1		Vancouver, B.C.
2		December 14, 2011
3		(PROCEEDINGS RECONVENED AT 10:03 A.M.)
4	THE	REGISTRAR: Order. This hearing is now resumed.
5	THE	COMMISSIONER: Yes.
6	MR.	VERTLIEB: Thank you, Mr. Commissioner. This morning will
7		be a day for dealing with some procedural issues.
8		We won't need to spend the whole day. We have a
9		couple of things that do need to be dealt with.
10		One, Mr. Nathanson wishes to address you for a few
11		minutes on a matter that's important to him; and
12		then I would like to discuss the witness list and
13		how that's developing, because that's still a work
14		in, in process.
15	THE	COMMISSIONER: All right.
16	MR.	VERTLIEB: So, perhaps first we could hear from Mr.
17		Nathanson.
18	THE	COMMISSIONER: Thank you. Mr. Nathanson.
19	MR.	NATHANSON: Good morning, Mr. Commissioner. I appreciate
20		being given the time to speak to you briefly about
21		a matter.
22	THE	COMMISSIONER: Yes.
23	MR.	NATHANSON: I have read the cross-examination of DC LePard
24		by Mr. Roberts and your comments on December 1st
25		of 2011, and I would like to address you with

respect to those. 1 2 I have handed up a brief booklet. At tab 1 3 is the Chapter 8 from the quote of professional, 4 Professional Conduct Handbook, and if you turn to 5 the last page, under footnote number 1, it deals with counsel and his role or her role in cross-6 7 examination. The Supreme Court of Canada in R. v. Lyttle 8 reviewed the question what foundation counsel 9 must have before cross-examining a witness on 10 11 an issue and concluded that a lawyer may 12 pursue any hypothesis that is honestly advanced on the strength of reasonable 13 14 inference, experience or intuition. 15 At tab 2, is the case of R. v. Lyttle, the decision of the Supreme Court of Canada, the 16 judgement of Justices Major and Fish. And if I 17 could ask you please to turn to page 9, paragraphs 18 19 46 to 48. Page 9, paragraph 46. 20 THE COMMISSIONER: Yes. This appeal concerns the constraint on 21 MR. NATHANSON: 22 cross-examination arising from the ethical and legal duties of counsel when they allude 23 24 in their questions to disputed and unproven 25 facts. Is a good faith basis sufficient or

is counsel bound, as the trial judge held in this case, to provide an evidentiary foundation for the assertion?

Unlike the trial judge, and with respect, we believe that a question can be put to a witness in cross-examination regarding matters that need not be proved independently, provided that counsel has a good faith basis for putting the question.

It is not uncommon for counsel to believe what is in fact true, without being able to prove it otherwise than by cross-examination; nor is it uncommon for reticent witnesses to concede suggested facts -- in the mistaken belief that they are already known to the cross-examiner and will therefore, in any event, emerge.

In this context, a "good faith basis" is a function of the information available to the cross-examiner, his or her belief in its likely accuracy, and the purpose for which it is used. Information falling short of admissible evidence may be put to the witness. In fact, the information may be incomplete or uncertain, provided the

cross-examiner does not put suggestions to 1 2 the witness recklessly or that he or she 3 knows to be false. The cross-examiner [and 4 this is the point] may pursue any hypothesis 5 that is honestly advanced on the strength of 6 reasonable inference, experience or 7 intuition. 8 At tab 3, Mr. Commissioner, is an extract from your comments at the beginning of the day on 9 December 1, 2011. They could be taken, whether 10 11 you intended this or not, they could be taken as a criticism of Mr. Roberts for his cross-examination 12 of DC LePard and the suggestion that DC LePard was 13 14 lying or not telling the truth with respect to a 15 particular matter. I note at tab 3 you say this, commencing at 16 line 14: 17 I am very troubled by some of the allegations 18 19 that were made yesterday, specifically the 20 allegation that this witness, DC LePard, was lying. I am troubled by those allegations 21 22 and I am taking the unusual step at this stage to say that I see no evidence of that, 23 none. I see at most a strong difference of

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opinion between Mr. Roberts and the deputy

chief. 1 2 And I pause here to say, of course, that the 3 evidence in this inquiry is at a very early stage. 4 Dropping down a line, to 25: 5 But when allegations of that sort are made, inflammatory in nature, they can reverberate 6 7 and have consequences. And it must be kept 8 in mind that we must treat witnesses with 9 respect. And I pause, and certainly counsel must treat 10 11 witnesses with respect, but if counsel honestly 12 believes that there is a basis for putting a 13 proposition to a witness in cross, that is, in my respectful submission, the prerogative of counsel 14 15 and, and counsel must be permitted to act in the interests that counsel is advancing. 16 17 And I say, Mr. Commissioner, I have a great, the greatest of respect for you, as I think you 18 19 know, but I think that these comments may have 20 been mistaken by you and, and I think it should not be left for Mr. Roberts to make the 21 22 submission, so I am making it today. 23 Let me go on, just to complete the thought. 24 If I carry on in the transcript, the second page, 25 at line 9:

1	And I am just troubled by those allegations
2	and, as I said a moment ago, there is no
3	evidence here so far that he has lied, and I
4	want to make that clear. Again, I preface my
5	remarks by saying that I I'm not
6	prejudging the case. At the end of the day
7	I'll have to decide issues of credibility and
8	I'll have to make some findings of fact, but
9	I would ask the lawyers here to be careful in
LO	cross-examination.
L1	And then you speak about the serious
L2	allegations and, and matters being, passions being
L3	high. And at line 24:
L 4	this witness, who, as I said again I
L5	said a moment ago, and I'll say it again, has
L 6	been consistent throughout in his position,
L7	in his honestly held opinion.
L8	Well, it is an early stage, and for you to,
L9	to declare this is his honestly held opinion has
20	the appearance of, of prejudging
21	THE COMMISSIONER: Not at all, and I am going to cut you off
22	there, Mr. Nathanson. That isn't what I said. I
23	said, yes, it's an honestly held opinion, but
24	that's subject to, to further change. I mean, it
25	may well be, at the end of the day, that I will be

convinced otherwise.

But, you know, first of all, I don't want to get sidetracked on this, what I consider to be a side issue. The inquiry here has important functions to perform. And, you know, I'm, I'm hearing you as a matter of courtesy, but I want to say at the outset, there is no suggestion at any time that Mr. Roberts acted unethically or acted improperly. His reputation in the bar here in Western Canada is well-known. He's one of the best counsel in Western Canada. He's appeared before the courts for over 40 years. So, there is no suggestion at all that he acted improperly or he is acting unethically. I didn't suggest that.

What I said was that some of that language was inflammatory and we have to think of the consequences it has on people who come in here and testify, particularly a police officer who may well be harmed in the, in his future when comments and allegations of that sort are made. That was my purpose in saying that.

I do not reach any premature conclusions. At the end of the day, Mr. Roberts or other counsel might well convince me that, that what LePard said was not true. That may well be. But what I saw

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at that stage was major inconsistencies and the
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                   honestly held opinions of two different -- two
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                   people. That's really what I saw. And so I stand
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                   by that. But there's no suggestion for a minute
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                   that, that what Mr. Roberts did was unethical or
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                   improper.
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      MR. NATHANSON: Well, I appreciate your comments,
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                   Mr. Commissioner. I will simply say this. I
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                   appreciate that you have a very serious
                   responsibility and counsel in this inquiry has a
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                   serious responsibility --
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      THE COMMISSIONER: Yes.
      MR. NATHANSON: -- to pursue what counsel thinks is in the best
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                   interests --
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      THE COMMISSIONER: Yes.
      MR. NATHANSON: -- of the interests being represented.
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      THE COMMISSIONER: Yes. And I will go further and say that
                   this commission of inquiry is grateful for the
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                   presence of, of Mr. Roberts. He's pro bono and
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                   he's discharging the duties in the finest
                   tradition of the bar, and that's very much
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                   appreciated. And, you know, for this inquiry to
                   have counsel of his ability and his stature is,
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                   is, is something that, that we're fortunate to
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                   have. Both he and Mr. Baynham have come here and
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given their time to the inquiry, and I have to 1 2 tell you that I'm grateful for that. 3 MR. NATHANSON: Thank you, Mr. Commissioner, and I thank you for your time. 4 5 THE COMMISSIONER: Thank you. 6 MR. VERTLIEB: Thank you, Mr. Commissioner. I would like to 7 deal with the witness list that has been the subject of considerable effort by your staff and 8 9 the lawyers who have been so diligently appearing before you over the last number of weeks. 10 11 And I know Mr. Giles has been so patient with, with us in terms of marking exhibits. 12 13 Before we break today, Mr. Giles, I am happy just 14 to confirm on the record that the marking of the 15 LePard binders, both those documents that will be noted as non-redacted and therefore not to be put 16 17 on the Web, and those that are available to go on the Web, and similarly for the Williams report. 18 19 So, anytime it's convenient for you, feel free to 20 interrupt me. 21 THE COMMISSIONER: All right. 22 THE REGISTRAR: We will fit it into your schedule. MR. VERTLIEB: Thank you, Mr. Giles. 23 So, what I have done, Mr. Commissioner, and 24

