

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

AND IN THE MATTER OF SUPPLEMENTARY FUNDING FOR THE
CITIZENS for COMMUNITY RENEWAL

MOTION RECORD

Helen Daley
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Community Renewal

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TAB DOCUMENT

1. Notice of Motion
2. Affidavit of Juda Strawczynski sworn April 29, 2008

TAB ONE

**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
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**AND IN THE MATTER OF SUPPLEMENTARY FUNDING FOR THE
CITIZENS for COMMUNITY RENEWAL**

NOTICE OF MOTION

THE MOVING PARTY, CITIZENS FOR COMMUNITY RENEWAL (CCR), will bring a Motion before the Commissioner on the 2nd day of May, 2008, at 9:30 a.m., or so soon thereafter as this motion can be heard at 709 Cotton Mill Street, Cornwall, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. An order pursuant to Rule 58 of the *Rules of Practice and Procedure of the Cornwall Public Inquiry*, and the Commissioner’s ruling of June 30, 2006 for a recommendation for additional funding, in particular:

-an additional allocation of 750 hours for law clerk funding

-an additional allocation of 30 days for second counsel funding

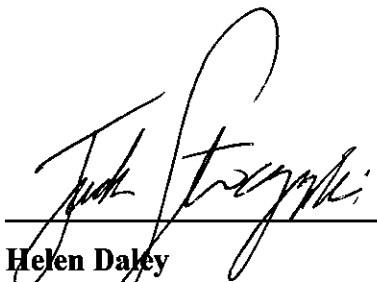
THE GROUNDS FOR THE MOTION ARE:

2. Additional funding is, or will soon be required as a result of changes in circumstance, the increased scope of disclosure, and the extended number of hearing days now planned for the Cornwall Public Inquiry.

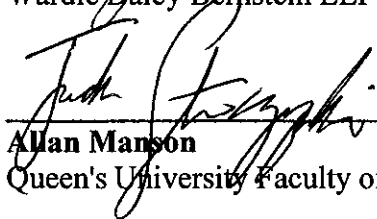
THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE RELIED UPON:

- 3. (a) Affidavit of Juda Strawczynski sworn April 29, 2008;
- (b) Such further evidence as counsel may advise and the Commissioner may permit.

April 29, 2008

per 

Helen Daley
 Wardle Daley Bernstein LLP

per 

Allan Manson
 Queen's University Faculty of Law

Counsel for Citizens for Community
Renewal

TAB TWO

**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
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**AND IN THE MATTER OF SUPPLEMENTARY FUNDING FOR THE
CITIZENS for COMMUNITY RENEWAL**

**AFFIDAVIT OF JUDA STRAWCZYNSKI
(sworn April 29, 2008)**

I, Juda Strawczynski, of the City of Toronto, in the Province of Ontario, Barrister
MAKE OATH AND SAY:

1. I am an associate lawyer with Wardle Daley Bernstein LLP, counsel to the
Citizens for Community Renewal at the Cornwall Inquiry (the "Inquiry"). To the extent
that this affidavit is based upon information from others, I believe that information to be
true.

2. I make this affidavit in support of the Citizens for Community Renewal's
application for supplementary law clerk funding and for supplementary funding for a
second counsel attendance fee.

Law Clerk Funding

3. In the Commissioner's Supplementary Rule on Funding released June 30, 2006,
the Commissioner recommended funding for the Citizens for Community Renewal
("CCR") for up to 400 hours for one clerk to assist in document management. The
Commissioner also indicated that he would review this funding formula with counsel at a
later date, if necessary.

4. Michelle Nash ("Nash") is a law clerk/litigation support manager, assisting
Wardle Daley Bernstein LLP, counsel to CCR at this Inquiry. I am advised by Nash and
believe that she has 23 years of experience as a litigation law clerk, with particular
expertise in document/data intensive litigation cases. I am further advised by Nash and
believe that she has extensive data management experience in multiple litigation support

software systems. I am further advised by Nash and believe that in addition to providing assistance in a variety of complex civil litigation matters, Nash also assisted the Wardle Daley Bernstein LLP team on the Inquiry into Pediatric Forensic Pathology in Ontario (“the Goudge Inquiry”), where she assisted counsel with document and database management.

5. I am advised by Helen Daley and believe that Nash began assisting the CCR legal team on April 28, 2006, when her role was mainly to convert and load data provided by the Inquiry into a Summation database for the legal team to use throughout the Inquiry process.

