients'
3 interests and essential to the successful conduct
4 of the inquiry, and (b), the work will not
10:24 5 interfere with the Fisher proceedings.

6 In the exercise of its duty to
7 oversee costs, the Commission will be vigilant.
8 We are confident that counsel for publicly-funded
9 parties will use restraint. Some counsel present
10:25 10 have been involved with the Milgaard and Fisher
11 cases for many years, a fact which should help to
12 cut down on preparation time.

13 I will now deal with
14 applications for standing and funding in the order
10:25 15 in which they are received. Only one class of
16 standing will be offered on the terms set out in
17 the rules which have been provided to applicants.
18 Without going through those rules, let me say just
19 this. In the interests of saving time and money,
10:25 20 I might from time to time limit the degree of
21 participation of counsel for a party in a phase of
22 the inquiry which does not engage its interest.

23 The criteria for standing are as
24 follows: The Commissioner will determine who has
10:25 25 standing to participate in Commission proceedings



1 and the extent of such participation; the
2 Commissioner will determine applications for
3 standing based on the following criteria; (a), the
4 applicant is directly and substantially affected
10:26 5 by the inquiry, or (b), the applicant represents
6 interests and perspectives essential to the
7 successful conduct of the inquiry, or (c), the
8 applicant has special experience or expertise with
9 respect to matters within the Commission's terms
10:26 10 of reference.

11 The following persons or
12 organizations have applied: David Milgaard,
13 Mr. Eddie Karst, Mr. T.D.R. Caldwell, the
14 Government of Saskatchewan, The Association in
10:27 15 Defence of the Wrongly Convicted, Joyce Milgaard,
16 the RCMP, the Saskatoon Police Services, Larry
17 Fisher.

18 On the basis of the materials
19 submitted, I am prepared to grant standing, and in
10:27 20 some cases funding, to all those applicants
21 according to the rules of practice and procedure
22 of the Commission. All applicants have received
23 copies of these rules and they are published in
24 the Commission website www.milgaardinquiry.ca. I
10:27 25 will go through the list briefly asking for



1 comment only from counsel for the party in
2 question.

3 I am satisfied that David
4 Milgaard is directly and substantially affected by
10:28 5 the inquiry and that he represents interests and
6 perspectives that are essential to the successful
7 conduct of the inquiry. He is offered both
8 standing and funding for those reasons. Mr.
9 Wolch, do you have any comment?

10:28 10 MR. WOLCH: Thank you, My Lord. I will be
11 extremely brief in view of your comments.

12 I first of all, on behalf of
13 David, would thank you for the remarks you have
14 made this morning. They are very helpful and
10:28 15 very encouraging that this Commission will
16 fulfill its very important mandate which we see,
17 of course, as accountability and guidelines for
18 the future, that nobody else will have to endure
19 what David went through, and, for that reason we
10:28 20 are very grateful for AIDWYC and all their help
21 as well. And I simply thank you for the remarks.

22 COMMISSIONER MacCALLUM: Thank you, sir.

23 I am satisfied that Eddie Karst
24 is directly and substantially affected, that as a
10:29 25 former detective he represents interests and



1 perspectives essential to the successful conduct
2 of the inquiry, and that he has special
3 experience and expertise with respect to matters
4 within the Commission's terms of reference. He
10:29 5 is offered both standing and funding. Mr. Fox,
6 do you have any comments?

7 MR. FOX: My Lord, nothing specific, other
8 than we appreciated the extensive nature of the
9 guidelines on the funding and requirements and
10:29 10 the funding that's available. I appreciate that,
11 and I believe certainly it will be acceptable,
12 and we'll proceed from there. Thank you.

13 COMMISSIONER MacCALLUM: Thank you.

14 Mr. T.R.D. Caldwell is directly
10:30 15 and substantially affected. As a retired Crown
16 Prosecutor, he represents interests and
17 perspectives essential to the conduct of the
18 inquiry, and he has special experience and
19 expertise relating to the terms of reference.
10:30 20 He, too, qualifies for standing and funding. Mr.
21 Halyk, do you have any comments?

22 MR. HALYK: Mr. Commissioner, thank you
23 for that on behalf of Mr. Caldwell, and we look
24 forward to a productive inquiry in light of your
10:30 25 assistance so far.



1 COMMISSIONER MacCALLUM: Thank you for
2 coming.

3 The Government of Saskatchewan
4 is granted standing, meeting all three criteria.
10:31 5 Ms. Pratchler, do you have any comments?

6 MS. PRATCHLER: No, My Lord, I don't.
7 Thank you.

8 COMMISSIONER MacCALLUM: Thank you.

9 AIDWYC is directly affected and
10:31 10 represents interests and perspectives essential
11 to the successful conduct of the inquiry and has
12 special expertise relating to the terms of
13 reference. It meets all four criteria for
14 funding and is, therefore, offered standing and
10:31 15 funding subject to this qualification; for the
16 fact-finding stage of the inquiry AIDWYC and
17 Joyce Milgaard's interests are the same, so only
18 one counsel representing both parties will be
19 offered funding for that stage, including both
10:32 20 preparation and hearing. Are there any comments
21 from you, Mr. Lockyer?

