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August 18, 2006

Via E-Mail

**THE COMMISSION OF INQUIRY INTO THE
WRONGFUL CONVICTION OF DAVID MILGAARD**
1020, 606 Spadina Crescent East
Saskatoon, SK S7K 3H1

Attention: Douglas Hodson, Commission Counsel

Dear Mr. Hodson:

**Re: David Milgaard Inquiry - Application for Standing of Eugene Williams, Q.C.
Our File No. 73538.001**

Further to our discussions, this will confirm that I have been retained as legal counsel for Eugene Williams, Q.C.

Enclosed please find Mr. Williams' Application for Standing.

In the main, Mr. Williams expects that his interests will continue to coincide with those of the Federal Department of Justice and thus he will to a large or perhaps full extent be able to rely on the examinations and submissions of counsel for Federal Justice. However, there may be discrete factual and legal issues that will oblige Mr. Williams' own counsel to, with the indulgence of the Commission, either briefly question some witnesses or make submissions on certain factual or legal points. Mr. Williams' aim is to ensure that the Commission has as much pertinent information before it as possible.

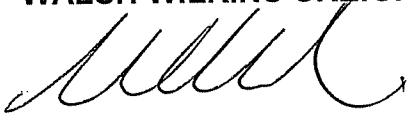
In that sense, we trust that this application will serve to advance the objects of the Commission and not in any way detract from its work.

I trust that this is satisfactory and thank you for your assistance thus far. Should you have any questions about this Application or Mr. Williams' position more generally, please feel free to contact me.

We look forward to hearing from you and to working with the Commission.

Yours truly,

WALSH WILKINS CREIGHTON LLP



Kenneth R. McLeod

KRM/pm
Encl.

c. EUGENE WILLIAMS, Q.C.

**COMMISSION OF INQUIRY
INTO THE WRONGFUL
CONVICTION OF DAVID MILGAARD**

Honourable Mr. Justice Edward P. MacCallum, Commissioner

APPLICATION FOR STANDING OF EUGENE WILLIAMS. Q.C.

I. INTRODUCTION

1. The Applicant, Eugene Williams, Q.C. is applying for standing before the Commission to ensure that his interests and perspectives are fully advanced before the Commission, those interests and perspectives being essential to the Commission's mandate.
2. Mr. Williams' application has been substantially prompted by his recently being obliged to retain his own legal counsel, Kenneth R. McLeod.
3. It is respectfully submitted that this application meets all three of the Commission's criteria for standing and that standing for Mr. Williams will serve to advance the objectives of the Commission.

II. FACTUAL BACKGROUND

4. One of this Commission's central purposes, as stated in the Terms of Reference, is "to determine whether the investigation [into the death of Gail Miller] should have been reopened based on information subsequently received by the police and the Department of Justice".
5. Certain of that subsequently received information was gathered up during David Milgaard's section 690 applications to the Federal Minister of Justice between 1989 and 1992.
6. During that time, Mr. Williams was the federal Justice legal counsel handling the David Milgaard section 690 applications. Thus far, the Applicant has testified for seven days in this Inquiry about those applications. It is expected that he will testify for several more days.

7. To this point, the Applicant has been represented by legal counsel with the Federal Department of Justice, David Frayer, Q.C., and Jennifer Cox. Those counsel are appearing for the Federal Minister of Justice (and the Department and its employees), the Federal Minister of Justice having been granted standing at the outset of this Inquiry.
8. Certain legal and factual issues have arisen respecting Mr. Williams' work on the section 690 applications and documents and information discovered and generated in the course of that work. It has become evident that the Federal Department of Justice position and the Applicant's position with respect to that information and the legal perspective on that material may not coincide in all respects.
9. As a result, the Applicant has been obliged to retain his own independent legal counsel to ensure that his position on these matters can be fully advanced before the Commission.
10. Although he expects that federal Justice counsel's examination of witnesses and submissions to the Commission will to a large extent properly advance his position and interests, where that might not occur, the Applicant seeks to rely on the independent voice of his own counsel, Mr. McLeod.

III. SUBMISSIONS


11. It is submitted that the Applicant meets all three criteria for standing pursuant to this Commission's Standing Guidelines.
12. First, Mr. Williams is directly and substantially affected by the Inquiry. His work as Federal Justice's legal counsel on Mr. Milgaard's two section 690 applications has been and will continue to be examined and is a subject of importance for the Inquiry.
13. Second, the Applicant's carriage of the section 690 applications results in his interests and perspectives being essential to the Inquiry. Indeed, as Mr. Williams' testimony thus far has demonstrated, he has a genuine commitment to

ensuring that the Commission can properly meet its Terms of Reference by receiving as complete as possible a picture of the section 690 process.

14. Finally, as is plainly evident through Mr. Williams' testimony thus far, he has special experience and expertise both in terms of the facts of Mr. Milgaard's section 690 applications and section 690 applications generally.
15. Equally important, the Applicant's participation in this Inquiry as a party with standing will overall advance the objectives of the Commission by permitting Mr. Williams the independent opportunity, where appropriate, to ensure that all relevant information and legal perspectives are placed before this Commission.
16. In sum, it is respectfully submitted that this Application is properly founded and granting it would advance the interests of both the Commission and the Applicant.

ALL OF WHICH is respectfully submitted this 18th day of August, 2006.

WALSH WILKINS CREIGHTON LLP



Kenneth R. McLeod
Barrister & Solicitor
Counsel for the Applicant, Eugene Williams Q.C.