

AIDWYC Annual General Meeting

June 6, 2009

11 a.m. – 2 p.m.

60 Lowther Avenue, Toronto, Ontario

List of Attendees:

John Allen	Susan DeRosa	Michael Linkie	Carmel Prince
Linda Azuma	Jerry Feldman	James Lockyer	Alice Propper
Amit Bajwa	Linda Fischer	Sean MacDonald	Kathleen Reynolds
Barjinder Bajwa	Janice Fisher	Jonathan MacKenzie	Pierrette Robillard
Harminder Bajwa	Jonathan Freedman	Newsha Maghaddamfar	Christine Roth
Probsimran Bajwa	Howie Gelfand	Tammy Marquardt	Daniel Semmler
Rob Baltovich	Jagmit Gill	Heather McArthur	Maria Shepherd
Jennifer Barratt	Sanaz Golestani	Joanne McLean	Russell Silverstein
David Bayliss	Stephen Goudge	Scott McMaster	Gus Sinclair
Jim Bell	Mel Green	Stephanie Mealing	Jessy Singh
Paul Bennett	Barb Hale	Peter Meier	Munny Sodhi
Joanna Beyersbergen	Anthony Hanemaayer	Rosemary Meier	Louis Sokolov
Josée Bouchard	Cathy Harran	Ravi Mistry	Ralph Steinberg
Mary Lou Carroll	Joe Heller	Don Molnar	C. Stevenson
Jordan Carter	Liam Hendrikse	Tim Moore	Crystal Tomusiak
James Clark	Rejean Hinse	Dave Moran	Peter Thurling
Kimberley Clow	Brian Horgan	William Mullins	Bibi Vanderhyden
Trish Coffin	Steve Jones	Lida Sara Nouraie	Win Wahrer
Gary Comeau	Mykola Kuz	Debbie Oakley	Margaret Way
Clayton Conlan	James Laforet	David Oliver	Billy Wine
Peter Copeland	Julien LeBourdais	Eric Pardu	Monica Zamfir
Alison Craig	Maureen Lennon	Alicia Payne	
Ron Dalton	Alan Libman	Patty Pettigrew	
Jacinta Dalton	Betty Linkie	Romeo Phillion	

Regrets:

Seville Akel	Shanaaz Gokool	Deanna Lagroix	Julie Pagliaro
Chris Bates	Barbe Gray	Michael Layman	Johnnie Savory
Sal Caramanna	Brian Greer	Harold Levy	Marie Coffin Stewart
Jimmy Coffin	Linda Greer	Jim McCloskey	Steven Truscott
Thea Collins	Cy Greene	Kathy McConnell	Marlene Truscott
Verna Davies	Susan Hedges	Joyce Milgaard	Doug Tjapkes

MINUTES

1. Introduction and opening remarks by interim Co-President Ralph Steinberg
 - Introduction of Debbie Oakley as Interim Executive Director for AIDWYC
2. Review of Annual Activity Report by Interim Co-President Jonathan Freedman
 - Successful Cases in the last year:
 - Erin Walsh - acquitted
 - Robert Baltovich - acquitted
 - Anthony Hanemaayer - acquitted
 - Romeo Phillion – conviction quashed
 - Kyle Unger – conviction quashed
 - Tammy Marquardt – out on bail
 - Steven Truscott – compensated
 - Jim Driskell – compensated

Special thanks to lawyers James Lockyer, Joanne McLean, David Bayliss, Alan Libman, Phil Campbell, Sean MacDonald, Gus Camelino and Win Wahrer, Director of Client Services for the work contributed to the above mentioned cases as well as others.

- Inquiry Participation
 - Goudge Inquiry – October 1, 2008 (thanks to Louis Sokolov and Vanora Simpson who represented AIDWYC and James Lockyer, Phil Campbell and Alison Craig who represented the clients).
- Board Governance Improvements
 - Regular Board and Executive Committee meetings which are being well attended.
 - New Nominating Committee has been formed thanks to Committee Chair, Gus Sinclair.
 - New streamlined Committee structure approved on May 21, 2009. (Executive, Case Review, Nominating and Audit Committees).
 - Application for charitable status is ready for submission to Canada Review Agency (CRA).
 - An AIDWYC Foundation/Board is being set up to hold charitable funds raised and disburse them to AIDWYC to fund Canadian case work, client support and public and professional education. Initial directors – Jonathan Freedman, Billy Wine, Josée Bouchard and Sal Caramanna.

