

WOLCH, OGLE, WILSON, HURSH & deWIT

BARRISTERS & SOLICITORS

HERSH WOLCH, Q.C.
JAMES J. OGLE, Q.C.
EARL C. WILSON, Q.C.
LARRY E. HURSH, Q.C.
WILLIE deWIT
CHERYL D.A. STANLEY

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736 - 6 Avenue S.W.
CALGARY, ALBERTA
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March 16, 2004

Via Post

The Honourable Mr. Justice Edward P. MacCallum

The Commission of Inquiry
102 - 606 Spadina Crescent East
Saskatoon, Sask. S7K 3H1

Dear Sir:

Re: Commission of Inquiry Into the Wrongful Conviction of David Milgaard

I represent David Milgaard who has instructed me to apply for standing on his behalf at the Commission of Inquiry. Mr. Milgaard is directly affected by the inquiry.

We are also requesting of the Commissioner that legal counsel be paid by the Commission. Funding is required for legal fees to properly represent Mr. Milgaard's interest, and for ordinary disbursements including travel, which would be expended.

I would propose to represent Mr. Milgaard's interests at the inquiry, with the assistance of junior counsel. I have been Mr. Milgaard's counsel for approximately sixteen years. I represented him in the Supreme Court, and in his application for compensation. At this point in time, I am not certain as to who specifically would be assisting me, but I expect to draw some assistance from Greg Rodin. Mr. Rodin had carriage of the civil lawsuit that Mr. Milgaard brought against the government. So far as second counsel is concerned, I simply do not know at this time, but in terms of funding the obvious areas to be addressed are the hourly rate for senior and junior counsel and whether there is any limit on the number of hours' preparation. I have a reasonable idea as to the amount of preparation required since I have been involved in approximately half-a-dozen previous inquiries and I have also been involved in one mega-trial (Edmonton gang trial) and was recently appointed an arbitrator on behalf of the Court to settle a legal fee dispute between the Manitoba government and the lawyers for the accused in the Hells Angels trial.

Given that the Commission and counsel have an exceptional amount of material (we have in excess of twenty boxes and that Joyce Milgaard probably has a like amount) I would anticipate that coordination and preparation would be comparable to any of the above.

I would expect that once standing is obtained, the gathering of information and preparation will take months. I would be pleased to be more specific as to preparation time and hourly rate upon request.

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To: The Honourable Mr. Justice Edward P. MacCallum
The Commission of Inquiry
Re: David Milgaard Inquiry

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March 16, 2004
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Kindly advise as to what more is required prior to attendance on April 20, 2004. I am currently scheduled to appear in the Alberta Court of Appeal on that date but should be able to reschedule to enable attendance in Saskatoon.

Yours truly,



HERSH WOLCH, Q.C.
HW/ks

IN THE MATTER OF THE COMMISSION OF INQUIRY
INTO THE WRONGFUL CONVICTION OF DAVID
EDGAR MILGAARD

HONOURABLE MR. JUSTICE EDWARD P. MacCALLUM, COMMISSIONER

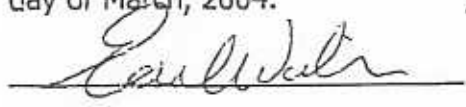
AFFIDAVIT

I, **Cheryl D.A. Stanley**, of the City of Calgary, in the Province of Alberta, Lawyer, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a member of the Law Society of Alberta and practice with the law firm of Wolch, Ogle, Wilson, Hursh & deWit and I work directly with Mr. Wolch.
2. Information contained herein has been provided to me by Mr. Wolch.
3. Mr. Wolch advises me that David Milgaard clearly comes within the criteria for standing, possibly on all three grounds, but in particular, as a party directly and substantially affected by the Inquiry.
4. Mr. Wolch advises me that Mr. Milgaard spent approximately 23 years in jail for a crime he did not commit. Mr. Milgaard was not able to work over those years and suffered terribly. Upon his exoneration and after lengthy negotiations, Mr. Milgaard was awarded \$10 million. Those monies were allocated primarily to David and also to his family and for legal fees for the negotiations. Mr. Milgaard is unemployable due to the damage done to him.
5. Judge Allan Gold was provided with extensive material as to the damage done to David and what was required for his future. The monies that David received are to be used to allow him to live a normal, happy life without financial stress.

