

*ONTARIO*  
COMMISSION OF INQUIRY

**THE ELLIOT LAKE COMMISSION OF INQUIRY**

**ELLIOT LAKE MALL ACTION COMMITTEE  
SENIORS ACTION GROUP OF ELLIOT LAKE  
INCREASED RESOURCE REQUEST**

April 3, 2013

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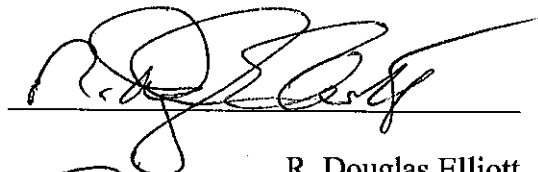
1. On November 8, 2012, the Commissioner granted full standing to ELMAC and SAGE, the latter on condition that it be represented by counsel for ELMAC.
2. Funding was recommended as requested for one senior counsel and one junior counsel. This funding was approved.
3. We now seek additional resources for ELMAC and SAGE.
4. We seek an increase from one senior counsel to two senior counsel.
5. We seek an increase from one junior counsel to two junior counsel.
6. The reasons for the changes requested are as follows.
7. Simply put, our team grossly underestimated the burden that this Inquiry would place on us.
8. We did not know anything about the schedule planned until we arrived in Elliot Lake. The pace is very demanding. The schedule continues to shift frequently. There has been little time for the out of town members of our team to return to their homes and practices. Contrary to our team's prior experiences, the Inquiry is not taking one week off in every four or five.
9. The volume of material, the rapid succession of witnesses and the pace has been significant and at times overwhelming.
10. Members of the Commission counsel team are able to spell off each other and keep the witnesses flowing. They have a team of 8 lawyers at least, plus an articling student, while we have a team of 2 lawyers struggling to keep up as best we can.
11. All 3 of our available senior counsel have been working hard on this file. We have often exceeded 20 hours of time per day collectively in this past month. We had to recruit an additional senior lawyer from Roy Elliott O'Connor, Mr. Roy, when Mr. Elliott was called away. We are not permitted to bill for any of the time in excess of 10 hours of

senior counsel time daily, unless an increase to two senior counsel is recommended by the Commissioner and approved by the Government.

12. This is putting an undue strain on our practices (we are all in small firms) and on our personal lives (only one of us lives in Elliot Lake).
13. We are being forced to forgo other work that offers more attractive hourly rates in order to meet the demands of this Inquiry. We take pride in the quality of our work, which we hope assists the Commissioner.
14. Our counsel group represents community based participants that include many persons directly impacted by the mall collapse. The only other participant with similarities is represented by Mr. Oatley. Although Mr. Oatley does not receive public funding, he has not yet attended the hearings. His associate attended the first day with an opening statement. This has meant that the burden of representing those directly impacted has been shouldered so far solely by our team.
15. Representing lay people with few resources and with little experience of legal proceedings is much more time consuming than representing well resourced clients who are experienced in dealing with the legal process and who often have permanent staff to assist. Our community based organizations are completely operated by volunteers.
16. Since we are so closely connected with the community, we also find that members of the community are approaching us frequently with new information and witnesses for the Commission. While we agreed to take on the SAGE organization at the suggestion of Commission counsel, their demands on our time have exceeded our expectations. Despite our best efforts for them, they remain somewhat dissatisfied with the amount of time that we have been able to offer them. We do not wish to have them unrepresented,

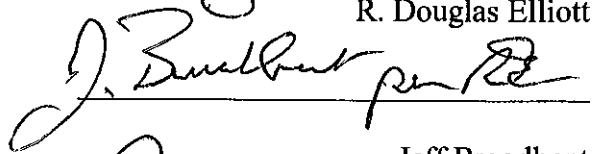
but if we do not obtain additional resources we will have to look at ways to limit the demands on our time.

17. Because the community is small, and each of our senior counsel has ties to the community, we are frequently running into situations where we have to juggle and re-assign witnesses as we learn of potential difficulties for counsel examining witnesses. These are generally not true conflicts, but rather situations in which we believe that it would be inappropriate for certain of our senior counsel to examine a particular witness. Often, because we receive the "will say" statements and the relevant documents just on the eve of witness evidence, the changes at our end have to be made very hastily and in difficult circumstances. Greater resources would enable us to cope with this unavoidable reality more effectively.
18. If we were to be given increased resources, to two senior counsel and two junior counsel, we would be able to follow the same approach as the Commission counsel. One team would be in the hearing room and another team would be preparing for future witnesses outside the hearing room.
19. It would also provide an opportunity for us to allow our counsel a week or two back home from time to time.



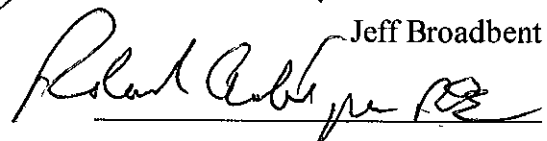
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R. Douglas Elliott



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Jeff Broadbent



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