



Joel A. Hesje, Q.C. *Commission Counsel for Stonechild Inquiry*

McKercher McKercher and Whitmore LLP played a leading role in a recent high profile public inquiry in Saskatchewan that generated considerable public interest and comment.

Joel A. Hesje, Q.C., a partner with McKercher McKercher and Whitmore LLP since 1990, served as Commission Counsel for the *Commission of Inquiry Into Matters Relating to the Death of Neil Stonechild*. Joel was ably assisted by one of the Firm's associates, David M.A. Stack, who was appointed Assistant Commission Counsel.

Mr. Justice David H. Wright, Commissioner of the Inquiry, chose Hesje for this prestigious role. In his report, Mr. Justice Wright thanked Joel, saying, "Joel Hesje has done an outstanding job as Commission Counsel."

Hesje's appointment as Commission Counsel was made in the spring of 2003. As Commission Counsel, he was responsible for investigating the circumstances giving rise to the inquiry, interviewing potential witnesses and assembling documentation. All this work is in tandem with other parties who have a stake in the process.

Ultimately, Commission Counsel decides who will be called as witnesses. Over 100 witnesses were interviewed, with a total of 63 witnesses being called. During the inquiry, 43 days were spent in the hearing room.

During the inquiry itself, Commission Counsel's work is to organize and present the evidence of all witnesses. This testimony is then subject to cross-examination by the parties involved. In total there were ten parties represented by legal counsel during the Inquiry.

As Commission Counsel, Joel and David had

to attempt to achieve consensus amongst the various parties involved, regarding procedural and evidentiary issues. "One of the things that I'm particularly pleased about is

"Joel Hesje has done an outstanding job as Commission Counsel."

that, to a large degree, we were able to reach consensus as evidenced by the fact that there were no court challenges to the work of the Commission. However, a large part of this can be attributed to the balanced approach taken by the Commissioner," says Joel.

The report on the Stonechild Inquiry was released in October, 2004 and is available to the public.

Joel and David both say they have gained valuable experience as a result of their involvement in this process. Joel notes that instead of being an advocate for one party as is the normal function of a lawyer, as Commission Counsel his job was to present the evidence in an impartial manner.

Ultimately, Joel looks back on the work of the Commission with a sense of satisfaction.



Joel A. Hesje, Q.C.

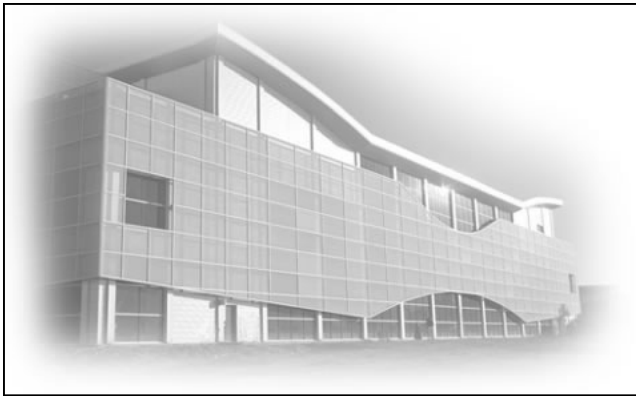
Joel maintains an active practice with the Firm, with an emphasis on Commercial Litigation and Insolvency.

"I am satisfied with the process and that Commissioner Wright fulfilled his mandate, writing a thorough and useful report. I was pleased to have an opportunity to play a role in the important work of the Commission."



McKercher Law Firm plays key role in Canadian Light Source project

After years of planning and lobbying, the Canadian Light Source (CLS) was officially opened on the University campus in Saskatoon in September, 2004. Doug Richardson, Q.C., senior partner at McKercher McKercher & Whitmore LLP, was part of the team integrally involved in those years of work.



Doug's involvement as legal counsel for the University and his experience working in Ottawa made him a valuable addition to the lobbying team.

He is passionate and enthusiastic about the impact the CLS will have on Saskatoon and Saskatchewan. "It's been great to see the results with the opening of the facility. I am convinced it will make a huge difference in the province over time. I have no doubt about it," he says. "It will be an important hook to keep young people in the province, in scientific and related jobs."

Dr. William Thomlinson became Executive Director of the CLS in 2002, and has worked closely with Richardson and other members of the Firm. "Without the dedication and expertise of our colleagues at McKercher McKercher & Whitmore, the Canadian Light Source would almost certainly not be in Saskatoon, nor would it be financially sound for the foreseeable future. The efforts of the staff have always been far more than professional. Indeed, they have been, and continue to be, intensely emotional and personal as well, capturing the excitement and vision of the CLS, the University of Saskatchewan and the City of Saskatoon," Dr. Thomlinson says.

The University has long been considered a research centre in western Canada, and the addition of the CLS (the national centre for synchrotron light research) has served to enhance this reputation.

In the early 1990s, the Linear Accelerator on the University campus (the predecessor to today's synchrotron) was about to be shut down after 30 years of operation. The closure would mean a loss of jobs and a

- ◆ **The CLS is the largest science project in Canada in 30 years**
- ◆ **Scientists from around the world are expected to visit the CLS 2000 times a year**

loss of prestige for the University. As a result, efforts began in the mid-1990s to lobby Ottawa for funding for the new generation of accelerator, called the synchrotron. The team was made up of local business people, university faculty and a myriad of supportive parties.