- 6. It would be extremely unjust to require Mr. Milgaard to pay legal fees in order to help determine what caused the atrocities inflicted upon him.
- 7. Mr. Wolch advises that he would be lead counsel for David at the Inquiry. Mr. Wolch has appeared as counsel at several other inquiries and has represented David Milgaard since approximately 1988. He has had carriage of his s. 690 application and acted as counsel for him in the Supreme Court of Canada and has represented him in all matters to date. Mr. Wolch has also represented several other parties who have been found to have been wrongfully convicted. A copy of his Curriculum Vitae is attached as Exhibit "A".
- 8. Mr. Wolch advises me that his co-counsel would be Dr. Sheilah Martin, Q.C. whose Curriculum Vitae is attached as Exhibit "B". Dr. Martin represented David Milgaard as well in the negotiations of the financial settlement with the Saskatchewan Government and Dr. Martin also was recently requested by Justice Peter Cory to be an expert witness on damages done to the wrongly convicted at the *Sophonow* Inquiry in which he was Commissioner.
- 9. Mr. Wolch advises me that there may be other help from time to time either from junior lawyers possibly myself and that he would be responsible for submitting the statements of account for fees and ordinary disbursements including travel to the Commission for counsel representing David Milgaard.

SWORN BEFORE ME)
 at the City of Calgary, in the)
 Province of Alberta, this 31)
 day of March, 2004.)



Barrister & Notary Public
 in and for the Province of Alberta



 CHERYL D.A. STANLEY

CURRICULUM VITAE

HERSH E. WOLCH, Q.C.
Barrister & Solicitor

1. BIOGRAPHICAL INFORMATION

Name: Hershel Edward Wolch

Phone: (403) 265-6500
(403) 630-7576 (Cell)
(403) 263-1111 (Fax)
(204) 987-2777 (Winnipeg office)
(204) 987-2774 (Fax)

Present Position: Lawyer
Wolch, Ogle, Wilson, Hursh & deWit
Calgary

Counsel
Killeen Chapman Garreck
Winnipeg

Place of Birth: Winnipeg, Manitoba

Date of Birth: April 18, 1940

"Notary Public" referred to in the
Affidavit of
Charles Stanley
Sworn before me this 31st day
of March A.D. 2004
Charles Stanley
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta.

2. DEGREES AND PROFESSIONAL QUALIFICATIONS

1962 Bachelor of Commerce, University of Manitoba

1965 Bachelor of Law, University of Manitoba

1965 Call to the Bar, Manitoba

1972 Call to the Bar, Saskatchewan

1978 Call to the Bar, Alberta

1982 Conferral of Queen's Counsel

3. PROFESSIONAL EMPLOYMENT RECORD

| | |
|-----------|--|
| 1965-1971 | Crown Prosecutor, Province of Manitoba |
| 1971-1973 | Crown Prosecutor, Federal Department of Justice |
| 1973-1975 | Director of Bar Admission Course, Province of Manitoba |
| 1973-1975 | Director of Education, Law Society of Manitoba |
| 1973-1976 | Manitoba Law School, Lecturer, Criminal Procedure and Criminal Law |
| 1973-1980 | Partner, Wolinsky Liffman, Wolinsky & Wolch |
| 1980-1998 | Partner, Wolch Pinx Tapper Scurfield |
| 1999- | Wolch, Ogle, Wilson, Hursh & deWit Counsel, Killeen Chapman Garreck |

4. PROFESSIONAL ASSOCIATIONS

Law Society of Alberta
Law Society of Manitoba
Law Society of Saskatchewan
Calgary Bar Association
Canadian Bar Association
President, Manitoba Trial Lawyers' Association
Lecturer, Federation of Law Societies, Criminal Law Program
Reform of the Criminal Law (International Society)
Canadian Association of Criminal Defence Lawyers
Fellow of the American College of Trial Lawyers
Fellow of the International Society of Barristers
Member, Association in Defence of the Wrongfully Convicted

CURRICULUM VITAE

**Dr. Sheillah L. Martin, Q.C.
LL.B., B.C.L., LL.M., S.J.D.
Barrister & Solicitor
Law Society of Alberta**

This is Exhibit "B" referred to in the
Affidavit of

Cheryl D. Stanley

Sworn before me this 31st day

of March A.D. 2004

[Signature]

A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta.

