# Case Conference Memorandum

# About This Form

In cases where the RECE and the Prosecutor do not agree about all parts of the case, a contested hearing will be held. These are cases where the RECE and the Prosecutor do not agree on whether the RECE is guilty of professional misconduct, the consequences, or both.

To help plan an efficient and smooth hearing, details about the case and the hearing will be described in the Case Conference Memorandum and discussed at the Case Conference to Plan for Finalization. **Duty Counsel can help the RECE complete this form**.

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| **Without prejudice:** This document is confidential. It can only be used during Case Management. It cannot be used during a hearing, including to hold the writer to any statements they make in it. It cannot be shared in any other way, except if the RECE and the Prosecutor agree.  However, information you share might affect how the other Party thinks about or presents their case. |

### What happens at a hearing?

If the RECE and the Prosecutor disagree about the facts (what happened) or whether the facts mean the RECE is guilty of professional misconduct, the Prosecutor will try to show that the RECE is guilty of the accusations. They do this with evidence: witnesses who testify, documents, or other things like photos or videos. The RECE will have a chance to respond. The RECE can ask questions about the Prosecutor’s evidence or use different evidence to try to show that they are not guilty.

If the RECE and the Prosecutor disagree about what consequences would be appropriate for the Discipline Committee to order (require), the Prosecutor and the RECE both get to tell the Panel what they think the consequences should be and why. This part of a hearing only happens if the Discipline Committee decides that the RECE is guilty of professional misconduct.

# **When and How to Use This Worksheet**

The Prosecutor **must** complete this form at least 15 Business Days before the Case Conference to Plan for Finalization. They must deliver their Memorandum to the RECE and file a copy with the Hearings Office.

The RECE can also complete this form, but they are **not** required to. If the RECE chooses to complete this form, they must do so at least 7 Business Days before the Case Conference to Plan for Finalization and they must [deliver their Memorandum to the College’s Prosecutor and file a copy with the Hearings Office](https://www.hearings-ece.ca/wp-content/uploads/resources/Sending_Documents.pdf).

These requirements are described in Rule 3.09(7) in the [Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee](https://www.hearings-ece.ca/wp-content/uploads/resources/Rules.pdf).

The Discipline Committee and the Hearings Office use plain language in all of their processes. The RECE and the Prosecutor are expected to use plain language in their Case Conference Memorandum, too.

Please enter your information without changing or deleting any of the wording in the form. That will help readers (such as the RECE, the Prosecutor or the Facilitator) understand your responses. If you don’t have anything to say about a question, please write “no response”, “N/A” or something similar.

You can attach any documents you think would be helpful to prepare and plan for the hearing.

# Case Conference Memorandum

## Background Information

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| Who is completing this Memorandum? | | | |
|  | **Prosecutor** |  | **RECE** |

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| Prosecutor’s name: |
| RECE’s name: |
| RECE’s registration #: |
| RECE’s representative (if applicable): |
| Date of Case Conference for Understanding: |
| Scheduled date of Case Conference to Plan for Finalization: |

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| **To be completed by the Prosecutor:** RECE’s Current Registration Status  |  |  |  |  | | --- | --- | --- | --- | | Can the RECE practise the profession now? | | | | |  | **Yes** |  | **No** | |  |  | If not, is the reason: | | |  |  | Administrative Suspension. Type: | |  |  | Suspension by order of a committee. Type: | |  |  | Resignation | |  |  | Revocation | |  |  | Other. Please describe: |  |  |  |  |  | | --- | --- | --- | --- | | Are there terms, conditions or limitations on the RECE’s certificate registration? | | | | |  | **Yes** |  | **No** | | If yes, is the reason: | |  |  | |  | An agreement/Undertaking signed by the RECE |  | |  | An order of a Committee |  | |  | Other. Please describe: |  | |

## Overview

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| Please summarize:   * Any facts the RECE and the Prosecutor agree about * Any facts the RECE and the Prosecutor do not agree about * Any legal issues the RECE and the Prosecutor agree about (including, but not only, if the RECE is guilty of professional misconduct) * Any legal issues the RECE and the Prosecutor do not agree about (including, but not only, if the RECE is guilty of professional misconduct) * Any previous professional misconduct or other relevant College history |

## Evidence and Disclosure

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| Are there any concerns about the disclosure process? | | | |
|  | **Yes** |  | **No** |
| If yes, please describe the concerns: | |  |  |

### For the Prosecutor:

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| Have you made full disclosure to the RECE? | | | |
|  | **Yes** |  | **No** |
| If yes, please provide the date: | |  | If no, when full disclosure be given to the RECE: |

### For the RECE:

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| Do you have a copy of all disclosure? | | | | | |
|  | **Yes** |  | **No** | | |
|  | | If no, can you and the Prosecutor agree on a date when that will be done? | | | |
|  | **Yes** |  | **No** |
| If yes, please provide the date: | | If no, please explain why you and the Prosecutor cannot agree: | |