In the beginning, there was no desire in Ottawa to promote such a huge project in Saskatoon. Doug recalls one bureaucrat in Ottawa vowing that, "not in my lifetime" would the synchrotron be built in Saskatoon.

Doug says the lobbying effort focussed on the level of scientific community already in Saskatoon, the existing accelerator and the cost savings of building here. As a result, he says, "Saskatoon wasn't such a crazy idea!"

Although over a dozen universities were vying for the synchrotron project, the list was eventually pared down to two hopefuls: the University of Western Ontario and the University of Saskatchewan. The international peer review process evaluated every aspect of each university's bid.

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The local support, including municipal and provincial levels of government, made the difference for the University of Saskatchewan.

“It’s amazing what a city can do when no one tries to take the credit,” Doug says. The city itself was behind the project. Although not all citizens could understand the science of the project, they could see the advantages for both the city and the province.

Doug credits University of Saskatchewan Presidents Ivany and, particularly, MacKinnon, the University Board of Governors, the local Chamber of Commerce, SREDA, the Real Estate Board, scientific groups, the University of Saskatchewan faculty (notably Dr. Dennis Johnson and Dr. Dennis Skopik) and local business people for securing the synchrotron in Saskatoon. “They were promoters of Saskatoon first and strong supporters of science,” he says.

“The Canadian Light Source is our country’s largest science project in a generation, and a critically important resource for innovation in the twenty-first cen-

tury. The lawyers from McKercher, McKercher and Whitmore provided vital support, advice and assistance in securing the project for Saskatchewan and in its development from concept to state-of-the-art facility,” says Peter MacKinnon, President of the University of Saskatchewan.

Doug continues to be involved with the CLS by helping find industrial users for the facility.



In addition, the Firm is involved with the ongoing operation of the facility. Dick Batten, senior partner at the Firm, is an advisor to the Board of the CLS, consulting on legal and governance issues for the facility.

Douglas B. Richardson, Q.C.

Doug maintains an active practice with the Firm, with an emphasis on Small Business, Corporate Governance, Land Development and Commercial and Financial Issues.

Appointments to Milgaard Inquiry



John R. Beckman, Q.C. **Richard W. Elson**

John R. Beckman, Q.C., and **Richard W. Elson**, partners with the Firm, have been appointed Co-Counsel, representing the Saskatoon Police Force, for the *Commission of Inquiry into the Wrongful Conviction of David Milgaard*. The appointment was made by Saskatoon Police Chief Russell Sabo.

The Firm’s involvement with the Inquiry started in January, 2005, and is expected to last until the end of the year.

John has been a partner with the Firm since 1980. He completed his law degree at the University of Saskatchewan in 1976. John’s practice focuses on Civil Litigation, Professional Negligence, Labour and Employment and Human Rights.

Rick has been a partner with the Firm since 1989. He completed his law degree at the University of Manitoba in 1980. Rick’s practice focuses on Medical Malpractice, Native Residential Schools and Employment Law.



Of Note

- ◆ The Firm congratulates its two newest partners, **Michael T. Petrescue** and **Collin K. Hirschfeld**. Mike has been with the Firm since 1995 and his preferred areas of practice are Corporate and Commercial Law, Tax Law and Aboriginal Tax issues. Collin has been with the Firm since 1997, with a practice focusing on Insolvency and Debt Recovery, Labour and Employment Law, Administrative Law, Construction Law and General Civil Litigation.
- ◆ The Firm is pleased to welcome **Paul Favel** as an Associate in the Saskatoon office. Paul worked with the Firm from 1995—1998 and rejoins the Firm following his work in Nova Scotia and, most recently, the FSIN. Paul specializes in Corporate and Commercial Law, Aboriginal Law and General Litigation.
- ◆ The Firm is also pleased to welcome **Nikki A. Rudachyk** and **Stacy A. Paquin** as the newest Associates of the Firm. Nikki articulated in our Saskatoon office, while Stacy articulated in the Regina office. They each joined the Bar in 2004. Nikki's practice focuses on Corporate and Commercial Law, Estates and Estate Planning, Real Estate and Oil and Gas Law. Stacy has a practice focusing on Civil Litigation and Insurance Defense.
- ◆ Four new articling students have joined the Firm. **Peter K. Fenton**, **Marie K. Stack** and **Xiaoling Fan** are working in the Saskatoon office and **Nicholas M. Cann** is in the Regina office.
- ◆ **Peter A. Whitmore, Q.C.**, a partner in our Regina office, was recently granted an honorary degree in Canon Law by the College of Emmanuel and St. Chad in Saskatoon. The degree is awarded in recognition of his work with the Diocese of Qu'Appelle as well as his other community service. Congratulations, Peter!
- ◆ In *Benton v. Cameco Corp.*, 375 F.3d 1070 (10th Cir. 2004) at 1084, the United States Court of Appeals cited as an authority a journal article published by **David M.A. Stack**, an Associate with the Firm. The article is entitled "The Two Standards of Good Faith in Canadian Contract Law" (1999), 62 Sask. L. Rev. 201-223.

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