- AIDWYC is spreading its name through involvement in conferences, the Sounds Like Justice Fundraiser and the Journal.
- Special Thanks To Donors
 - Ian and Pat Cartwright who gave a gift of 1 million dollars in December 2008.
 - Marie Coffin Stewart who through fundraising efforts donated \$10,200.00 to assist in the Wilbert Coffin case.
 - Grey County Lawyers' Association donated \$10,000 in 2009.
- Special Thanks To Our Funders
 - The Law Foundation of Ontario
 - Criminal Lawyers' Association
 - Trillium Foundation
 - Anonymous
- Conference Participation And Other Events
 - International Innocence Network Conference California in March 2008.
 - International Innocence Network Conference Texas in March 2009.
 - Conference on Expert Forensic Evidence in Criminal Proceedings: Avoiding Wrongful Convictions on May 9, 2009.
 - Film Festival – “Witch Hunt” in September 2008.
 - Wrongly Convicted Panel at Assumption University on October 3, 2009.
- Fundraising Events
 - “Sounds Like Justice” Benefit Concert/Auction on May 8, 2009.
 - Criminal Law Student Association of University of Ottawa raised \$3,000 at Band AIDWYC fundraiser on January 18, 2008.
 - Criminal Law Student Association of the University of Ottawa raised \$2,000 at a Band AIDWYC fundraiser on February 6, 2009.
- Student AIDWYC Initiatives
 - York University
 - University of Toledo
 - Two forming at University of Toronto and Ryerson.
- AIDWYC Volunteer Appreciation
 - Volunteer Appreciation Night was held on January 28, 2009.
- Acknowledgement of Awards Presented to AIDWYC:

- Ontario Bar Associations' Inaugural President's Award (December 2007)
- James Lockyer nominated for Globe and Mail's Nation Builder Award 2008.
- Award of Distinction from the Toronto Lawyers' Association (Feb. 12, 2009)

3. Review of proposed amendments to AIDWYC By-Laws presented by Michael Kainer
AIDWYC now has 2 different corporations:

- AIDWYC Board – oversees AIDWYC as we know it.
- AIDWYC Foundation Board – only accepts donations and disburses funds to AIDWYC for approved clientele purposes.
- The existing By-laws have not been changed in 8/9 years. There are several changes that have been proposed such as the following:
 - Objects deleted (now only in the letters patent)
 - The Board is now to be elected for 3 year terms, and staggered.
 - Quorum Requirements – 8 or majority in office.
 - To be eligible to run for the Board you must be a member of AIDWYC for at least 1 year.
 - Conflict of interest – expanded to include any family member.
 - Co-presidents are now formally recognized – must make decisions jointly.
 - Introduction of the Nominating Committee.
 - More elaborate proxy voting procedure.

Gus Sinclair motioned for changes to the By-laws be accepted. David Bayliss seconded the motion (no one opposed). Motion carried.

4. Audited Financial Statements – AIDWYC Treasurer, Russell Silverstein introduced Gerry Feldman (auditor) of the firm of Schwartz Levitsky Feldman llp.

- There has been an increase in funding through donations, and an increase in members.
- AIDWYC broke even this year financially.
- AIDWYC has \$70,000 in assets.
- Liabilities are minimal
- Year end changing to December 31st.
- Bibi Vanderhyden, AIDWYC's bookkeeper was thanked for all the work she contributed to preparing the financial reports.

Paul Bennett moved that the financial statements be approved - Ron Dalton seconded the motion (no one opposed). Motion carried.

Louis Sokolov moved that Gerry Feldman be appointed auditor for the period September 1 to December 31, 2009 – Russell Silverstein seconded the motion (no one opposed). Motion carried.

5. Board Nominating Committee Report – Gus Sinclair

Gus made the following comments:

- Had a retreat in January where a nominating committee was formed.
- Started soliciting nominations.
- 5 people nominated for 2 year terms and 8 people nominated for 3 year terms.
- Put forward Sean MacDonald, Heather McArthur, Kim Murray, and Lida Nouraie as new members.
- Missing someone with a financial background – still looking.
- Initial Members of Foundation Board – Jonathan Freedman, Josée Bouchard, Sal Caramanna and Billy Wine

Gus Sinclair moved that the Board be appointed as proposed –David Bayliss second motion (no one opposed). Motion carried.

6. Update on Canadian Cases – James Lockyer

Successful Cases:

- Rob Baltovich was acquitted
- Romeo Phillion's convicted was quashed – the case is still ongoing. Still waiting for the decision for the Court of Appeals to clear Romeo Phillion's name.
- Erin Walsh was acquitted
- Anthony Hanemaayer was acquitted.
- Kyle Unger's conviction was quashed. New trial ordered by the Minister.

Unresolved Cases:

- Gary Comeau
- Jeff Smith
- Chris Bates

Charles Smith's Cases:

- Sherry Sherret – case back before the Court of Appeal
- Maria Shepherd – case back in Ontario Court of Appeal
- Tammy Marquardt – Released on bail. Her case is back before the Court of Appeal
- Frank Ostrowski – Driskell report recommended AIDWYC review case.