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| Do you plan to use any expert reports at the hearing? | | | | | | | | | | |
|  | **Yes** | | | | | | |  | | **No** |
| If yes, have you given all expert reports to the other Party? | | | | | | | |  |  | |
|  | | **Yes** |  | **No** | | | |  |
|  | | | | If no, can the RECE and the Prosecutor agree on a date when that will be done? | | | |  |
|  | **Yes** |  | **No** |  |  | |
| If yes, please provide the date: | | If no, please explain why the RECE and the Prosecutor do not agree: | |  |

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| List all the witnesses you expect to call at the hearing and how much time you think will be needed for their testimony: |

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| Please list any witnesses who require accommodation (for example, a translator/interpreter or being able to testify in a different way) and what accommodations they will need: |

## Admissions and Agreement

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| Will the RECE admit to any facts? | | | |
|  | **Yes** |  | **No** |
| If yes, please summarize the facts they will admit to: | |  |  |

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| Will the RECE admit to any or all the accusations of professional misconduct that have been made about them? | | | |
|  | **Yes** |  | **No** |
| If yes, please list the accusations they will admit to: | |  |  |

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| Are there any documents or evidence that you think should not be allowed to be used in the hearing? | | | |
|  | **Yes** |  | **No** |
| If yes, please list which documents or evidence they are: | |  |  |

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| A light bulb with rays of light  AI-generated content may be incorrect. | An Agreed Statement of Facts (ASF) is a document that describes facts the RECE and the Prosecutor agree are true and agree should be included as written evidence at the hearing. An ASF can be about all or only some of the facts in the case. |

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| Have the RECE and the Prosecutor created an Agreement of Facts? | | | |
|  | **Yes** |  | **No** |
|  | | If no, | |
| Can this be done? | |
| What are the areas the RECE and the Prosecutor do not agree about? | |

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| A light bulb with rays of light  AI-generated content may be incorrect. | A joint submission on penalty (JSP) is a document that describes the consequences the RECE and the Prosecutor agree would be appropriate for the Discipline Committee to order (require) to protect children and the public. A JSP is only given to the Panel if and after they have decided the RECE is guilty of professional misconduct.  While the Panel at the hearing does not have to order what the RECE and the Prosecutor recommend, the Panel does order what they recommend if the recommendation is reasonable. If the Panel plans to order something different from what the RECE and the Prosecutor recommended, they will give them a chance to comment first. |

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| Have the RECE and the Prosecutor created a Joint Submission on Penalty? | | | |
|  | **Yes** |  | **No** |
|  | | If no, can this be done? | |
| What are the areas the RECE and the Prosecutor do not agree about? | |

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| A light bulb with rays of light  AI-generated content may be incorrect. | A Joint Book of Documents is a collection of materials the RECE and the Prosecutor agree the Discipline Committee Panel should be able to review. |

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| Have the RECE and the Prosecutor developed a Joint Book of Documents? | | | | | |
|  | **Yes** |  | **No** | | |
|  | | If no, can this be done? | | | |
|  | **Yes** |  | **No** |
| If yes, when will it be finalized? | | If no, please explain why you and the Prosecutor cannot agree: | |

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| If the RECE and the Prosecutor will have a Joint Book of Documents, should the Discipline Committee Panel be able to review it before the hearing? | | | |
|  | **Yes** |  | **No** |
| Provide additional comments if you wish: | | | |

## Planning the Hearing

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| Are you ready for the hearing? | | | |
|  | **Yes** |  | **No** |
|  | | If no, what else do you need to be ready: | |

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| Should the case be expedited (held as quickly as possible)? | | | |
|  | **Yes** |  | **No** |
| If yes, why? | |  | |

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| How long (how many days) do you think the hearing will take? |
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| Motions are formal legal requests for something to happen in the hearing process. Do you plan to bring any motions before or during the hearing? | | | |
|  | **Yes** |  | **No** |
| If yes, how long (how many days) do you think those motions will take? | |  |  |

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| What else should be considered in setting a hearing date (such as witness availability)? |
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| A light bulb with rays of light  AI-generated content may be incorrect. | A summons is a legal document that requires a person to attend or provide evidence at a hearing. For many witnesses, a summons is not needed. It might be needed, for example, if the person will not come voluntarily or if their workplace requires one before they can testify. |

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| Will you ask the Discipline Committee to issue a summons for any witness? | | | |
|  | **Yes** |  | **No** |
| If yes, please name the witness(es)? | |  |  |

### Memorandum or Directions

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| Are there any specific topics or issues that should be included in Facilitator’s report after the Case Conference to Plan for Finalization? | | | |
|  | **Yes** |  | **No** |
| If yes, what are they and why do you think they should be included? | |  |  |

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| Are there any instructions that the Facilitator should give during the Case Conference to Plan for Finalization or in the report they write afterwards? | | | |
|  | **Yes** |  | **No** |
| If yes, what are they and why do you think they are appropriate and needed? | |  |  |

**Signed by:**

|  |  |
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| Name: | Date: |
| Signature: |