

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

**DECISION ON DAVID ASPER APPLICATION FOR FUNDING**

On February 24, 2006 David Asper, having been granted Standing on February 22, applied for counsel funding.

Schedule B to the Rules applies and provides:

4. Approval [for funding] must be obtained in advance of any funded legal services.

Mr. Asper has asked that services rendered by his lawyer, Mr. Sorochan, between November 10, 2005 and January 30, 2006 be funded.

An application for retroactive funding is something that the Rules do not contemplate.

Mr. Asper is eligible for funding for preparation for his attendance as a witness, but not for other legal costs preceding February 22, 2006.

The Applicant meets the criteria for funding set out in Schedule A except for:

- c. The Applicant does not have sufficient financial resources to adequately represent that interest and requires funds to do so ...

The Applicant frankly concedes that he is a person of means, but argues that in fairness, other parties with Standing are funded by their employers or by the Commission, so why not him.

It is true that the Commission has not enforced a strict means test, but even if it had, most non-government parties would meet it, given the cost of legal representation.

I prefer not to draw comparisons as between parties. An Applicant should qualify on his own merits or not at all.

Another factor is that Mr. Asper seeks only partial reimbursement for Mr. Sorochan's fees which, I understand, exceed the amount recoverable under Schedule B.

Mr. Sorochan has stated his intention to do only that which is strictly necessary. Relying upon that assurance and given Mr. Asper's prominence in the reopening, it is fair that he receive reimbursement for legal services rendered to him as and

from February 22, 2006 by Donald J. Sorochn Q.C., to the extent provided by our Rules.

Given at Saskatoon in the Province of Saskatchewan this 1<sup>st</sup> day of March, 2006.

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**COMMISSIONER**