

Nov 7/05  
Exhibit # 13

**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY  
The Honourable G. Normand Glaude, Commissioner**

**AND IN THE MATTER OF an Application by Jaques Leduc for Standing**

**AND IN THE MATTER OF an Application by Jacques Leduc for Funding**

**B E T W E E N:**

**THE CORNWALL INQUIRY**

**and**

**JACQUES LEDUC**

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**APPLICATION FOR STANDING AND FUNDING**

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**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY  
The Honourable G. Normand Glaude, Comissioner**

**AND IN THE MATTER OF an Application by Jaques Leduc for Standing**

**AND IN THE MATTER OF an Application by Jacques Leduc for Funding**

**BETWEEN:**

**THE CORNWALL INQUIRY**

**and**

**JACQUES LEDUC**

**NOTICE OF APPLICATION**

**TAKE NOTICE** that the Applicant will bring an Application on Monday, the 7<sup>th</sup> day of November, 2005, at 709 Cotton Mills Street, Cornwall, at 10:00 in the forenoon or so soon as this Application may be heard for an Order allowing the Applicant standing to take part in the proceedings and for an Order recommending that the Province of Ontario fund the Applicant's participation.

**THE GROUNDS FOR THIS APPLICATION ARE:**

**A. Standing**

1. The Applicant is an individual who has a direct and substantial interest in the subject matter of this Inquiry;

2. The Applicant has extensive information, experience and firsthand knowledge of the institutional response to the justice system and other public institutions in relation to allegations of historical abuse of young people in the Cornwall area;
3. The Applicant represents a distinct and ascertainable interest and perspective which is essential to the Commission's mandate;

Such further and other grounds as counsel may advise and this Honourable Court may permit.

**B. Funding**

1. The Applicant will not be able to participate in the Inquiry without funding;
2. It is anticipated that funding will be required for the following:
  - a) Two senior counsel and one junior counsel;
  - b) Accommodations while in Cornwall;
  - c) Disbursements, such as photocopies, faxes, etc.
3. Such further and other grounds as Counsel may advise and the Honourable Commissioner may permit.

**STATUTORY PROVISIONS OR RULES UPON WHICH THE APPLICANT PLACES RELIANCE ARE:**

1. *Public Inquiries Act, R.S.O. 1990, Chapter P. 41;*
2. *The Cornwall Public Inquiry Rules of Procedure and Practice;*
3. Such further and other provisions as counsel may advise and the Honourable Commissioner may permit.

**IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:**

1. Written Submissions for Standing;
2. The oral submissions of counsel;
3. Such further and other material as counsel may advise and the Honourable Commissioner may permit.

**THE RELIEF SOUGHT IS:**

1. An Order granting the Applicant full standing in Parts I and II of the Cornwall Inquiry;
2. An Order allowing funding of the Applicant's participation.

**THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION:**

1. By service through counsel at 202-445 King Street West, Toronto, Ontario, M5V 1K4, fax (416) 368-6640.

**DATED** at Toronto 1<sup>st</sup> day of November, 2005.

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**Counsel for the Applicant**

**TO: THE CORNWALL INQUIRY**  
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**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY  
The Honourable G. Normand Glaude, Commissioner**

**AND IN THE MATTER OF an Application by JACQUES LEDUC for Standing**

**AND IN THE MATTER OF an Application by JACQUES LEDUC for Funding**

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**APPLICATION FOR STANDING AND FUNDING**

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**INTRODUCTION**

1. The Honourable Mr. Justice Normand Glaude has been appointed as the Commissioner of the Cornwall Public Inquiry. Pursuant to the terms of its mandate, Part I of the Inquiry will inquire into and report on the institutional response of the justice system and other public institutions, including the interaction of that response with other public and community sectors in relation to:

- a) allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations, and
- b) the creation and development of policies and practices that were designed to improve the response to allegations of abuse

The goal of the Commission is to make recommendations directed to the further improvement of the response in similar circumstances. Part II of the Inquiry will inquire into and report on processes, services or programs that will encourage community healing and reconciliation in Cornwall.

2. The Applicant, Jacques Leduc, seeks standing in relation Parts I and II of the Inquiry. It is respectfully submitted that with respect to Part I, the Applicant as one of the individuals charged as a result of Project Truth has a direct and substantial interest in the Inquiry. It is anticipated that his will be one of the cases examined by the Commission. With respect to Part II, it is respectfully submitted that the Applicant as a result of his experience may make meaningful submissions from a perspective distinct from other participants.

