FORM 2A – PRE-HEARING CONFERENCE

Discipline Committee of the
Ontario Professional Planners Institute

**IN THE MATTER OF THE *ONTARIO PROFESSIONAL PLANNERS INSTITUTE ACT****,* ***1994***, as amended and the regulations thereunder, as amended;

**AND IN THE MATTER OF** allegations of breaches of the Professional Code of Practice referred by the Discipline Committee of the Ontario Professional Planners Institute regarding (*Member’s name*)

PRE-HEARING CONFERENCE MEMORANDUM OF

(*College or Member’s Name*)

Date of pre-hearing conference:

Name of College Counsel:

Name of Member’s Counsel (if applicable):

BACKGROUND INFORMATION

1. Set out the allegations or attach a copy of the notice of hearing or statement of allegations to this memorandum.

1. Set out a brief statement of the theory of the prosecution’s case as you understand it, including factual contentions.

1. Set out a brief statement of the theory of the member’s case as you understand it, including factual contentions.

1. Provide a description of the legal issues to be determined at the hearing.

1. Attach a copy of any documents that would assist the pre-hearing conference more effective.

SETTLEMENT AND AGREEMENTS

1. What are the prospects for settlement?

1. Have counsel discussed the matter and sought instructions?

1. How / on what terms should this matter be settled?

1. Set out the facts, in numbered paragraphs, that you believe should be agreed.
	1.
2. Set out a numbered list of the documents you believe should be admitted in evidence on agreement, as part of a joint brief of documents.
	1.

ADDITIONAL STEPS BEFORE THE HEARING

1. On the subject of disclosure:
	* 1. Has the prosecution made full disclosure to the member?

* + 1. Has the member made disclosure to the prosecution in accordance with the Discipline Committee’s Rules of Procedure?

* + 1. Are there any issues with respect to disclosure?

* + 1. Have you produced all of the expert reports upon which you intend to rely upon?

* + 1. If you have not yet made all required disclosure, why not and by what date will it be done?

1. On the subject of motions:
	* 1. Do you anticipate bringing any motions before or during the hearing:

* + 1. If so, what order will you seek and on what grounds?

* + 1. When do you intend to bring each motion?

1. On the subject of a documents brief:
	* 1. Set out a numbered list of the documents you expect to enter into exhibits
			1.
		2. If there is to be a joint book of documents, should the hearing panel review the brief before the hearing?

* + 1. If so, by what date can the brief be delivered?

1. On the subject of a book of authorities:
	* 1. Will you be referring to any authorities other than the *Ontario Professional Planners Institute Act*, 1994, and *Statutory Powers Procedure Act, RSO 1990*, c. S.22, and the regulations under those statutes? If so, list them.
			1.
		2. If so, who should prepare the book of authorities and when should it be delivered?

* + 1. Should the hearing panel and/or independent legal counseil be able to review the book of authorities before the hearing?

PLANNING THE HEARING

1. On the subject of witnesses:
	* 1. In numbered paragraphs, list your fact witnesses in the order you expect to call them and estimate the length of time it will take to hear their entire evidence, including cross-examination and questions from the hearing panel:

*Witness Name & Estimated Time*

* + - 1.
		1. It is the preference of the Discipline Committee to identify any potential conflicts of interest and/or circumstances giving rise to a reasonable apprehension of bias at the earliest possible opportunity. Is there any reasons why the witness list cannot be circulated to the hearing panel?

* + 1. Do you anticipate calling any expert witnesses?

* + 1. If so, have you disclosed a copy of the expert’s report to the other side?

1. On the subject of scheduling the hearing:
	* 1. Are there any special considerations affecting the setting of a hearing arising from the availability of witnesses or otherwise?

* + 1. Estimate how many days will be required for your case in total:

* + - * 1. How long will it take you to make your opening and closing submissions on the issue of finding?

* + - * 1. How long will it take to dispose of any motions you anticipate bringing during the hearing, including adequate time for deliberation by the hearing panel?

* + - * 1. How long will it take to hear the evidence of all of your anticipated expert witness(es), including any cross-examination and questions from the hearing panel?

* + - * 1. How long will it take to hear the evidence of all of your anticipated expert witness(es), including any cross-examination and questions from the hearing panel?

* + - * 1. In the event that the hearing panel makes a finding, how long do you anticipate requiring any submissions and evidence on the issue of what order the hearing panel should make?

* + 1. When will you be prepared for the hearing to commence?

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| Date |  | Signature of most responsible counsel who will be attending at the hearing |
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