everyone has seen this, is just passed you a list

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that's under construction, and it's a witness list
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                   as at December 13, and what it outlines for you is
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                   essentially the witnesses that we, as your
                   counsel, believe are necessary, and it's about 50;
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                   and then there are a number of other witnesses
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                   that show on the third page as proposed witnesses,
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                   and many of them are proposed by Mr. Ward.
      THE COMMISSIONER: Hm-hmm.
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      MR. VERTLIEB: There were others proposed, and I want to just
                   tell you where we're at. So, the way we've come
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                   to have this list is that, since the break --
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      THE COMMISSIONER: What's your position with respect to the
                   witnesses that Mr. Ward has given you and what he
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                   says are necessary? What, what --
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      MR. VERTLIEB: We don't have enough information to judge why
                   they have relevant evidence and that's the
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                   problem. So, today, we don't see them as
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                   necessary.
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      THE COMMISSIONER: Oh, I see.
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      MR. VERTLIEB: And what I am hoping we could do today is have
                   Mr. Ward tell you for each of his witnesses how
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                   they would help you in your job, keeping in mind
                   that, unlike in a trial, where you sit as an
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                   independent arbiter and listen to the various
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                   sides, in a public inquiry, you have a different
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function, and that is, it's your job to determine 1 2 what you need to find the facts that you need, and 3 also to ultimately make any recommendations that 4 flow from the facts as you have heard them. 5 And so it's really important to involve you 6 in the process, to make sure that we, as your 7 counsel, are providing you the facts you need, but also, that the other lawyers are doing that, and I 8 9 just don't see it, based on what Mr. Ward has provided. 10 THE COMMISSIONER: Okay. 11 12 MR. VERTLIEB: He's given us an outline and I'll pass that to 13 you. I had --14 THE COMMISSIONER: I have, I have what's called a "schedule of 15 suggested witnesses." Is that the one? MR. VERTLIEB: Yes, thank you. 16 17 THE COMMISSIONER: That's been handed up to me. MR. VERTLIEB: Thank you. 18 19 THE COMMISSIONER: It starts out with Bill Hiscox on it? 20 MR. VERTLIEB: Yes, thank you. 21 THE COMMISSIONER: Yes. 22 MR. VERTLIEB: So, Mr. Ward, I appreciate the time he's taken 23 to do that, and he's given some information about 24 each witness, but it's not enough to help us 25 understand why they're relevant, given what you

have heard to date and we know you will hear from all of the other individuals.

So, that's the one function I hope that we can accomplish today, because it is important. It will then help us go back and consider what the ultimate witness list should look like that we would be proposing to you.

I should tell you that, in the process, I have spoken with Ms. Gervais, and we've had information from Mr. Gratl. Ms. Gervais and Mr. Gratl have had comments to us about witnesses and we've incorporated, where we feel that's helpful, into our list and it appears before you. For example, Morris Bates is someone who had been proposed by Ms. Gervais and Mr. Gratl. He's on our list now.

I also wanted to tell you that I have spoken with the Department of Justice and they had some witnesses who they felt were essential and they explained the purpose to us in the way we requested and we've added witnesses to the list. You will also see in our list that from DoJ's discussions, we propose to have three witnesses provide affidavits that can be used, so the witnesses don't need to attend.

And as well, I have also spoken with Criminal

Justice Branch. They looked at our proposed list

and they felt there should be an additional

witness put forward, and that's been incorporated.

So, that work has been done. We've listened to the other counsel, and where we've realized there were obvious needs to include names, that's been done and that's how the list gets to the state it's at before you, which then does, as I say, bring us to ask Mr. Ward to provide more information.

12 THE COMMISSIONER: Okay.

MR. VERTLIEB: Now, I do want to say that, in the course of
doing this and speaking with my clients, I think
it's clear that everyone here understands that in
a public inquiry, there is a need to be moving
efficiently and in a focused way, because the job
that you have is determined by the terms of
reference. Everyone understands that.

I think, secondly, everyone understands that public inquiries are expected to move in a way that is not only efficient, but also expeditious, because a public inquiry, unlike a court case, is, is brought into play by governments because they want answers to problems that they believe need

answers, and the sooner those answers are forthcoming, the better for the public. 2 3 But I also believe that everyone has a 4 genuine desire to help this process come to a 5 conclusion within a reasonable period of time. 6 Not only are we governed by terms of reference 7 with, with end dates, but these cases take an enormous toll on everyone. And I think that my 8 9 colleagues do have that shared desire to, to bring this to an end. So, when we were planning the 10 11 witness list some time ago, it seemed to us that an April end date was a reasonable date to 12 accomplish the mandate that you have been given. 13 14 That should be fine. And I must say that the 15 cross-examinations to date have been lengthier than I anticipated, and I don't say it in 16 17 criticism, but I say it as a fact to me. And so I also believe that my colleagues here have an 18 19 understanding and perhaps even a request, in a 20 subtle way, that you start to be more involved in 21 keeping the issues to the terms of reference. THE COMMISSIONER: All right. 22 23 MR. VERTLIEB: And I have spoken to a number of people who, and it's clear to me, there wouldn't be resistance if 24 25 you were to say that that's outside the terms of

reference, or you've already heard that many times, you don't need to hear it again. I think people welcome the fact that you are a very experienced jurist and you have run trials for many years and so there is a comfort zone with you being more involved in the process than you would in a normal court case. But, obviously, that would be for you to determine as the matters unfold.

Now, everyone knows that, starting in

January, we are going to extend our sitting time
to 9:30, and it could be very soon apparent to
all, most importantly to you, that you may need to
shorten the lunch break, which is a traditional
hour and-a-half, to allow people to work and do
other things, but you may need to shorten that,
and you may need to even go to longer hours on the
Monday through Thursday. We have had colleagues
say to us they want to have the Friday available
because they have other commitments to other
clients, and so we've studiously avoided sitting
on Friday. You may need to revisit that to get
through this.

24 THE COMMISSIONER: All right.

25 MR. VERTLIEB: That, I just mention that to you as the kinds of

options available. 1 2 But if we could then get some clarity on 3 these requests that Mr. Ward has put forward, --4 THE COMMISSIONER: All right. 5 MR. VERTLIEB: -- that will help us manage with the list. 6 THE COMMISSIONER: All right. Mr. Ward? 7 MR. WARD: Yes. THE COMMISSIONER: First of all, I'm grateful for the outline 8 9 that you have, you have provided here, Mr. Ward, with the little precis of each of the witnesses, 10 11 and I have had the opportunity of looking at it as 12 to what each witness, what they are expected to 13 say. 14 But when I look at it, I would need to know, 15 from my perspective and from the perspective of assisting me in addressing the terms of reference, 16 17 how some of these witnesses that you want called will further those objectives, and by that I mean, 18 19 that some of the witnesses that are on this list 20 are witnesses, according to their will say, will tell us what we already know. But in any event, 21 22 maybe I am jumping in too quickly and I'll, I'll hear you on that. 23 24 MR. WARD: Thank you. I am here making this submission in 25 support of having these witnesses added to the

list because, in effect, I have been directed to 1 2 do so. My attempts to have these witnesses added to the list during conversations and 3 4 correspondence have, unlike those of my friends, 5 Ms. Gervais and Mr. Gratl and Ms. Tobias, not succeeded. And so I am obliged now to take up 6 7 this commission's valuable time endeavoring to persuade you and your staff why these witnesses 8 have material evidence to offer that will assist 9 you in fulfilling your important functions. 10 11 THE COMMISSIONER: All right. 12 MR. WARD: Now, let me just say before I begin, that I have notified my friends of this fact, but I now 13 represent five additional families, in addition to 14 the 20 I have set out before. I have been 15 retained by the families of Debra Jones, Robert 16 17 William Pickton was charged, but not convicted in her death; Janet Henry; Maria Laura Laliberte; 18 19 Sereena Abotsway, Pickton was convicted of 20 murdering her; and Diana Melnick. Pickton was charged with her murder, but not convicted because 21 22 the charges were stayed. So, those are the five women whose families I am representing as well, 23 bringing the total to 25 families that I currently 24 25 represent before this commission.

Vertlieb, as he's enumerated them. I agree, as strongly as I possibly can, with his remark that this is a taxing and difficult legal proceeding. I come to it with some prior experience in inquiries. It included my participation in the APEC Inquiry before Mr. Hughes, a former justice, and in the Frank Paul Inquiry before Mr. Davies, a former justice. And those inquiries were difficult, they were time-consuming, but they were managed and handled extremely well and resulted in extremely useful, in my opinion, in my submission, recommendations that were ultimately given

significant weight by those to whom they were

directed.

I share the objectives of my friend, Mr.

The APEC Inquiry lasted, my recollection, about two years, and the Frank Paul inquiry a long time. But I can say that this experience is very, very different and much more difficult, even at this early stage, than either of those two were. It is a complex matter. It is a matter involving the deaths of, not one disadvantaged aboriginal person, as in the Frank Paul Inquiry, but as many as 49, and I represent the families of 25 of those victims.

We're inquiring into a matter that took up over five years, according to the terms of reference, and it involved two police forces and dozens and dozens of investigative officers, unlike APEC, which events lasted a day or two; and Frank Paul, in which the events occurred over an

evening.

This is, as you have said, Mr. Commissioner, an extremely important matter, and you alluded to the fact that people had stopped you on the street and told you as much. I share that view. And I must say that for my clients, who have waited some 14 years for this process, this is extremely, extremely important, and they have trusted that this process, this public inquiry, will unfold as it is supposed to and as, and as it is meant to.

And just to remind us all of the purpose of this exercise, I'm passing up a very -- a brief excerpt from what I perceive to be one of the leading textbooks, certainly one of the most recent on this subject. I expect many of my friends have read it cover to cover, or if not, have, have looked at the relevant passages.

But I just wish to spend a moment now on the issue of the purpose of a commission of inquiry, a

public inquiry like this one, and I have excerpted from Professor Ratushny's textbook entitled "The Conduct of Public Inquiries, law, policy, and practice," a few pages starting at page 16. And I would like to start with the statement made by Justice Cory, of the Supreme Court of Canada in the Westray case, a mine tragedy case, on page 16. He stated this:

One of the primary functions of public inquiries is fact-finding. They are often convened, in the wake of public shock, horror, disillusionment, or skepticism, in order to uncover "the truth" In times of public questioning, stress and concern, they provide the means for Canadians to be apprised of the conditions pertaining to a worrisome community problem and to be a part of the recommendations that are aimed at resolving the problem.

