

COMMISSION OF INQUIRY
INTO MATTERS RELATING TO THE DEATH OF NEIL STONECHILD

APPLICATION OF KEITH DOUGLAS JARVIS

The applicant will appear as a witness at the Inquiry. He now applies for full standing and funding.

RULING ON STANDING

The Terms of Reference provide that the Commission has the responsibility to inquire into all aspects of the circumstances that resulted in the death of Neil Stonechild, and the conduct of the investigation into the death of Neil Stonechild. The evidence to date has focused on the first branch of the Terms of Reference. The focus will now shift to the conduct of the investigation of the death of Neil Stonechild.

In 1990 Keith Jarvis was a Sergeant in the Saskatoon Police Force. He was charged with the investigation of the death of Neil Stonechild, the first formal investigation to follow the discovery of Mr. Stonechild's body on November 29, 1990. Mr. Jarvis's conduct of the investigation will be central to this branch of the Inquiry. As such, he is directly and

substantially affected by the Inquiry. The findings of the Commission may have important implications for him. I have concluded he should be granted full standing at the Inquiry.

RULING ON FUNDING

Mr. Jarvis has retained counsel. He applies for funding for his legal representation. He is retired and has limited financial resources. He meets the criteria set by the Commission for funding as a party. I refer to the Terms of Reference and in particular, paragraph 5:

5. The Commission shall, as an aspect of its duties, determine applications by those parties, if any, or those witnesses, if any, to the public inquiry that apply to the Commission to have their legal counsel paid for by the Commission, and further, determine at what rate such Counsel shall be paid for their services.

Mr. Jarvis is entitled to funding with respect to his legal representation as a party. Counsel's compensation will apply on the basis of one hour's preparation for each hour of attendance at the Inquiry. Time spent by his counsel at the request of the Commission including Commission counsel or in attending with his client while the client is being interviewed by the Commission counsel may also be billed as preparation time.

I have reviewed Mr. Stevenson's material and his curriculum vitae. Given counsel's

substantial experience and length of time at the Bar, it is appropriate to set his hourly rate at \$192.00. If alternate counsel appears for Mr. Stevenson that person's hourly rate will be fixed at \$125.00.

Counsel will submit an invoice to Commission counsel on a monthly basis, the invoice to set out the nature of the work done and disbursements.

CONCLUSION

I appreciate that not every eventuality can be anticipated. Circumstances may require that the bases for funding be re-visited at a later date. Counsel will have leave to apply for directions as they may be advised. Any such application shall be in writing and the other parties shall be served with copies of it.

Dated at the City of Saskatoon, in the Province of Saskatchewan, this 26th day of September 2003.

Mr. Justice David H. Wright
Commissioner