6. Steven Canto (“Canto”) was heavily involved with data entry and retrieval for CCR until he left Wardle Daley Bernstein LLP to join another law firm in February, 2008. At this time, with the increased rate of work and the growing disclosure, Nash was asked to play a larger role in the database searching and preparation of witness briefs.

7. Nash presently performs the following tasks on a regular basis:

- (a) downloads and organizes Inquiry transcripts;
- (b) inputs exhibit cross-references into the database;
- (c) inputs LOD references into the database, and inputs LOD materials into witness indexes which assist counsel in developing witness briefs;
- (d) updates data in the database to cross-reference victims, perpetrators, institutions, key persons or persons of interest to assist with identifying documents for upcoming witnesses;
- (e) prepares chronologies to assist the legal team in preparing for future witnesses and Rule 38 notices, as well as final submissions;
- (f) reviews new documents and data received from the Inquiry and identifies key documents for future witnesses;

- (g) converts and loads data received from the Inquiry into Summation database;
- (h) provides assistance to the CCR legal team in utilizing Summation database features to assist with cross-examination preparation and final submissions; and
- (i) updates all legal team mobile computers with server on a regular basis to facilitate sharing of information and data among team members.

8. As of April 28, 2008, Nash has spent 382 hours assisting the CCR legal team.

9. As Nash’s role has changed significantly since February, 2008, her billable hours have also increased. Nash’s continued involvement at this level will require a further budget of up to 40 hours per week until such time as final submissions are completed.

10. I am advised by Helen Daley and Allan Manson, counsel to CCR, and believe that if Nash’s law clerk/litigation support skills are not used to full capacity, then counsel will have to do some of the tasks currently assigned to her. Such a result would be inefficient and ultimately more costly.

Second Counsel Attendance Fees

11. In the Commissioner’s Supplementary Rule on Funding released June 30, 2006, the Commissioner recommended funding for the CCR for a second counsel attendance fee, which was limited to a maximum of thirty days. The second counsel attendance fee was also limited to 75% recovery.

12. To date, the CCR have had a second counsel attend hearings on 20 days. A summary of the dates, counsel in attendance, and witnesses are as follows:

Date	Counsel Present	Witness
24/07/2006	Peter Wardle and Steven Canto	Cameron Nethery, Mary
17/10/2006 to 18/10/2006	Peter Wardle and Steven Canto	Seguin, Alain and Lavoie, Andre

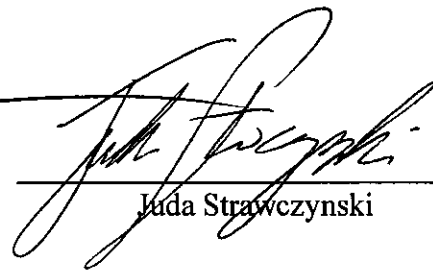
30/01/2007 to 01/02/2007	Peter Wardle and Steven Canto	Silmser, David
19/06/2007 to 20/06/2007	Helen Daley and Steven Canto	C-14 and Renshaw, Gerald
27/06/2007 to 29/06/2007	Helen Daley and Allan Manson	Leroux, Ron
13/08/2007 to 15/08/2007	Helen Daley and Allan Manson	Leroux, Ron
17/09/2007 to 19/09/2007	Peter Wardle and Steven Canto	Dunlop, Perry
05/12/2007 to 06/12/2007	Allan Manson and Steven Canto	Downing, Paul; Leger, Marcelle and Quinn, Louise
04/08/2008	Allan Manson and Juda Strawczynski	Brunet, Luc

13. I am advised by Helen Daley and Allan Manson, and believe that second counsel appearances have been used solely when needed when a key witness has testified at the Inquiry, during periods of transition, and to acquaint junior counsel with the Inquiry environment.

14. I am further advised by Helen Daley and Allan Manson, and believe that the CCR expects to exhaust the 30 day second counsel appearance fee limit before the conclusion of the Inquiry. The Inquiry has yet to hear from several key witnesses for which the CCR is likely to require a second counsel to appear at the hearing. Counsel for the CCR also foresee some transition periods for which a second counsel appearance may be necessary.

SWORN BEFORE ME at the City of Toronto, on April 29, 2008.

 Commissioner for Taking Affidavits
 Daniel Bernstein


 Juda Strawczynski

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