Let me just pause there, if I may, to say that my clients, and indeed, I suspect the general public, suffered from shock, horror and disillusionment when they learned, not only that Robert William Pickton was involved in as many as 49 serial murders, but that he had been identified

as a suspect as early as 1998 and the police had done nothing about it. And that essentially is why we are here, to answer the question of why the police in Vancouver, in Port Coquitlam, who are charged with law enforcement responsibilities and maintaining public safety, apparently did nothing about the serial killer who was involved in taking women from Vancouver and murdering them in Coquitlam, in Port Coquitlam.

Let me move on. Professor Ratushny says this at page 17 where he starts enumerating the features of a commission of inquiry like this one. In the second full paragraph, I quote:

Perhaps the most important feature of a commission of inquiry that inspires public confidence is its independence. The commissioner has no vested interest in the outcome and is expected to proceed objectively and "let the chips fall where they may." This is in contrast to an "internal investigation," which may be perceived by the public as having a motive of "protecting" the institution that is under suspicion by favouring personal associates. Let me just pause there. We have heard

already of what I would characterize as three internal investigations that have been done into this matter: the first by Deputy Chief LePard of the Vancouver Police Department; the second by Inspector Williams of the RCMP; and the third by Deputy Chief Evans of Peel. They are all police officers' reviews of police officers' conduct. If that was all that was required to find out what had happened in this tragedy and how another one might be avoided in the future, government would not, presumably, have set up this body. It would not have ordered a public inquiry into these matters. It would have simply accepted the 13 14 internal reviews. 15 Let me return to the text for a moment 16 please. I carry on.

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Often [says Professor Ratushny] judges or retired judges are appointed to enhance the perceived status of independence, because of the guarantees of independence associated with judicial office.

A second feature is public confidence in the effectiveness of the commissioner to "get to the bottom" of the problem. In this respect, it occasionally becomes apparent

that not every good judge is well suited to 1 2 the role of commissioner. The ability to be 3 effective arises not only from the 4 commissioner's personal and professional qualifications but also from the nature of 5 the assignment. A commissioner is able to 6 7 set aside all other professional obligations 8 and devote all available time and energy to 9 the inquiry. Resources and staff are provided [and so on]. 10 11 And I appreciate, and my clients appreciate, 12 Mr. Commissioner, that you, I am sure, have done just that, that you have made yourself available 13 to take on this important role, and we know that 14 15 sufficient resources and staff have been provided to assist you. 16 17 The next paragraph of Professor Ratushny's text reads as follows: 18 19 The public will also derive confidence 20 from the mandate of the commission, which will be designed to address the very 21 22 questions and issues that give rise to public 23 concern. 24 Let me stop there for a moment to just say 25 that the mandate here, in, in the two

critical fact-finding terms of reference, require you, of course, to conduct an investigation into, firstly, why -- and I am doing these in chronological order -- firstly, why the Crown made the decision not to proceed with the charges against Mr. Pickton arising from the 1997 attempted murder; and secondly, the conduct of the missing women investigations as they are defined in the terms of reference over a period that lasted a little over five years.

Returning to the text, and I quote:
The public scrutiny of commissions through
the media essentially precludes governments
from attempting to direct a particular
outcome by restricting the terms of
reference. Indeed, they often give
commissioners authority to pursue any
additional avenues they that may consider
relevant to their prescribed mandates.

A commissioner also has broad investigative *powers* to compel the testimony of witnesses and the production of documents. The commissioner is not a passive observer, as in a trial, but may "go where the evidence leads." And there are no restrictions

1 arising from any pleadings. 2 Finally, or next on page 18, the first full 3 paragraph, Professor Ratushny writes: 4 Another feature that enhances public 5 confidence is the transparency of the proceedings. Most inquiries receive detailed 6 7 coverage in the media, some are televised, 8 and most now have websites with access to the 9 hearings. The process of conducting open and public hearings is an important component in 10 11 the process of restoring public confidence. And indeed, this inquiry shares those 12 features. There is live streaming and the 13 commission does have its website and the 14 15 transcripts and exhibits are made available there. Finally, over on page 19, at the foot of that 16 17 page, the last paragraph, quoting from Professor Ratushny: 18 19 The public expects that a commission 20 will fulfill its role in accordance with the features described above: independently, 21 22 effectively, according to its mandate, 23 relying on its extraordinary investigative 24 powers, and transparently. 25 And those features, and I'm paraphrasing now,

are what set commissions apart from the remainder of the executive: the government, cabinet, other bodies.

So, bearing in mind the purpose of commissions of public inquiry like this one, and this commission's mandate, we have, indeed, been endeavoring to assist this commission, on behalf of our clients, with the important investigative role and function it has, and we've done that in two respects thus far. We have made numerous representations about document disclosure and numerous requests for document disclosure.

You may recall, Mr. Commissioner, that we were to have brought on an application for document disclosure this week. We have decided not to spend this commission's time doing that because, due to the hard work of your staff, many, but not all, of our document requests have been respected and satisfied and documents have been arriving in the database, which is called concordance, and what I would characterize as a, a steady trickle. There are still many more documents to come that we feel are relevant. And on the commission's assurance that they are, that efforts are being made to get those, we are

declining to make a formal application now, but we reserve a right to bring one on later if it becomes necessary, and we hope that it won't.

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The second way we've been endeavoring to assist this commission with its important duties is to propose witnesses who we feel, based on the information in the database at present, will have relevant evidence to offer, and this is an early stage. We don't pretend to know where the evidence is going to lead. It may be that some of the witnesses I am about to propose now will not be necessary because of how the evidence unfolds. It may be that other witnesses that we haven't thought of, that your staff hasn't thought of, will apparently or obviously become necessary based on what the testimony might be. We just don't know. But we have made our best effort at this early stage, based on what is in the concordance database, and based on the material available to us now, to offer our suggestions, our strong suggestions on who we feel this commission must also hear from.

And I am about to go through that list, but before I do, I want to preface my submissions by saying that we have, in the last few weeks, heard

lengthy testimony from the Vancouver Police 1 2 Department's spokesman and reviewer, Deputy Chief 3 LePard, who wasn't actually involved in the 4 investigations. We've heard through him an 5 overview of what the VPD's role was with respect 6 to the investigation of the reports of the missing 7 women. What we haven't yet dealt with, in any sense, 8 9 is what happened at the other end, geographically, which is what, what was going on in Port Coquitlam 10 11 and what was following within the RCMP's mandate. 12 And I have to stress that my clients, the families of 25 women who went missing and were 13 14 murdered, they have two key factual issues within 15 the terms of reference that they're concerned about with respect to non-VPD issues, and they 16 17 are, firstly, why didn't the Crown prosecute Robert William Pickton for his attempted murder of 18 19 Anderson in 1997? The families feel that, had the 20 Crown prosecuted Pickton vigorously and, and secured a conviction, their loved ones would 21 likely be alive today. That's an important 22 critical issue. The second --23 THE COMMISSIONER: Well, there is no doubt that's, that's a 24 25 critical issue and that's why it has a separate

1	term of reference. But the witness that,
2	witnesses that have been proposed by commission
3	counsel, I was looking at it here a moment ago,
4	first of all, they Randi Connor was the Crown
5	counsel who entered a stay of proceedings.
6	Apparently she had conduct of the file. And then
7	the other proposed witnesses, according to the
8	list that I have, are Geoff Gaul or Richard
9	Romano. They were apparently supervising counsel,
10	is that what they were?
11	MR. VERTLIEB: Yes. Just since you have raised it,
12	Mr. Commissioner, it would be Mr. Romano and not
13	Mr. Gaul, we weren't sure when this was prepared,
14	but I have clarified; and Ms. Anderson, of course,
15	the complainant; Mr. Celle, who we have asked to
16	give an independent opinion. And we also would
17	need Melissa Gillespie, who is a senior Crown, and
18	she can give evidence about the policies and
19	approaches to stay of proceedings back in the
20	timeframe
21	THE COMMISSIONER: Okay.
22	MR. VERTLIEB: that relates. So, we've covered that.
23	THE COMMISSIONER: So, on that issue, Mr. Ward, who else do you
24	suggest that the inquiry needs to hear from in
25	order to, to investigate that particular term of

reference? 1 2 MR. WARD: The lawyer, Peter Ritchie, and I will set out the 3 reasons. 4 THE COMMISSIONER: Did Ritchie act for him at the -- Pickton at 5 the time? MR. WARD: Yes. Here's, here's what happened. And just before 6 7 I get into what the documents reveal, --THE COMMISSIONER: Yes. 8 MR. WARD: -- I have to say, as I said in the opening, that I'm 9 aware, obviously, of the counsel's undertaking I 10 11 have signed. It's very broad in scope. 12 THE COMMISSIONER: Yes. MR. WARD: It, on the face of it, if you interpret it strictly, 13 14 prevents me from even speaking now about what I 15 have read in the documents --THE COMMISSIONER: Yes. 16 17 MR. WARD: -- before they're marked as exhibits. But I am 18 going to assume that the undertaking wasn't 19 intended to do that, and I am going to proceed 20 through the course of these submissions in speaking about the contents of those documents. 21 22 Everybody has seen them. All the lawyers have seen them. I am not going to mention names that I 23 shouldn't, but I have to speak about the contents 24

of the documents that are in the courts.

