

DATE: 2007-10-02

**INQUIRY INTO PEDIATRIC FORENSIC PATHOLOGY IN
ONTARIO**

SUPPLEMENTARY RULING ON FUNDING

COMMISSIONER GOUDGE:

On August 17, 2007 I issued my ruling on standing and funding. At the end of my reasons I left it open to the parties whom I recommended be granted funding to apply for additional funding to deal with exceptional circumstances. I have received supplementary applications from the Affected Families Group and the Criminal Lawyers Association (“CLA”). In addition, I have received an application from the Ontario Crown Attorneys Association (“OCAA”) for funding for hardware and software required to make use of the Inquiry’s database.

Affected Families Group

The Affected Families Group is represented by two law firms, one of which is located in Toronto (Wardle Daley) and one of which is located in Peterborough (Hauraney and

Kirkpatrick). Counsel for the Affected Families Group submit that this geographical separation make it very difficult to manage their time to meet the 10 hour daily maximum.

They have requested that I modify my ruling in order to provide that the hours for preparation time be limited to 70 hours a week but that they need not conform to a daily maximum.

I am persuaded that this is reasonable and necessary in order for counsel for the Affected Families Group to manage their time. It conforms to the spirit of my original ruling and does not increase the maximum number of hours per week. I recommend funding on this basis from the date of my pervious ruling.

CLA

The CLA is seeking permission to add a fourth counsel to its roster of counsel. The proposed addition, Mr. Jeffrey Manishen, is a senior and highly experienced counsel, whom the CLA believes would be an invaluable addition to their team. The CLA has agreed that it will abide by my previous funding recommendation, which provides a

maximum of 10 hours remuneration per day for one counsel only and that it will continue to undertake best efforts to minimize duplication of work. I agree. Mr. Manishen may be added to the CLA's roster of counsel.

Second, the CLA requests funding for summation licenses to access the Inquiry's database and has demonstrated that it does not have the financial resources to obtain these itself. I recommend one summation network license, plus three summation mobile licenses for the CLA to be distributed to those on the team best suited to hold those licenses.

OCAA

The OCAA has not previously applied for funding. However, it now says that it will cost \$20,000 to \$30,000 in order to purchase the hardware and software necessary to review the Inquiry's database and to maintain it. By far the biggest part of this is for software. Given OCAA's financial commitments for the year, it submits that a cost of this size is prohibitive, particularly in a year where it is facing other substantial litigation expenses.

In the circumstances, and to permit its effective participation, I think OCAA's request should be granted in large measure. I therefore recommend that OCAA's request for software, namely for one server license and five mobile licenses at a total cost of \$16,160.35 plus taxes be granted.

RELEASED: October 2, 2007



Stephen Goudge
Commissioner