### **APPLICATION FOR STANDING**

3. In its *Rules of Practice and Procedure*, this Honourable Commission has stated that standing will be granted to all persons who satisfy the Commission that they:

- a) Are directly and substantially affected by Part I of the Inquiry in which event the party may participate in accordance with s. 5(1) of the *Public Inquiries Act*, or
- b) Represent distinct ascertainable interests and perspectives that are essential to his mandate in Part I, which the Commissioner considers ought to be separately represented before the Inquiry, in which even the party may participate in a manner to be determined by the Commissioner.

As will be discussed below, it is respectfully submitted that the Applicant satisfies both parts of this test.

4. Section 5(1) of the *Public Inquiries Act* provides as follows:

A commission shall accord to any person who satisfies it that the person has a substantial and direct interest in the subject-matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by counsel on evidence relevant to the person's interest.

5. In *Re Royal Commission on Conduct of Waste Management* (1977), 80 D.L.R. 76 (Ont. H.C.) Lerner J. interpreted s. 5(1) of the provincial *Inquiries Act* as follows.

Subsection (1) requires the Commission to accord to any person who satisfies it that he has a substantial and direct interest in the subject-matter of the inquiry, an opportunity to give evidence and to call and examine witnesses or cross-examine other witnesses who testify. A person having a substantial and direct interest in the subject-matter of the inquiry, therefore, is by the mandatory provision of s-s. (1), to be accorded "standing" before the Commission and, in effect, to participate as an independent party. This is a right which has important implications for such a person in that he is not dependent upon the decisions of Commission counsel in the placing of relevant evidence before the Commission.

6. The provisions of s. 5 were further considered in *Re Royal Commission on the Northern Environment* (1983), 144 D.L.R. (3d) 416 (Div. Ct.) in which the Court considered the right of individuals to participate fully in a public inquiry, to present evidence, to call witnesses and to cross-examine witnesses. Linden J. noted, "Our courts have rightly sought, in supervising public inquiries in this province over the years, to foster full and open discussion... In recent years this policy has led to a marked liberalization of the rules of standing in the courts of this country". In *Re Royal Commission*, the Court found that the Commissioner had erred in not granting standing to a native group due to concerns that he would have to grant standing to all similar groups. "If participation rights are given to individuals by the statute, they are entitled to exercise those rights, even though it may slow down the work of the commission".

#### **BACKGROUND OF THE APPLICANT**

7. The Applicant, Jacques Leduc, is 54 years old. He was born in Cornwall where he has lived with his family his entire life. Having spent his life residing in Cornwall, the Applicant always held a strong personal interest in and dedication to his community. He and his family participated extensively in their community. The Applicant was extremely active in the Cornwall community and took pride in devoting time to his community. Professionally, he was the lawyer to the diocese of the Catholic Church, a high profile position in this primarily



Catholic city. He was also involved in politics, hospital committees, the Knights of Columbus, various charities and school boards.

8. The Applicant graduated from the University of Ottawa Law School in 1976. He completed his articles in Cornwall and has been practicing law primarily in the Cornwall area since being called to the bar on April 19, 1978. One year prior to being called to the bar, the Applicant married his wife, Josette Pawson. They have a 23-year-old daughter.

9. On June 22, 1998, the Applicant's life was shattered when he was charged with various sexual offences in relation to three complainants in Cornwall. Mr. Leduc was the last of a series of individuals who were criminally charged as a result of the "Project Truth" police investigation. The Applicant's arrest immediately became the subject of intense media and community scrutiny. The proceedings lasted for over six years until November 10, 2004 when the charges were stayed by the Honourable Mr. Justice Platana of the Superior Court of Justice. The Applicant maintained his innocence throughout.

10. The charges against the Applicant attracted a great deal of attention. The proceedings and the publicity took what can only be described as a devastating toll the Applicant and his family, both emotionally and financially. Media interest in the Applicant's case was intense. Every time the allegations were reported, the Applicant would receive telephone calls from clients asking for the return of their files. Comments about the Applicant's life and charges were disseminated over the Internet, including having his name placed on a list of alleged "pedophiles". As a result of the publicity, the Applicant's reputation in the community was irreparably tarnished. Also as a result of the criminal charges, the Applicant's personal safety was compromised as he was the target of repeated acts of vandalism and harassment by anonymous persons. These acts of

vandalism, harassment and abuse terrorized the Applicant and his family to the point where they no longer felt safe in their own community.

**DIRECT & SUBSTANTIAL INTEREST IN THIS INQUIRY**

11. It is respectfully submitted that Jacques Leduc readily meets the test of holding a "substantial and direct" interest in the subject matter of this Inquiry as follows:

- (1) The Applicant was the lawyer on behalf of the Diocese in respect of the civil settlement between the Diocese and the first complainant, Mr. S. It is anticipated that this issue will be directly addressed by the Inquiry;
- (2) The Applicant is one of the individuals who was criminally charged as a result of the allegations of historical abuse which is the direct subject matter of the inquiry; and
- (3) The Inquiry will consider the Applicant's case directly as part of its mandate.