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THE COMMISSIONER: Let me just interrupt you there for a
 1
 2
                   minute. What does it matter what deal that Mr.
 3
                   Ritchie reached on behalf of Pickton when a stay
 4
                   of proceedings was entered, if we know a stay of
 5
                   proceedings was entered? And if we look at the
 6
                   evidence that no doubt will be called, and from
 7
                   that evidence, Crown will tell us why they entered
                   a stay of proceedings, and you can argue, can you
 8
9
                   not, that that stay of proceedings was improperly
                   and wrongfully entered? Does that not -- can you
10
11
                   not reach that conclusion or make that argument
12
                   based on the witnesses that are there? Why do we
                   need to hear from Peter Ritchie?
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14
      MR. WARD: Well, I am just -- I am not -- I am just calling up
15
                   the terms of reference.
      THE COMMISSIONER: No, I just, an example, I -- look, look,
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17
                   you're senior counsel and I don't want to, I am
                   not questioning your judgement for a minute, and
18
19
                   far be it for me to, to suggest any of that. But
20
                   I just want to know, from the perspective of
                   calling, say, Ritchie as a witness on that term of
21
22
                   reference --
      MR. WARD: I will give, I'll give it to you.
23
24
      THE COMMISSIONER: Okay.
25
      MR. WARD: We are told --
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- 1 THE COMMISSIONER: Yes.
- 2 MR. WARD: -- that the Crown destroyed the file.
- 3 THE COMMISSIONER: Yes.
- 4 MR. WARD: I want -- I have asked to pursue that and probe
- 5 that, because that is surprising in light of
- 6 Pickton's 2002 arrest, --
- 7 THE COMMISSIONER: Yes.
- 8 MR. WARD: -- that a 1998 attempt murder file of him would have
- 9 been destroyed within the four-year period. My
- 10 understanding is that lawyers are obliged to keep
- files for six years, at a minimum. Anyway, the
- 12 Crown file was destroyed.
- 13 THE COMMISSIONER: Yes.
- 14 MR. WARD: So, we are relying on Crown witness recollections as
- to this aspect. And your terms of reference on
- this point are, Mr. Commissioner, to inquire into
- and make findings of fact respecting the decision
- of the Criminal Justice Branch --
- 19 THE COMMISSIONER: Yes.
- 20 MR. WARD: -- on January 27th, '98, to enter a stay of
- 21 proceedings on all those charges against Robert
- 22 William Pickton: attempted murder, assault with a
- 23 weapon, forceable confinement and so forth. To
- inquire into that matter, that decision, involves
- ascertaining who the witnesses are whose conduct

contributed to the decision. 1 2 THE COMMISSIONER: Yes. 3 MR. WARD: Now, what happened here, based on the documents, was 4 that when Robert William Pickton was charged with 5 attempted murder, he went to the lawyers that had 6 been representing him and his brother and sister 7 and the Piggy Palace Society with respect to Coquitlam's attempt to shut that operation down, 8 my friend, Mr. Crossin's, law firm. Mr. Crossin's 9 law firm represented Mr. Willie Pickton for two 10 weeks and then Peter Ritchie took over. 11 Peter Ritchie, a senior, respected counsel, 12 13 and a friend of mine in every sense of the word, 14 on the documents, went from his Vancouver office 15 and accompanied Willie Pickton to his fingerprinting session. That's rather 16 17 extraordinary. And then, presumably over the next, I am doing my arithmetic here, nine, 10 18 19 months, while these charges were pending against 20 his client, he had discussions with, 21 communications with, made representations to the 22 Crown. 23 THE COMMISSIONER: Yes. MR. WARD: Now, in order to inquire into why the decision was 24 25 made, in my respectful submission, you have to

1	hear both sides of the story, Crown and defence,
2	as to how the deal to drop the charges was
3	reached. Anything that passed between Mr. Ritchie
4	and the Crown is not subject to any privilege that
5	I'm aware of.
6	You're going to hear Crown recollections,
7	presumably, and opinions, and justifications for
8	dropping the charges, in respect of a decision
9	that was made 14 years ago without the benefit of
10	the file, which they sent off at some point to be
11	destroyed.
12	THE COMMISSIONER: Okay. So, how can Mr. Ritchie assist us?
13	MR. WARD: By providing his recollection of those
14	communications and of the deal. The deal is the
15	critical thing. Questions include: did Mr.
16	Ritchie persuade, cajole? How did he persuade?
17	What efforts did he make to get the Crown to drop
18	the charges against his client?
19	THE COMMISSIONER: Okay. But the question I have is, is any of
20	that relevant? Because what we have to inquire
21	into is the correctness of the decision. So, why
22	do we have to know what conversations took place
23	in the deal between Ritchie, the Crown, that
24	resulted in a stay of proceedings?
25	MR. WARD: With respect, what we have to inquire into, and I

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say "we", all of us, is the decision, not its
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 2
                   correctness, but to inquire into and make findings
 3
                   of fact respecting the decision.
 4
      THE COMMISSIONER: Yes.
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      MR. WARD: Here is, here is why this is so important,
                   Mr. Commissioner. From the public's point of
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 7
                   view, from the lay point of view, my clients'
                   point of view, the justice system failed in the
 8
                   case of the attempted murder charges. It failed.
 9
                   It didn't operate. It, it dropped the ball. Why
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11
                   did it do it? What influenced the Crown not to do
                   what society expects the Crown to do, which is to
12
                   prosecute offenders in the case of Willie Pickton?
13
                   Why didn't it?
14
15
      THE COMMISSIONER: But I, I don't know if we, we can -- I know
                   you are enthusiastic about it --
16
17
      MR. WARD:
                 I am.
      THE COMMISSIONER: -- and that's good. But what I am saying to
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19
                   you is that we don't know if the system failed.
20
                   There may well have been reasons as to why the
                   Crown entered a stay of proceedings. I don't
21
22
                   know. That's what I, I have been entrusted to
                   find out, why did they -- did they make a mistake?
23
                   Did they err in entering a stay of proceedings
24
25
                   against Pickton? That's really what I'm mandated
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to find out in this, in this particular inquiry. 1 So, my, my concern is, do I have to know all 2 of the details of the discussions when I will have 3 4 before me all the relevant evidence that led to 5 the charge, charges, and a decision made to stay 6 the charges? You can say, Mr. Ward, that, "Look 7 it, the evidence against Pickton was strong. The evidence against Pickton was compelling and the 8 Crown made a mistake, based on that evidence, in 9 not proceeding." Why do we have to know from 10 11 what, from Peter Ritchie or any other lawyer that 12 acted on behalf of Pickton, as to what negotiations took place? That's the only concern 13 that I have. I, I know what your task is. I know 14 15 what my task is. But I just want to know why we need the extra witnesses. 16 17 MR. WARD: Well, I submit that you need the defence. Every prosecution involves prosecution actors, defence 18 19 actors, and if the matter gets to a court, 20 judicial actors. 21 THE COURT: Right. 22 MR. WARD: If you are to conduct an effective and thorough 23 inquiry into this aspect of the terms of reference, my position is you must hear from 24 25 defence. Simply hearing from Crown, especially in

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circumstances when they have destroyed their
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 2
                   files, is not going to be thorough enough. It
 3
                   will be a matter of bringing Mr. Ritchie here,
 4
                   having him sit in the witness box with his file,
 5
                   if he still has his, and explaining the defence's
                   role in this issue. Simple as that. It's not a
 6
 7
                   lengthy matter. It's not a difficult matter.
 8
                   There is no privilege that attaches to his
                   dealings with the Crown, and you have to hear from
 9
                   him to discharge your role.
10
11
      THE COMMISSIONER: Is it not reasonable to assume that whatever
12
                   Ritchie will have to say will be in accordance
13
                   with what the Crown has to say?
14
      MR. WARD: No.
      THE COMMISSIONER: Why not?
15
      MR. WARD: Because, because the Crown --
16
17
      THE COMMISSIONER: The Crown obviously agreed to what Ritchie
18
                   wanted.
19
      MR. WARD: But --
20
      THE COMMISSIONER: Or maybe we are surmising something that we
                   are not entitled to.
21
22
      MR. WARD: -- the question is, why were these incredibly
                   serious charges against this man dropped --
23
24
      THE COMMISSIONER: Yes.
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MR. WARD: -- like a hot potato? Why?

25

THE COMMISSIONER: Okay. 1 2 MR. WARD: You're going to hear from the Crown, sure, and the Crown, I am sure, will have all sorts of 3 4 justifications, without the benefit of their file. 5 But to get the whole picture, and this inquiry is 6 all about getting the whole picture, --7 THE COMMISSIONER: Yes. MR. WARD: -- you have to hear from defence. 8 9 THE COMMISSIONER: All right. MR. WARD: Now, I hadn't planned to tackle that witness at the 10 11 outset, but we've dealt with him. I was addressing you after I had mentioned 12 the first key fact that my clients were seeking to 13 investigate in this process pertaining to what 14 15 happened in Port Coquitlam. The second is, and I will put it this way, 16 what did that community's police force, the RCMP, 17 know about the illegal activities that were going 18 19 on at the Picktons' properties? When did they 20 acquire the knowledge of those illegal activities and what did they do with that knowledge? These 21 22 victims, up to 49 of them, were killed just down 23 the road from the Coquitlam RCMP detachment, literally, just down Lougheed Highway, on one or 24 25 more properties that, according to the documents,

1	were beehives of unlawful activity, by one or more
2	people who are known to the police for their
3	criminal lifestyles and behaviour. The families
4	want to know, through this process they're
5	entitled to know and they need to know, how in the
6	world could that possibly have
7	THE COMMISSIONER: I agree with you, they're entitled to know
8	that and we know that. That's why we're here.
9	MR. WARD: Exactly.
10	THE COMMISSIONER: Yes.
11	MR. WARD: Before I get to the specified witnesses on my list,
12	there are, Mr. Commissioner, two classes of
13	unidentifiable witnesses that I want to mention
14	only briefly right now so that everybody is alive
15	to this. The first class, bearing in mind what I
16	just submitted, are those Coquitlam RCMP officers
17	whose identities are not apparent, who may have
18	had dealings prior to 2002 with the criminal
19	activities that were occurring in and around the
20	Picktons' properties.
21	The second class, and that will help you,
22	Mr. Commissioner, in answering that key question
23	at the centre of this inquiry, why were the
24	Picktons, both of them, but William in particular,
25	left alone for so many years by the RCMP when

criminal activities were plainly being carried out on their properties?