7. Special Acknowledgments:

- Rob Baltovich paid tribute to Joanne McLean on behalf of AIDWYC for her enormous contribution to his case and many other wrongful conviction cases. Joanne was presented with a gift by Win Wahrer on behalf of AIDWYC.
- Peter Meier announced that Jim McCloskey is the first recipient other than the wrongly convicted to be honoured as a lifetime member of AIDWYC for his considerable

contribution to freeing the innocent. Win Wahrer read an acceptance response on behalf of Jim McCloskey.

8. Review of Current Case Activity – Win Wahrer

- AIDWYC is currently reviewing 52 Canadian cases.
- AIDWYC has been involved in the review of international cases since its inception and on May 21, 2009 endorsed the cases of Raymond Gray who has been incarcerated for 36 years in Michigan and Jeff Boppre who has been incarcerated for 21 years in Nebraska.
- Win said it is a time of celebration but encouraged everyone not to forget those still sitting in prison who are claiming innocence and are counting on AIDWYC. She encouraged all case reviewers to work diligently to free them.
- Cases are in desperate need of investigative work.
- The major challenge facing AIDWYC is obtaining documents.
- Win expressed appreciation to case reviewers who she said AIDWYC could not exist without. She praised them for their commitment and hard work. “The most important person is the one sitting in prison.” “Never think you're doing just a little. You're doing great work for those who don't have hope.” “There's something in the human spirit that cries out to take up the gauntlet.”
- She paid tribute to Peter Meier who was AIDWYC’s president for 10 years, the students who volunteer in a variety of capacities. Tim Moore, Peter Copeland and Regina Schuller for the publication of their paper regarding the RCMP Undercover Sting Operation known as “Mr. Big”.
- Acknowledged James Laforet the graphic designer of the current issue of the AIDWYC Journal.
- Susan DeRosa for her years of contributing her editing skills to the Journal.
- Stephen Jones and Brian King for their contribution to investigative work.
- Win acknowledged the presence of the late Salinder Dhillon’s many supporters that accompanied Harvinder Bajwa to the AGM. Mr. Dhillon was murdered prior to being officially exonerated.
- Acknowledged James Lockyer’s considerable contribution to AIDWYC and the need to once again make the wrongly convicted the face of AIDWYC and was pleased that Ron Dalton is on the Board of AIDWYC.
- She expressed gratitude for the opportunity to introduce the wrongly convicted and their families and supporters an honour that is bestowed on her at each AGM.
- Win introduced Ron Dalton and his wife Jessie, Gary Comeau, Romeo Phillion, Rejean Hinse, Rob Baltovich, Maria Shepherd, Anthony Hanemaayer and Tammy Marquardt. She expressed the hope that Gary Comeau would finally be exonerated by the time of the next AGM. Each were given the opportunity to address the gathering which they accepted and expressed thanks.

9. Keynote address – Justice Stephen Goudge

- Referred to the first pages of the Inquiry Report in which the words of William Mullins-Johnson so readily articulated the purpose and meaning of the Commission.
- Of 44 cases, 20 have been reviewed and 12 have resulted in exoneration cases.

- Thoughts on the Commission:
 - The purpose of the inquiry was to help not to just learn from the mistakes that were made, not on culpability
 - There is a great need for institutional oversight.
 - There is potential for enormous human cost in the power of expert evidence.
 - Potential for tremendous harm of flawed scientific evidence (as opposed to "appropriate science").
 - Expert language is very important, "we hear things differently than scientists speak them". A dialogue is needed about the gap of understanding. For instance, when someone giving expert testimonial says, "In my opinion", some may take what is being said as fact and not as opinion because of how the expert witness is perceived.
 - Problem of speculation and going beyond the area of expertise. Judge Goudge quoted an expert witness as saying, "When I'm asked a question, I think it's my duty to respond". The onus is on the Court to not ask questions which invite speculation or ambiguity.
 - Responsibility does not lie with just one individual because the system itself is flawed. Therefore there is not just one focus/solution, but rather a multi-dimensional approach that is essential.
 - Need for implementation of best practices in the autopsy suite.

Justice Goudge was presented with a gift of appreciation by Win on behalf of AIDWYC.

10. Other Business – None

The official business aspect of the AGM was followed by a luncheon provided by Jennifer Barratt with the help of Munny Sodhi and Carmel Prince.

Dave Moran a singer/songwriter entertained the attendees with a special song dedicated to Wilbert Coffin "Ship of Souls" as well as other selections including a special song he wrote for the wrongly convicted.

Dave was presented with a gift by Win on behalf of AIDWYC in appreciation of his support and willingness to perform whenever asked.