22 MR. LOCKYER: Speaking as a director of
23 AIDWYC, Mr. Commissioner, we're very grateful for
24 the position that you have taken, which reflects
10:32 25 what we requested as an organization. This will



1 be the fourth inquiry that our organization has
2 been involved in and we hope, insofar as
3 possible, we can help provide a common thread
4 between the previous inquiries and this inquiry,
10:32 5 and see this inquiry as a very important
6 development for the Canadian justice system as a
7 whole. Thank you very much.

8 COMMISSIONER MacCALLUM: Thank you.

9 Joyce Milgaard is directly and
10:32 10 substantially affected by the inquiry, and she
11 represents interests and perspectives essential
12 to the successful conduct of the inquiry, she is
13 offered standing. As well, she meets the
14 criteria for funding with the same proviso
10:33 15 applying to AIDWYC, namely that she share the
16 services of one counsel for the fact-finding
17 stage of the inquiry, both preparation and
18 hearing. Mr. Lockyer, anything additional to
19 point out?

10:33 20 MR. LOCKYER: May I just say, Mr.
21 Commissioner, that Mrs. Milgaard plans to be a
22 dynamic part of this inquiry. Thank you very
23 much.

24 COMMISSIONER MacCALLUM: Thank you. The
10:33 25 RCMP, I find, are directly and substantially



1 affected. They represent interests and
2 perspectives essential to the successful conduct
3 of the inquiry and have special experience or
4 expertise with respect to matters within the
10:33 5 Commission's terms of reference. They are
6 offered standing and do not seek funding. Any
7 comments, Mr. Gibson?

8 MR. GIBSON: No, thank you.

9 COMMISSIONER MacCALLUM: Thank you.

10:34 10 The Saskatoon Police Services
11 are offered standing, meeting, as they do, the
12 same criteria as the RCMP. Also, they seek and
13 are offered funding in accordance with the
14 arrangements discussed with Commission counsel.
10:34 15 Are there any comments, Mr. Rossmann?

16 MR. ROSSMANN: No, Mr. Commissioner,
17 thank you very much.

18 COMMISSIONER MacCALLUM: Thank you.

19 Larry Fisher, I find, is
10:34 20 directly and substantially affected by the
21 inquiry. He requires funds to adequately
22 represent his interests, and Mr. Beresh asks that
23 his application materials be sealed for the time
24 being, so as not to interfere with the ongoing
10:35 25 appeal process. I so order. Do you have any



1 comments, Mr. Beresh?

2 MR. BERESH: Just briefly, Mr.
3 Commissioner, I echo the words of other counsel
4 thanking you for your opening comments. We will
10:35 5 offer our assistance throughout this matter. I
6 have no doubt that your many years on the Bench
7 will assist you in what will be a difficult task.

8 I conclude by thanking you for
9 the sensitivity expressed in relation to Mr.
10:35 10 Fisher's ongoing appeal process and I'll keep
11 Commission counsel advised as to the progress of
12 that appeal. Thank you.

13 COMMISSIONER MacCALLUM: Thank you.

14 Mr. Hodson, just so people
10:36 15 won't think you are being left out gratuitously,
16 do you have any comments to make on what has
17 passed?

18 MR. HODSON: No, I don't, Mr.
19 Commissioner.

10:36 20 COMMISSIONER MacCALLUM: Thank you.

21 The Rules of Practice and
22 Procedure are, as I said, posted on the website.
23 They are rather extensive and should be read
24 carefully by interested parties.

10:36 25 For the sake of emphasis,



1 however, I repeat that the rights of parties with
2 standing to participate at any stage of the
3 hearings might be restricted by me. If I decide
4 that a party's interests are not engaged, counsel
10:36 5 for that party will not be allowed to question
6 witnesses. Such parties will, of course, be
7 entitled to attendance, and funded parties will
8 be entitled to payment for hearing time,
9 notwithstanding that their right to question has
10:36 10 been suspended temporarily. This arrangement, I
11 hope, will curtail repetitious and unnecessary
12 questioning.

13 Finally, my opening remarks
14 have been rather extensive as well. I will not
10:37 15 be taking questions, and I earnestly request that
16 you read and digest the text of those remarks
17 before contacting Commission staff. The text
18 will be available, both in hard copy and online,
19 later today.

10:37 20 Thank you all for coming. The
21 proceedings are adjourned until further notice.

22 CLERK: Thank you, My Lord. All
23 rise. The hearings on the Milgaard matter will
24 be adjourned until further notice.

25 (Adjourned at 10:37 a.m.)



OFFICIAL QUEEN'S BENCH COURT REPORTER'S CERTIFICATES :

We, Karen Hinz, CSR, and Donald G. Meyer, CSR, Official
Queen's Bench Court Reporters for the Province of
Saskatchewan, hereby certify that the foregoing pages
contain a true and correct transcription of our shorthand
notes taken herein to the best of our knowledge, skill, and
ability.

_____ CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____ CSR

Donald G. Meyer, CSR

Official Queen's Bench Court Reporter



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