And the second class of unidentifiable witnesses emerges from the testimony of Deputy Chief LePard, and it consists of, and I forget the number, but I think it was 13 or thereabouts, sex trade workers who went to the Pickton properties, partied there and survived to tell the police about it later. In my submission, we need to, we ought to hear from those people and we need to get their identities at some point so they can be called.

But having said that, let me turn next to the witness list, and I'm, I'm going to go a little bit out of order, but I want to start with a person who has come to us, who very much wishes to testify, whose identity I cannot divulge at this point, but who I've given the pseudonym of Jane Smith to in our list. And this is a, a woman who I expect will say essentially the following: that in the late 1990s, she got into drugs, that led to theft, and then in 2000, street-level sex trade work. She worked as a sex worker for about nine months in 2000 in Vancouver. She had encounters with Vancouver Police Department members that were

unpleasant and she can describe those. She knew a number of colleagues in the sex trade in Vancouver at that time and acquired what she will characterize as common knowledge that the women who were going missing were being killed by a pig farmer in the Coquitlam area, and she was warned about that.

But the key element of her evidence is this,
Mr. Commissioner. On a date that she can cite
with some specificity, in late 2000, she was
working on the street and she was picked up by
Willie Pickton. She will say that he invited her
to come out to a biker party on his pig farm. She
will say she refused the invitation. She asked
him if he was responsible for the missing women
and he told her that he was. He also admitted
that he had killed women there.

She was in the vehicle at this time. She demanded to be let out and she employed a ruse to escape, and her ruse was that she too had connections with bikers, and that if he took her out there, he would start a gang war. He let her out of the vehicle.

She went straight home. She reported the incident to her friend and immediately phoned the

police. She believes she called 911. There would 1 be a record of that. She was put through to a 2 3 male officer. She described what had just 4 happened, described the person in the vehicle, and 5 will say that she was brushed off by the police. 6 She will say, I expect, that the officer told her 7 they were too busy to investigate her concern, that they were well aware of this man, and that 8 9 they didn't want to pursue him for a mere threat when they could charge him with murder. 10 11 I have given her the name of Jane Smith. 12 relevance of her testimony to this inquiry ought 13 to be apparent from that brief description of what 14 she, I expect she will say. I have met with her 15 and I can tell you that today, she is employed in the Province of British Columbia. She has not 16 17 taken drugs of any kind since December 12th, 2000. She's happy and, well, not happy, but she's 18 19 healthy --20 THE COMMISSIONER: Have you, have you given the name of this person to commission counsel? 21 22 MR. WARD: No, I have not. 23 THE COURT: Well, that might be the first step. MR. WARD: Well, I have to be -- this, this woman is vulnerable 24 25 and she does not want her name divulged

prematurely. I have to know that she will be a 1 2 witness before I can make sure the protocol is in 3 place to, to make sure that there's no retaliation 4 by any -- to her or difficulties inflicted upon 5 her as a result of her coming forward. So, we can talk about that. But I have her, I have her name, 6 7 her contact information, all of that. And just on this last point, the fact that 8 she is stable, healthy, off drugs, not employed in 9 the sex trade today, is an example, an example of 10 11 what any one or all of the murdered women might be 12 today had they escaped their fates. 13 THE COMMISSIONER: Yes. MR. WARD: The next witness I proposed, Mr. Commissioner, is 14 15 Bill Hiscox. And again, I am assuming that this commission exists to conduct a thorough --16 17 THE COMMISSIONER: You see, the concern that I have with those three witnesses that you have got is that the 18 19 police have acknowledged that those informants 20 were, were reliable. So, tell me why it's necessary to call them. Nobody has questioned 21 22 their credibility. Ellingsen's credibility 23 apparently was questioned at one time but -- after she made the denial, but according to the deputy 24 25 police chief, they didn't believe her denial.

1	So, I think, I think that we may conclude,
2	subject to argument, that, that they were
3	reliable, that at least according to LePard, those
4	witnesses were reliable. So, why do you want to
5	call Hiscox? Just to show he was reliable? I
6	don't understand why it's necessary to call that
7	witness when his evidence was not challenged by
8	anybody.
9	MR. WARD: The test for whether a witness should be called is
10	not whether, whether their evidence is challenged
11	by someone. The test is whether they have
12	relevant evidence to offer that will assist you in
13	discharging your responsibilities in the terms of
14	reference.
15	THE COMMISSIONER: I appreciate that. They have already given
16	that evidence.
17	MR. WARD: Well, they haven't, with respect, given the
18	evidence. They only give evidence when they come
19	forward and sit in the witness box and take the
20	oath.
21	THE COMMISSIONER: Well, I think that it's reasonable to assume
22	that, because of a lengthy cross-examination,
23	that, that the deputy chief has undergone, that
24	that was not merely an overview that he gave, and
25	counsel here treated it as though that was

1		reliable.
2		In any event, the point of that evidence, as
3		I understand it, is that the police were given
4		reliable evidence and they didn't act on it, and
5		he accepted that they erred in not acting on
6		evidence that's reliable. That's the point. And
7		I have to be satisfied, at the end of the day,
8		whether or not they were they failed in their
9		duty in not securing a warrant or further acting
10		upon the evidence of those three informants. I
11		have to be satisfied on that. And so far, from
12		what I've heard, there isn't any other evidence.
13		Do I expect Hiscox to come here and say something
14		different?
15	MR. WARD: I	do. We're going to hear from, for example,
16		Shenher.
17	THE COMMISSIO	ONER: But that's no, let's not go into that.
18		Let's deal with what I am talking about here now.
19		I want to accommodate you here, but I want to know
20		why we're calling certain witnesses. I looked
21	MR. WARD: Fo	orgive me, but for me, it seems obvious, but let
22		me, let me try to assist. I'll, I'll put the
23		informants together in a group for the moment, but
24		Hiscox is a good example. We all know about
25		Hiscox, based on what LePard has said, what we've

heard so far. 1 2 Hiscox comes forward in July of '98. He deals with Lori Shenher. Shenher and Connor 3 4 believe he's reliable. They believe what he's 5 saying about Willie Pickton, a pig farmer and his disposal of bodies. 6 7 THE COMMISSIONER: Yes. MR. WARD: But for reasons yet to be fully revealed, neither 8 9 police force does anything about it. THE COMMISSIONER: Yes. 10 11 MR. WARD: Right? 12 THE COMMISSIONER: Okay. MR. WARD: All right. I'm, I'm not missing that. Why, why --13 here's a question. Why didn't the investigators 14 15 take him up on his offer to be an agent? You are going to hear from the investigators their 16 17 perspective and they're going to be defensive, no doubt. They're going to say, well, who knows? 18 19 But Hiscox has his own perspective on that. "I 20 offered to be an agent. Here's what I could do." THE COMMISSIONER: Did he offer to be an agent? 21 22 MR. WARD: He did. That's what, that's what LePard has said. THE COMMISSIONER: Okay. But where does that get us? If, if, 23 if LePard tells us that he was a reliable witness 24 25 and they didn't act on his offer to become an

- agent, why, why do we need Hiscox here?
- 2 MR. WARD: Hiscox --
- 3 THE COMMISSIONER: It's called relevance, Mr. Ward. How is
- 4 that evidence relevant?
- 5 MR. WARD: Mr. Commissioner, --
- 6 THE COURT: Yes.
- 7 MR. WARD: -- I expect that Hiscox's evidence will include
- 8 statements to the effect that he was doing
- 9 everything he possibly could to get the police to
- 10 deal with Pickton.
- 11 THE COMMISSIONER: Yes.
- MR. WARD: He offered to be an agent.
- 13 THE COMMISSIONER: Yes.
- 14 MR. WARD: I expect he will say he and Lori Shenher went out
- personally to the pig farm.
- 16 THE COMMISSIONER: Yes.
- 17 MR. WARD: They entered it. They walked around the property
- and she told him, Hiscox, not to tell that to
- 19 anyone.
- 20 THE COMMISSIONER: Yes.
- 21 MR. WARD: I expect he will testify in great detail about his
- dealings with Shenher and his efforts to get the
- police to pay attention to the problem. Why is
- that relevant? It's because the police apparently
- 25 sat on their hands and dozens of women were killed

- as a result. That's what we're inquiring into.
- 2 THE COMMISSIONER: But you are missing the point of what I am
- 3 saying. Mr. Ward, they have already said that.
- 4 MR. WARD: Well then, we can all go home. Why don't we? I
- 5 thought --
- 6 THE COMMISSIONER: Well --
- 7 MR. WARD: I thought we had to hear all the evidence as it
- 8 unfolded. I may not be experienced enough to
- 9 appreciate this, but I thought decisions --
- 10 THE COMMISSIONER: We have to hear evidence that's relevant.
- 11 MR. WARD: Indeed.
- 12 THE COMMISSIONER: Yes.
- 13 MR. WARD: Indeed. And the informers -- according to LePard's
- 14 testimony, the evidence of Hiscox and Caldwell and
- Best was highly, highly relevant.
- 16 THE COMMISSIONER: Right.
- 17 MR. WARD: According to him and to his report.
- 18 THE COMMISSIONER: Right.
- 19 MR. WARD: If -- listen, if all we are doing here is rehashing
- 20 LePard's report, Williams' report and Evans'
- 21 report, just say so and I will go home. But I
- don't think that's what we're doing here. I think
- we're, we're conducting an independent, thorough
- inquiry into the facts by looking at the documents
- 25 and hearing --

- 1 THE COMMISSIONER: I think I have --
- 2 MR. WARD: -- the direct evidence.
- 3 THE COMMISSIONER: I think I have a pretty good idea of what
- we're doing, Mr. Ward.
- 5 MR. WARD: Well, I confess I don't --
- 6 THE COMMISSIONER: Well --
- 7 MR. WARD: -- because I, I'm surprised I have to explain why
- 8 these critical people are relevant witnesses.
- 9 THE COMMISSIONER: No. Well, you have to explain why we have
- 10 to hear repetitious arguments, repetitious
- 11 evidence. That's what you have to --
- 12 MR. WARD: We haven't heard --
- 13 THE COMMISSIONER: Just a minute. Evidence that's already been
- 14 heard. That's what, that's what I --
- MR. WARD: Mr. Commissioner, with respect, we haven't heard any
- evidence yet. We have only heard from LePard.
- 17 It's meaning -- essentially meaningless evidence
- 18 with respect to double and triple hearsay like
- 19 this.
- 20 THE COMMISSIONER: If it's so meaningless, why did you
- 21 cross-examine him for two and-a-half days?
- 22 MR. WARD: Again, Mr. Commissioner, I cross-examined for four
- hours, one day, and the record displays that.
- Your recollection on this point is faulty, with
- 25 the greatest of respect.