12. The Applicant's trial proceedings directly raised issues regarding the manner in which the police investigation into the allegations of historical abuse was conducted. The Applicant's motion for a stay proceedings as a result of the delay considered specifically the response of the police, including former police officer Perry Dunlop, into the claims of abuse. As a result of his proceedings, the Applicant adduced extensive factual information regarding the manner in which the police investigations were conducted. In addition, the Applicant directly addressed the incorrect but claim that the Cornwall community had a "clan of pedophiles to which the Applicant belonged" and that there was a "conspiracy of silence" to bury sexual abuse claims. The Applicant has significant contributions to make to the examination of this issue.

13. The issues raised in the Applicant's own criminal proceedings fit squarely within this Honourable Commission's mandate. As a result of his experience, knowledge and

documentation in his possession, the Applicant is able to offer a distinct and ascertainable perspective to this Honourable Commission which will contribute to the Commission's fact finding process. In addition, the Applicant will be directly and substantially affected by the Commission's factual inquiry.

14. Additionally, as a result of his extensive history in the Cornwall community and personal experiences as a person charged with criminal offences alleging sexual abuse, Mr. Leduc is able to offer a valuable contribution to the Inquiry in relation to issues involving the police investigation of these allegations, the institutional response of the justice system, the response of community and public institutions to allegations of abuse.

15. As a lifelong community member, he is also able to offer valuable input and advice regarding Part II of the Inquiry and the creation and development of policies and practices to improve the response to allegations of abuse. He is also able to assist the Commission in developing recommendations to improve of the response in similar circumstances. As someone who has himself been marginalized from his community as a result of the false allegations against him, Mr. Leduc is anxious to partake in community healing and reconciliation in Cornwall.

### **APPLICATION FOR FUNDING**

16. Section 59 of the *Rules of Practice and Procedure* provides:

The Commission may make recommendations to the Attorney General regarding funding to parties who have been granted standing, to the extent of the party's interest, where in the Commission's view the party would not be otherwise able to participate in the Inquiry without such funding.

17. In order to participate in this Honourable Inquiry, the Applicant requires financial assistance from the government. The Applicant's resources have been depleted by six years of criminal proceedings which involved a preliminary inquiry, two trials in Superior Court, a Crown appeal to the Ontario Court of Appeal and a leave application to the Supreme Court of Canada. The Applicant continues to practice law in Cornwall though his debts incurred in relation to defending against the criminal charges far exceed any assets or income.

18. The impact of the criminal charges on the Applicant's law practice was nothing short of devastating. Upon being criminally charged in June, 1998, the Applicant contacted his clients to inform them that he had been arrested and to advise them that they had the option of retaining other counsel. Many clients chose to retain other counsel. Each eruption of publicity had a ripple effect on his law practice as clients continued to contact him to ask for their files back. This pattern in relation to the news coverage was continuous throughout the six years he was charged as clients continued to fire the Applicant because of the charges. In 2001, the Applicant's law partnership dissolved as a result of issues relating to the charges. The professional and financial impact of losing both his client base as well as prospective clients over a six-year time frame was extensive. As a result of the extended legal proceedings, the Applicant had to set aside significant periods of his own professional time in order to attend court. As a result, his law practice was held in limbo for six years while he awaited resolution of the charges. The Applicant's financial issues were exacerbated by the illness of his wife and her inability to return to work full-time.

19. Between 1998 and 2004, the Applicant was responsible for all of the expenses incurred defending against the false allegations. The legal proceedings included a preliminary hearing, two trials and a Crown appeal. Because he was a lawyer practicing in the Cornwall area, he had


to consistently retain out of town counsel to represent him including the additional expenses which necessarily accompany retaining lawyers from out of the area. These legal expenses were exacerbated by repeated delays caused by the ongoing police investigation and various disclosure issues.

20. Prior to being criminally charged, the Applicant and his wife owned a cottage as the result of an inheritance and enjoyed substantial equity in their family home. As a result of the legal proceedings, both the cottage and the family home are mortgaged fully. The Applicant also had to borrow money from family members to cover his legal expenses. The Applicant has yet to recover financially from the costs of his legal proceedings, and continues to replay these loans.

### **CONCLUSION**

21. The Applicant requests funding for two senior counsel and one junior counsel throughout the inquiry. With the assistance of junior counsel, the fees and expenses incurred can be limited. Junior counsel can conduct legal research, assist in the preparation of the examination of witnesses and, where deemed appropriate, attend the Inquiry and conduct examinations.

All of which is respectfully submitted,

  
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