

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
Wardle Daley Bernstein LLP

Counsel for Citizens for
Community Renewal

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TAB ONE

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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 13th day of November, 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*, for a recommendation for additional funding, in particular:

-an additional allocation of up to 750 hours for law clerk 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 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 November 4, 2008;
- (b) Such further evidence as counsel may advise and the Commissioner may permit.

November 5, 2008



Helen Daley
Wardle Daley Bernstein LLP

Counsel for Citizens for Community
Renewal

TAB TWO

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**

**AFFIDAVIT OF JUDA STRAWCZYNSKI
(sworn November 5, 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.

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. In the Commissioner's Supplementary Rule on Funding released May 12, 2008, the Commissioner recommended funding for the Citizens for Community Renewal ("CCR") for up to an additional 675 hours for law clerk funding. The total allocation to date has accordingly been 1075 hours.

5. 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. 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.

6. 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.

7. Since February 2008, with the increased pace at which evidence is being tendered and the growing disclosure of documents as the Inquiry hears the Institutional Response evidence, Nash has had to play a larger role in the database searching and preparation of witness briefs.

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

- (a) downloads and organizes Inquiry transcripts;
- (b) inputs exhibit cross-references in the database (i.e. attaches the begdoc number to the exhibit number);
- (c) inputs LOD references into the database, and inputs LOD materials into witness indexes which assist counsel in developing Rule 38 notices and 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 and, at a later stage, to assist in the preparation of CCR’s final submissions;
- (e) creates specific 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 our Summation database;
- (h) provides assistance to the CCR legal team in utilizing Summation database features to assist with our cross-examination preparation and final submissions; and
- (i) updates all legal team mobile computers to the firm's server on a regular basis to facilitate sharing of information and data among team members.

9. As of end of day of October 31, 2008, Nash has spent 1,010.2 hours assisting the CCR legal team out of the total of 1075 hours allocated for law clerk services. This leaves CCR with 64.8 hours of remaining law clerk time as of October 31, 2008.

10. As noted in my affidavit in support of additional law clerk funding sworn April 29, 2008, Nash's role has changed significantly since February, 2008, and her billable hours have consequently also increased. This remains true as of the date of this affidavit.

11. Based on Nash's previous hours worked in preparing for hearings, I estimate that Nash could need as much as 40 hours per week to complete her tasks between now and January 30, 2009 when the Phase I evidence will be complete. Nash's involvement will intensify over the three week period November 14th to December 7th inclusive, because I will be absent from work and unable to assist the CCR team in any fashion during that time.

12. During February 2009, when the CCR legal team will be focusing exclusively on preparing its final submissions, it is expected that Nash will perform the following tasks:

- (a) Prepare and/or revise chronologies to assist the legal team;
- (b) provide assistance to the CCR legal team in utilizing Summation database features;

- (c) assist the CCR legal team in retrieving exhibit and transcript references to be incorporated into final submissions;
- (d) assist in formatting, editing, and producing final submissions; and
- (e) assist the CCR legal team in closing its file in accordance with the requirements set by the Cornwall Public Inquiry with respect to information management.

13. I estimate that Nash could work up to 40 hours per week for the period from January 30, 2009 through the closing of the CCR file.

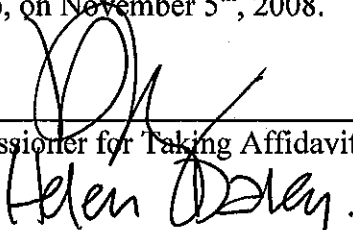
14. I am advised by Helen Daley, counsel to CCR, and believe that if Nash's law clerk/litigation support skills are not used to full capacity, then counsel will have to do some of the tasks currently assigned to her. Such a result would be inefficient and ultimately more costly.

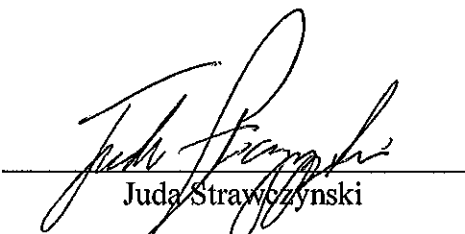
15. In the interests of efficiency and economy, counsel for the CCR are presently working in collaboration where possible with counsel for the Victims' Group, and sharing our respective document management resources. I believe that some of Nash's work will benefit counsel for the Victims Group in addition to providing essential services to the CCR legal team.

16. It total, I estimate that Nash could require up to an additional 640 hours above the total hours of law clerk funding provided to date to CCR. I believe that an additional 640 hours of law clerk funding would enable Nash to continue to assist CCR through to the completion of the Cornwall Public Inquiry, including submissions and counsel's obligations thereafter to close the file.

SWORN BEFORE ME at the City of Toronto, on November 5th, 2008.

Commissioner for Taking Affidavits


Helen Daley.


Juda Strawczynski