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      THE COMMISSIONER: Well --
 2
      MR. WARD: With the greatest of respect, you're wrong,
 3
                   Mr. Commissioner.
 4
      THE COMMISSIONER: You know, you asked for five days to cross-
 5
                   examine him --
 6
      MR. WARD: Again, you're wrong, Mr. Commissioner, and I am
7
                   going to interrupt because I did not. I think
                   this is a convenient time to take a break.
8
9
      THE COMMISSIONER: All right. I'm not, I'm not taking a break.
                   I will decide when we take breaks.
10
11
      MR. WARD: All right. Well, I just was offering it because I
12
                   don't want to say something I will regret later
13
                   because --
      THE COMMISSIONER: Well, then you can --
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15
      MR. WARD: But I want to tell you, I want to tell you right
                   now, Mr. Commissioner, my clients, the families of
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17
                   25 missing and murdered women, have been watching
                   this proceeding, are following it, and they are
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19
                   extremely unhappy with the way it is being
20
                   conducted. I want to make that clear on the
                   record. I want to pass along to you their view
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22
                   that they, through their advocate, are getting the
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                   same treatment, in their perception, today, in
                   this inquiry room, as they got when they took
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their concerns to the authorities back in the

years before 2002. They are not being listened 1 2 to, they are not being respected and they are not 3 being appreciated, and that is their perception 4 and, and I'm passing that along. 5 THE COMMISSIONER: Well, let me interrupt you there, Mr. Ward. First of all, your clients have been treated with 6 7 respect. The families came here and we are grateful for what they've told us and we heard 8 about the pain and suffering they have gone 9 through. We've listened carefully to the way they 10 11 were treated by the authorities. In fact, they 12 were treated with so much respect that nobody cross-examined them. In fact, the lawyers got up 13 14 and apologized to them. 15 So, for you to suggest that they haven't been treated fairly is incorrect, and you know that, 16 17 Mr. Ward. The fact is that we are, we are most grateful for them to come forward, and they have 18 19 been heard for the first time and I personally am 20 grateful that they have come here and told us very, told us of very difficult personal 21 22 circumstances, the sufferings and the losses that they have experienced, and we patiently have 23 listened to them, as we should have. 24 25 And we respect them. We all respect them and

every lawyer in this room has respected them. And 1 2 for you to stand up here and say that they have been disrespected is wrong, and you know that as 3 4 an officer of the Court. They have been treated 5 very fairly, as they should have been. And I have 6 never seen, in a courtroom, in all the years that 7 I have been in courtrooms, where lawyers have actually apologized to victims the way they have 8 in this case. And that's the way it should be. 9 They should be treated with respect. But --10 11 MR. WARD: With, with respect, Mr. Commissioner, you 12 misinterpreted my comments. They have been watching and they have been seeing how their 13 14 representative, their advocate, me, their counsel, 15 is being treated in this process, and they perceive that that is a clear indication that they 16 17 continue to be shown a lack of respect. Let me give you one example. 18 19 THE COMMISSIONER: Well, first of all, that's not --20 MR. WARD: It's not incorrect. Let me give you one example. My clients were originally scheduled to testify on 21 22 a Monday. They were all here from their various places of residence. 23 24 THE COMMISSIONER: Yes. 25 MR. WARD: I expected that your commission counsel would

conduct their examinations in chief and we had had 1 2 discussions about that. Your commission counsel 3 said, "Have them all show up at 2 o'clock on 4 Sunday afternoon and we will get them ready for 5 their evidence." That's what happened and that --I said, "Well, that's absurd. You can't possibly 6 7 prepare 10 witnesses at 2 o'clock on a Sunday before they testify on a Monday. If that's your 8 attitude, we will do it," and we did. We 9 conducted the examinations in chief. That's just 10 11 one example. I can, I can point to many, many, 12 many more that have transpired in the course of 13 these proceedings. 14 THE COMMISSIONER: Okay. MR. WARD: Mr. Vertlieb gave up -- stood up here and made a 40-15 minute speech about my conduct reading e-mails. 16 You have criticized, Mr. Commissioner, two 17 questions that I had asked seven or eight days 18 19 earlier in this process, and clearly, based on Mr. 20 Nathanson's representations, I had every right to ask those questions in my submission. 21 22 But there are many, many examples of why the families feel the way they do. They are appalled, 23 Mr. Commissioner, at the suggestion that we are 24 25 going to rush to get this over with by the 30th of

April. They are appalled by that. If that is the 1 2 way that this public inquiry is going to unfold, 3 on a stopwatch, then I will have to seek 4 instructions as to whether they wish to be further 5 involved in this at all, because it will be a sham 6 if it --7 THE COMMISSIONER: Well, first of all, --MR. WARD: -- if it's done on a rushed --8 THE COMMISSIONER: Mr. Ward, I don't know what happened between 9 you and commission counsel. I will hear in a 10 11 moment about the interviews that were conducted. 12 I, I have no knowledge of that. But the two 13 questions that I took you to task for was the way you treated those two witnesses who came here. 14 15 One was Dr. Shannon. The other one was the public health nurse, Ms. Astin, and I took you to task 16 17 for that because I thought those witnesses deserved to be treated fairly. And I stand by my 18 19 remarks when you questioned that nurse about the 20 value of her own home, that she lived in a \$2 million home, and that, that was a question that 21 22 -- intended to embarrass her, and that was my 23 purpose in criticizing you for that. That's the 24 only area that I have, that I have criticized you on, Mr. Ward. 25

We treat witnesses with respect. All your

2 witnesses who came here were treated with respect 3 and I simply ask that you do the same to the other 4 witnesses who come here, whether you agree with 5 them or not. All witnesses who come here should 6 be treated with respect. 7 I thought that the way you treated Dr. Shannon was unfair, and I've told you that. I 8 9 was, I was quite candid with you. Dr. Shannon gave evidence about interviewing women that had 10 gone out to the farm. We didn't know that those 11 12 interviews had taken place during the trial or after the trial. That's something that you should 13 14 have clarified. In any event, I have made my 15 comments. I stand by them. We need to move on. MR. WARD: I agree, Mr. Commissioner, and I suggested a break 16 17 because my view is that this is becoming unseemly. All I want to say is that my clients believe that 18 19 they're entitled to a proper public inquiry in 20 accordance with the purpose of such a, a proceeding, as I set out from Professor Ratushny's 21 22 text. They feel they're not getting it. They feel that the paring of the witness list 23 down, the suggestion that counsel have to be 24 25 limited in cross-examinations, and the resistance

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1	that their counsel is getting with respect to
2	proposing witnesses who, on the face of it, appear
3	to be obviously relevant, is discouraging them.
4	Now
5	THE COMMISSIONER: Well, first of all, Mr. Ward, I, I don't
6	know whether these witnesses are relevant or not.
7	I am simply asking you how they're relevant, and I
8	am just here to hear the evidence. It's up to you
9	and other lawyers to decide who is relevant and
10	who ought to be called and who not to be called,
11	and the fact that you think they're relevant may
12	not be an opinion that's shared by other lawyers.
13	I will ask Mr. Vertlieb, first of all, before
14	we take the break, the, the allegation, the charge
15	you made, that the families were treated unfairly
16	by his staff.
17	MR. VERTLIEB: Well, I must say that was a bit of surprise to
18	me, knowing Ms. Brooks and Ms. McKeachie and Ms.
19	Samnani and know how respectful they are, and I
20	was fully confident in their attempts to meet with
21	Mr. Ward's clients. And I, I know from the
22	e-mails that I have read to you earlier, there
23	were efforts made during the summer that were not
24	able to come to fruition. So, I am, frankly, not
25	able to respond to that comment. I've seen

- 1 nothing that suggested any of my colleagues were
- 2 anything other than totally respectful.
- 3 THE COMMISSIONER: Yes. I am concerned --
- 4 MR. VERTLIEB: I must say to you --
- 5 THE COMMISSIONER: I'm concerned that, that, that if the
- families were treated unfairly, as Mr. Ward has
- 7 suggested, that's something that we should hear
- about, because they shouldn't be treated unfairly.
- 9 MR. VERTLIEB: I would completely agree, and I have been here
- for many days now, and none of, I have heard none
- of that from the family members. What I have
- seen, frankly, are family members approaching Ms.
- Brooks to talk with her about matters, and Ms.
- Brooks having to say, "Well, you already have a
- lawyer, Mr. Ward."
- 16 THE COMMISSIONER: Yes.
- 17 MR. VERTLIEB: So, anyway, I can't deal with that in the
- abstract. I have seen nothing. I think
- 19 everything about the --
- 20 THE COMMISSIONER: Okay.
- 21 MR. VERTLIEB: -- diligent staff we have contraindicates that
- 22 comment.
- 23 THE COMMISSIONER: Okay.
- 24 MR. VERTLIEB: But I do want to say, I think it's really
- 25 important for Mr. Ward to help the process by

Τ		focusing on the relevance of the people he's put
2		forward.
3	THE COMMISSI	ONER: Well, that's what I
4	MR. VERTLIEB	: For example, this Jane Smith, who he says is a
5		former sex worker, if you'd look at what he wrote
6		us at the bottom of page 2, but then listen to
7		what he said, it's very different. We've heard
8		nothing that this woman apparently had Pickton
9		tell her that he's responsible for killing women.
10		But that's not in his statement. Obviously, if he
11		had put that into his statement, we would be
12		curious to know more about that.
13		So, I mean, I must tell you that I, I don't
14		understand why we're only hearing now that this
15		potential witness would have an admission from Mr.
16		Pickton that would be really crucial. I don't
17		want to say that in a way that's critical of Mr.
18		Ward, but I just want you to know that we hadn't
19		heard that. We have the same information that you
20		have.
21		So, maybe during the break, Mr. Ward can
22		focus his thoughts on helping us understand what
23		evidence would be relevant so we can consider what
24		additions, if any, need to be made to the list.
25		That was what my request was.

