

FORM 6A: PRE-HEARING CONFERENCE MEMORANDUM

[General Heading]

PRE-HEARING CONFERENCE MEMORANDUM OF THE COLLEGE [OR OF THE MEMBER, AS THE CASE MAY BE]

Date of pre-hearing conference:

College Counsel:

Defence Counsel:

BACKGROUND INFORMATION

1. Please attach a copy of the Notice of Hearing to this memorandum.
2. Set out a brief statement of the theory of the College's case as you understand it, including factual contentions.
3. Set out a brief statement of the theory of the Member's case as you understand it, including factual contentions.
4. Provide a description of the legal issues to be determined at the hearing.
5. For every witness you may call at the hearing, set out or attach a statement of the substance of the evidence of the witness.
6. Attach a copy of any document that would assist the pre-hearing conference to be more effective.

SETTLEMENT AND AGREEMENTS

7. What are the prospects for settlement?
8. Have counsel discussed the matter and sought instructions?
9. Would this be a suitable case to attempt informal or dispute resolution?
10. Set out the facts in numbered paragraphs that you believe should be agreed to.
11. Set out a numbered list of documents that you believe should be admitted on agreement.
12. On the subject of witness accommodation:

- Will you be bringing any motions for orders respecting the accommodation of witnesses under rules 13.06, 13.07 and 13.09, the taking of evidence prior to the hearing or the use of such evidence at the hearing under rules 10.01 to 10.03, or for the admission of evidence of sexual activity of a witness under rule 13.05?
- If so, what order will you seek and on what grounds?
- What is your position with respect to any such motions proposed to be brought by the party opposite?
- Have you advised persons who you propose to call as witnesses at the hearing of the potential assistance of a support person under rule 13.07?
- Having regard to the definition of the term "best interests of the witness" in sub-rule 1.01(2), are you satisfied that you have taken or will take, at or prior to the hearing of the merits of the allegations against the member, all steps reasonably available, including the bringing of appropriate motions, to ensure that the allegations against the member will be determined in a manner that protects the best interests of persons who you intend to call as witnesses?

13. On the subject of hearsay evidence and prior testimonial statements:

- Will you be seeking to introduce hearsay evidence or prior testimonial statements of any person who you do not intend to call as a witness at the hearing of the merits of the allegations?
- If so, identify the maker of such evidence/statements and the circumstances in which they were made.
- Do you intend to oppose the admission of such evidence/statements tendered by the party opposite and/or to apply for an order requiring the maker of such evidence/statements to be produced for the purpose of cross-examination at the hearing of the merits of the allegations and if so, on what grounds?

ADDITIONAL STEPS BEFORE THE HEARING

14. On the subject of other motions:

- Will you be bringing any other motions before or during the hearing?
- If so, what order will you seek and on what grounds?

15. When do you intend to bring each motion?

- On the subject of disclosure:
- Are there any issues with respect to disclosure?
- Has the College made full disclosure to the member?
- Have you produced all of the expert reports upon which you intend to rely?

- If you have not yet made all required disclosure, why not and by what date will it be done?
16. On the subject of a documents brief:
- Who will prepare and deliver a brief containing the Notice of Hearing, the documents admitted by agreement, and the presiding officer's report?
 - By what date will the brief be delivered?
 - Should the hearing Panel be able to review the brief before the hearing?
17. On the subject of written arguments:
- Are there any issues which should be the subject of written argument? If so, identify them.
 - When should the written arguments be delivered by?
 - Should the hearing Panel be able to review the written arguments before the hearing?
18. On the subject of a book of authorities:
- Will you be referring to any authorities other than the Ontario College of Teachers Act, 1996 and the regulations defining professional misconduct? If so, list them.
 - Should those authorities be copied for the hearing Panel or for independent legal counsel?
 - If so, who should prepare the authorities brief and when should it be delivered?
 - Should the hearing Panel or independent legal counsel be able to review the authorities brief before the hearing?

PLANNING THE HEARING

19. On the subject of scheduling the hearing:
- Are you ready for the hearing?
 - Are there any special considerations affecting the setting of a date arising from the availability of witnesses or otherwise?
 - How long will the hearing last?
 - Other than the motions listed above, the witnesses listed above and the normal submissions, is there anything else that will have to be dealt with during the hearing itself?

- Estimate the length of time it will take to dispose of any motions you will bring during the hearing including adequate time for deliberation by the Committee.
- In numbered paragraphs, list your witnesses in the order that you will call them and estimated length of time it will take to hear their entire evidence, including cross-examination and questions from the Committee.

<u>Number</u>	<u>Witness' Name</u>	<u>Estimated Time</u>
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- How long will it take you to make your opening and closing submissions on the issue of finding?

20. List the witnesses you intend to have available to testify for each day of your case:

<u>Day</u>	<u>Witness' Available That Day</u>
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21. Will you be requesting that the Committee issue a summons to require any person to give evidence or to produce any document or thing in evidence at a hearing and if so, identify the person?

22. Do you object to the issuance by the Committee of a summons requested by the party opposite and if so, on what grounds?

(Date)

 (Signature of most responsible counsel who will be attending at the hearing)