January, 2004

1. BIOGRAPHICAL INFORMATION

Name: Sheillah Louise Martin

| | | |
|-------------------|--------------------------|----------------------------------|
| Present Position: | Professor | Barrister |
| | Faculty of Law | Code Hunter LLP |
| | University of Calgary | 850 440 2 nd Ave S.W. |
| | 2500 University Dr. N.W. | |
| | Calgary, Alberta | Calgary, Alberta |
| | T2N 1N4 | T2P 4H2 |
| | (403) 220-7112 | (403) 716-2386 |

Place of Birth: Montreal, Quebec

2. DEGREES AND PROFESSIONAL QUALIFICATIONS

1996 Conferral of Queen's Counsel.

- 1991 Doctor of Juridical Science, University of Toronto, Toronto: S.J.D. Thesis: "Legal Controls on Human Reproduction in Canada: A History of Gender Biased Laws and the Promise of the Charter".
- 1989 Barrister and Solicitor, Law Society of Alberta.
- 1983 Master of Laws, University of Alberta, Edmonton. LL.M. Thesis: "Aspects of Alberta's Management of Provincially Owned Petroleum & Natural Gas".
- 1981 Bachelor of Civil Law, McGill University, Montreal.
- 1981 Bachelor of Common Law, McGill University, Montreal.

3. AWARDS, SCHOLARSHIPS AND DISTINCTIONS

- 1997 Law Society of Alberta Certificate of Merit.
- 1996 Law Society of Alberta Award for Distinguished Legal Scholarship.
- 1991 Participant in the Governor General's Study Course of Canada.
- 1990 Y.W.C.A. Woman of Distinction Award for the Advancement of Women, Calgary, Alberta.
- 1990 Participant in the President's Celebration of Excellence at The University of Calgary, Calgary, Alberta.
- 1989 Social Science and Humanities Research Council of Canada Doctoral Fellowship.

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5. PROFESSIONAL EMPLOYMENT RECORD

| | |
|--------------|---|
| 2001-present | Barrister & Solicitor, Code Hunter LLP |
| 1996-2000 | Barrister & Solicitor, Evans Martin & Wilson |
| 1996-present | Professor of Law, The University of Calgary |
| 1992-1996 | Dean, Faculty of Law, The University of Calgary, July 1, 1992 |
| 1992-present | Professor, Faculty of Law, The University of Calgary |
| 1992 | Acting Dean, Faculty of Law, The University of Calgary, January to June 30, 1992 |
| 1987-1992 | Associate Professor, Faculty of Law, The University of Calgary |
| 1986-1987 | Visiting Professor, Osgoode Hall Law School, York University, Toronto |
| 1984-1989 | Summer Sessional Instructor, Federal Department of Justice Common Law/Civil Law Exchange Program, Dalhousie University and University of Sherbrooke |
| 1985-1986 | Associate Professor, Faculty of Law, The University of Calgary |
| 1982-1985 | Assistant Professor, Faculty of Law, The University of Calgary |
| 1982-1983 | Researcher, Canadian Institute of Resources Law, Calgary |

(5)

6. COURSES TAUGHT

Advanced Legal Functions; Business Associations; Commercial Transactions; Contract Law; Evidence; Feminist Legal Theory; Gender, Equality and the Charter; Legal Process; Legal Profession & Ethics; Personal Property Security Law; Torts and Loss Compensation; Trial Evidence & Procedure.

7. BOARD MEMBERSHIPS

Board of Governors, National Judicial Institute, 2001- present

Advisory Committee for Constitutional Cases, Osgoode Hall Law School
Member, Y.W.C.A., Board of Directors, 1999-present

Member, Alberta Institute for Law Reform, 1998-present.

Chair of Advisory Committee on the Interim Moratorium on New Reproductive and Genetic Technologies, 1995 - 1997.

Member, Advisory Committee on the Interim Moratorium on New Reproductive and Genetic Technologies, 1997 - present.

Advisory Committee for the National Judicial Institute on Education Programs for Federally Appointed Canadian Judges, 1997-present.

Member, Council of Canadian Law Deans, 1992 - 1996.

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Honorary Bencher, Law Society of Alberta, 1992 - 1996.

Co-Chair of the Joint Committee of the Canadian Bar, the Law Society of Alberta and the Faculties of Law at the University of Calgary and the University of Alberta on Gender and Equality in the Legal Profession in Alberta, 1992 - 1996.

Member of the Joint Committee of the Canadian Bar, the Law Society of Alberta and the Faculties of Law at the University of Calgary and the University of Alberta on Gender and Equality in the Legal Profession in Alberta, 1990 - 1992 and 2000 until present.

Executive Member, Board of Directors, Canadian Institute of Resources Law, 1992 - 1996.

Executive Member, Board of Directors, Canadian Research Institute for Law and the Family, 1992 - 1996.

Advisor, Western Judicial Education Centre, 1989 - 1994.

IN THE MATTER OF THE COMMISSION OF
INQUIRY INTO THE WRONGFUL
CONVICTION OF DAVID EDGAR
MILGAARD

HONOURABLE MR. JUSTICE
EDWARD P. MacCALLUM
COMMISSIONER

AFFIDAVIT

HERSH WOLCH, Q.C.
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