THE COMMISSIONER: You see, that's my purpose here. I am not, 1 2 I am not trying to be difficult for you, Mr. Ward. 3 I just want to know how that's relevant. And the 4 point made by commission counsel is quite correct, 5 because when you read your will say here, it says nothing at all about the fact that, that Pickton 6 7 admitted in 2000 and -- in 2000 that he had killed women. You don't put that down in your statement. 8 So, is it any wonder that commission counsel 9 doesn't agree with the relevance of the witnesses? 10 11 I mean, you need to be better prepared here. So, I'm, you know -- it doesn't take much to put that 12 13 in. That's pretty relevant, Mr. Ward, and you 14 don't have that down. 15 What I think we should do is for you and commission counsel to sit down and go over each 16 17 and every one of these witnesses that you say ought to be called and tell me how relevant they 18 19 are. It's not good enough just to say, "Well, 20 this is what they're going to say." How do they fit within the terms of reference? 21 I don't want to, I don't want to thwart your, 22 23 the witness that you want to call. I want to

help. But it doesn't do much good if the

information that you give is incomplete. And with

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the greatest of respect, when you leave out a confession that Pickton apparently made, that's incomplete. So, you have to put all of the evidence in.

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So, I'm, I think that there are two ways of doing this. One is that you can sit down with commission counsel and go over all of the witnesses that you propose ought to be called, and point out the relevance of the evidence and how they would fit within the terms of reference. The second way of doing it is for me to make rulings as we go along. And that is, by that I mean that we can hear the evidence, as it will be elicited from the various witnesses who will be called from the parties who are here, and if it becomes apparent that these witnesses will add something further to the terms of reference, then clearly they should be called. But the information really needs to be more complete, and I say that with respect.

So, I am quite prepared to give you more time to look at this and to see whether or not you can complete the narrative, particularly as it relates to relevance and how they would further the terms of reference. So, are you agreeable to that?

- 1 MR. WARD: Well, here's, here's the thing. What you have in
- 2 your hand, Mr. Commissioner, is a very brief
- 3 list --
- 4 THE COMMISSIONER: Yes.
- 5 MR. WARD: -- that was prepared on, I think on the 6th of
- December, --
- 7 THE COMMISSIONER: Yes.
- 8 MR. WARD: -- forwarded to commission counsel with a couple of
- 9 bullet points for each witness --
- 10 THE COMMISSIONER: Yes.
- 11 MR. WARD: -- setting out why they were relevant to the terms
- of reference. None of what was contained in that
- document was intended to be a will say. What I
- had hoped was that your commission counsel would
- take the approach that they apparently have taken
- with respect to similar things received from Ms.
- Tobias, --
- 18 THE COMMISSIONER: Yes.
- 19 MR. WARD: -- Ms. Gervais and Mr. Gratl. It seems that they
- 20 have just simply adopted their names of proposed
- 21 witnesses with whatever brief representations were
- 22 made, or they have had further discussions and
- they have agreed to them. Whatever. I hoped that
- 24 would happen.
- I, for whatever reason, seem to have a great

deal of difficulty in communicating with commission counsel or in getting responses from them on any number of matters. I was directed that I would have to make these representations to you. So, I have come here today, armed to make fulsome submissions about each witness and their relevance to the terms of inquiry.

I would rather not do that. I really wish we were hearing from a witness, especially a police witness who is actually involved in the subject matter. But -- and I don't want to take up this commission's time with anything that's unnecessary. So, I am in your hands,

Mr. Commissioner. I am content to sit down with commission counsel and make the fulsome submissions directly to counsel at whatever time is convenient, or I can continue with this endeavor making them to you.

But I would suggest, and this would be my preference, is that we get on with hearing witnesses and we, we do this perhaps tonight. I have to say though, I don't, at the moment, have any confidence that sitting down with commission counsel will produce any agreement.

25 MR. VERTLIEB: Having heard that, perhaps then Mr. Ward should

prepare his outline in writing. He doesn't need 1 2 to do it today. We're at mid-December. We are on 3 track to start with witnesses in January. I 4 understood you to say you are happy to give him 5 more time and that's absolutely fine for 6 ourselves --7 THE COMMISSIONER: I don't -- I want to make one thing clear, 8 Mr. Ward. I want to help you pursue your case. I 9 want to do that. But I need -- you need to help me. And you can do that, you can, you can, first 10 11 of all, start by having a comprehensive analysis or a comprehensive will say as to how these 12 witnesses are relevant. It's not for me to call 13 14 the witnesses. I would expect the lawyers will 15 agree, or should agree, that the witnesses ought to be called. That's not for me to decide. It's 16 17 for me to decide how to conduct the inquiry. But I would like to see the lawyers agree on who 18 19 should be called and who is relevant and who is 20 not relevant, and that's all I am asking you to 21 do. 22 And so maybe that's the best thing to do, is 23 for you to do an analysis or do a, a statement of the witnesses that you say are relevant, and what 24 25 they expect to say and how they fit into the terms

1	of reference. And, and, and particularly where
2	there is a void in the evidence that we've heard,
3	or will be hearing, that would be of great
4	assistance to me, if we could do that. So
5	MR. WARD: We are all here. I suggest we take the break. It's
6	a suggestion. I'm not trying to dictate that.
7	But we can consult with counsel and we can resolve
8	how to proceed further, taking those comments into
9	serious and careful consideration.
10	But we are ready today to support our
11	application for these witnesses and we want to do
12	it as effectively and as efficiently as possible
13	and get a result so we know how this difficult
14	matter is going to unfold.
15	THE COMMISSIONER: Okay, Mr. Baynham, you want you are
16	anxious to
17	MR. BAYNHAM: No, I just wanted to speak before it's an
18	unrelated matter before the adjournment.
19	That's all.
20	THE COMMISSIONER: Oh, I see. Okay. Any other counsel have
21	any other comments here? Mr. Hern?
22	MR. HERN: Just, just a comment, is that I know that the
23	commission is under, you know, a timeframe that it
24	has spoken of before, and it has 50 witnesses on
25	the list. And I think that the distinction

between relevant and not relevant is sometimes hard to make because this case is of sweeping length of time and involves many, many people, many, many different corners and subject matters. So, I think the distinction that should be considered here is between witnesses who are truly central and then witnesses who are peripheral or repetitive as, as you have characterized them.

And so I think that the commission counsel's effort here is to place -- is just to have the central people first. And my, my view is that, as the time, as we unfold going through those central witnesses, we will (a) have a better sense of whether there are other issues to be pursued, that the more peripheral witnesses, as they appear now, need to speak to; and secondly, whether there is going to be enough time to be, to be able to call everybody who might be characterized as broadly relevant.

So, those are my -- that's my view. I think that this, if they're peripheral witnesses, we should hold off on putting them on the list now, and then let's see how -- where we are toward the end of January, if we are moving ahead faster.

THE COMMISSIONER: All right. Mr. Cooper or Ms. Gervais, do

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you have any comments?
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      MR. COOPER: No, Mr. Commissioner.
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      THE COMMISSIONER: Mr. Baynham, you don't have any?
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      MR. BAYNHAM: I don't have any comment about that. Mr. Roberts
                   just asked -- he had to leave -- he just asked me
 5
                   to have his binder marked as an exhibit for
 6
 7
                   identification. I don't believe it has been.
      THE COMMISSIONER: Okay.
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      MR. BAYNHAM: So, I think that's a pretty straightforward
10
                   thing.
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      THE COMMISSIONER: Okay. All right. Anything else from the
                   Department of Justice?
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      JUDI HOFFMAN: No, Mr. Commissioner.
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      THE COMMISSIONER: All right. Is it going to be useful for us
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                   to adjourn now or am I -- I think it might be more
                   productive if we, if we adjourn until tomorrow
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                   morning. We are here tomorrow morning, in any
                   event, are we not?
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      MR. VERTLIEB: We are. We are here to finish Deputy Chief
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                   LePard and Mr. Woodall has assured me he will be a
                   maximum of two hours. We will have re-examination
21
22
                   and then we can deal with it.
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                        But I must say that, having heard everything,
                   and we've always been of the view that if there is
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                   evidence that's important to hear, we want to hear
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it. I don't want Mr. Ward to feel rushed. I think it would help focus the mind, so to speak, to put it in writing so we can read. And I am just disappointed that what we've seen isn't, wasn't complete. And so rather than Mr. Ward feel rushed to be on his feet with the submission, if he focuses his, his mind to the written document, it will help. And he's got lots of time between now and the start-up of the hearings in January. I would prefer it to be done that way, because I think it's more effective.

Hearing everything I've heard, I don't -- I wouldn't be suggesting that you make any order today anyway. I think what you would want to do is hear how the evidence unfolds and then you would be able to see where you have questions or gaps or where you need some help, because it is really about your function and what we can do to help you. And you won't know that today. You won't know that even when we're back in mid-January. So, there is, there is no rush to conclude the list, and I wouldn't be recommending you do that. But I do think Mr. Ward needs to give us some more information.

THE COMMISSIONER: Well, that, you know, that's been my

concern, and I think sometimes we lose sight of the fact that this is, this is an inquiry and not a trial. And so, it's for a commissioner to decide what evidence that he or she needs to hear in order to address the terms of reference. And we want to be as comprehensive as possible, but at the same time, we don't have the luxury of unlimited time where we can call every witness, peripheral or not, to give what their testimony will be. We want to hear all the relevant and important evidence in order to address the important terms of reference. This is an important inquiry.

And so I'm not in any sense persuaded that this, this witness list that Mr. Ward has prepared is not relevant. I am not prepared to say that his application should be dismissed. To the contrary, he seems to have done some work here and — but I want to see a more comprehensive analysis or, or at least a, a submission as to how these witnesses will help me at the end of the day, and not merely repeat what other witnesses are expected to say. That's what I want to hear. You are an experienced lawyer. You have done a lot of these inquiries. So, I need to hear that from

1 you. 2 MR. WARD: Mr. Commissioner, I am here today because your 3 counsel told us to do it this way, to make --4 THE COMMISSIONER: Oh, I see. 5 MR. WARD: -- oral submissions to you. THE COMMISSIONER: Okay. 6 7 MR. WARD: I am fully prepared to make those submissions and 8 endeavor to persuade you why each and every witness on this list has relevant evidence to 9 offer. What I propose we do because -- well, what 10 11 I would like to see happen today on behalf of my 12 clients is that we bring on the next witness at 2 o'clock, or as soon as we can, given that time 13 14 seems to be at such a premium. 15 But I will propose two alternatives. I can carry on and make oral submissions to you or we 16 can have a discussion with Mr. Vertlieb and 17 present those submissions in a fulsome manner to 18 19 him, and if necessary, provide them in writing 20 after that. But I am here today because I was --21 and I am disappointed I am here today. I would 22 rather be doing any number of other things. But 23 my requests and explanations for these witnesses 24 and explanations of their relevance got no 25 traction and I was told to speak to you in open

hearing about it on this date. 1 2 THE COMMISSIONER: Okay. 3 MR. WARD: That's why I'm here. 4 THE COMMISSIONER: Okay. In any event, I have told you what my 5 thinking is, and that is that I am not in a 6 position to make any rulings one way or the other 7 with respect to the witnesses that you want called, except to say that I want to hear all the 8 relevant evidence that will help me make the 9 finding, to help me make the findings at the end 10 11 of the day. 12 And so I, I would like you to, to develop 13 your argument with respect to each witness and how 14 they are, how important they are, from the 15 arguments, from the perspective of the arguments that you will make at the end of the day. And I 16 17 have a pretty good idea already what you're going to say, but at the same time, there has to be an 18 19 evidentiary basis for you to make that. 20 So, I want to help you do this, but I need to have evidence within the parameters and within the 21 22 rules. And when I say that, I mean that I don't 23 want to hear repetitive evidence. I do want to 24 hear evidence that will be helpful in addressing the terms of reference. 25

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So, we'll adjourn until tomorrow. We will
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                   hear the deputy chief and then we will deal with
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                   these issues after -- in due course. And I, I
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                   would think that maybe the best way of dealing
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                   with this, as the evidence develops, and Mr. Hern
 6
                   has I think suggested, made a suggestion that I
 7
                   sort of refer to -- not as, not as eloquently as
                   he has -- that, that we hear the evidence, and
 8
                   where there is a void in the evidence and where we
 9
                   need to hear these witnesses that you say are
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11
                   relevant, we'll hear them. So --
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      MR. WARD: Well, I couldn't agree more.
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      THE COMMISSIONER: All right.
      MR. WARD: In light of my opening remarks, my submission is
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                   that this commission has an obligation to follow
                   the evidence, wherever it may lead it, --
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      THE COMMISSIONER: Yes.
      MR. WARD: -- provided it's within the terms of reference.
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                   I think I said, but I want to make sure I say
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                   this, that it may be, as we start hearing from the
                   witnesses who actually have direct evidence to
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                   offer, that we can further reduce the list, --
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      THE COMMISSIONER: Yes.
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      MR. WARD: -- because some will become unnecessary. And it may
25
                   well be, and probably likely will be, in my
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- 1 experience, that others will emerge --
- 2 THE COMMISSIONER: Sure.
- 3 MR. WARD: -- from the testimony as having critical evidence to
- 4 offer --
- 5 THE COMMISSIONER: Yes.
- 6 MR. WARD: -- and we have to be flexible.
- 7 THE COMMISSIONER: Yes. I, I couldn't agree with you more.
- 8 MR. WARD: So, I am disconcerted that I was obliged to come and
- 9 lay out a list of witnesses at this early stage,
- and, and attempt to justify them before we've
- 11 heard the evidence.
- 12 THE COMMISSIONER: Yes, okay. Well, you know, I don't know
- anything about that. But in any event, that's not
- my area. You know, I only hear the evidence.
- MR. WARD: So, thank you, and hopefully we'll start doing that
- 16 again soon.
- 17 THE COMMISSIONER: All right. Thank you.
- 18 THE REGISTRAR: Mr. Commissioner, before we adjourn, I would
- just like to clarify Mr. Baynham's request. That
- 20 was the binder for identification?
- 21 MR. BAYNHAM: Yes, that was the binder that Mr. Roberts used in
- his cross-examination of Mr. LePard.
- 23 THE REGISTRAR: Thank you. That will be marked for
- identification as letter M.
- 25 THE COMMISSIONER: All right.

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      THE REGISTRAR: Thank you.
 2
     MR. VERTLIEB: And on that subject, perhaps we could formally
 3
                   mark the LePard documents as 41 and then A, B, C,
 4
                   D, E, F, and mark those as --
 5
      THE COMMISSIONER: Okay.
     MR. VERTLIEB: -- restricted from the website, and then
 6
7
                   continuing as you outlined in your document
8
                   summary.
9
      THE COMMISSIONER: Does anybody have any concerns about that?
                   All right, so ordered.
10
11
      THE REGISTRAR: I will pass out a list of the exhibits as I
12
                   have numbered them.
13
     MR. VERTLIEB: Thank you.
                   (EXHIBIT NO. 41 (NR): (RESTRICTED) document
14
15
                   entitled: DCC LePard Documents - Volume 1)
                   (EXHIBIT NO. 41A (NR): (RESTRICTED) document
16
                   entitled: DCC LePard Documents - Witness Brief -
17
                   Volume 2)
18
19
                   (EXHIBIT NO. 41B (NR): (RESTRICTED) document
20
                   entitled: DCC LePard Documents - Witness Brief-
                   Volume 3)
21
22
                   (EXHIBIT NO. 41C (NR): (RESTRICTED) document
23
                   entitled: DCC LePard Documents - Project
24
                   Evenhanded)
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(EXHIBIT NO. 41D (NR): (RESTRICTED) document

25

1	entitled: DCC LePard Documents - Surveillance of
2	Pickton)
3	(EXHIBIT NO. 41E (NR): (RESTRICTED) document
4	entitled: DCC LePard Documents - Pickton as a
5	Suspect)
6	(EXHIBIT NO. 41F (NR): (RESTRICTED) document
7	entitled: DCC LePard Documents - Police
8	Informants)
9	(EXHIBIT NO. 42: Document entitled: Recovering
10	our Honour: Why Policing Must Reject the "War on
11	Drugs")
12	(EXHIBIT NO. 43: Photocopy of a photograph
13	depicting a police arrest)
14	(EXHIBIT NO. 44: Document entitled: The Search
15	for a Vein of Hope: Does our Drug Policy Really
16	Have Four Pillars or is There Just "One Shaky
17	Toothpick?")
18	(EXHIBIT NO. 45: Document entitled: DCC LePard
19	documents - Volume 1)
20	(EXHIBIT NO. 45A: Document entitled: DCC LePard
21	Documents - Witness Brief - Volume 2)
22	(EXHIBIT NO. 45B: Document entitled: DCC LePard
23	Documents - Witness Brief- Volume 3)
24	(EXHIBIT NO. 45C: Document entitled: DCC LePard
25	Documents - Project Evenhanded)

Τ		(EXHIBIT NO. 45D: Document entitled: DCC Leraid
2		Documents - Surveillance of Pickton)
3		(EXHIBIT NO. 45E: Document entitled: DCC LePard
4		Documents - Pickton as a Suspect)
5		(EXHIBIT NO. 45F: Document entitled: DCC LePard
6		Documents - Police Informants)
7		(EXHIBIT NO. M FOR IDENTIFICATION: Binder
8		entitled "Documents for the Cross-Examination of
9		Deputy Chief Douglas LePard" used by Mr. Roberts
LO		in his cross-examination of DC LePard - previously
11		marked Exhibit H for Identification)
L2	THE	COMMISSIONER: All right, thank you. We're adjourned.
L3	THE	REGISTRAR: This hearing is now adjourned until 10 o'clock
L 4		tomorrow morning.
L5		(PROCEEDINGS ADJOURNED AT 11:37 A.M.)
L 6		I hereby certify the foregoing
L7		to be a true and accurate
L8		transcription of the proceedings
L 9		herein to the best of my skill
20		and ability.
21		
22		Gabriele Heise, RPR
23		Official Reporter, BCSRA No. 399
24		Realtime Certified Reporter
25		United Reporting Service Ltd.

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EXHIBITS

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entitled: DCC LePard Documents - Volume 1)	
(EXHIBIT NO. 41A (NR): (RESTRICTED) document	73
entitled: DCC LePard Documents - Witness Brief -	
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