



Directive on Electronic Hearings Before the Discipline and Fitness to Practise Committees

1. Introduction

This Directive on Electronic Hearings Before the Discipline and Fitness to Practise Committees (“the Directive”) is meant to supplement the Rules of Procedure of the Discipline and Fitness to Practise Committees regarding electronic hearings to further streamline the process.

Notwithstanding the direction set out below, nothing in this Directive shall limit the discretion afforded to the Discipline or Fitness to Practise Committees under the Rules of Procedure¹, the *Statutory Powers Procedure Act* or other application legislation.

2. Pre-hearing Conferences

Parties are not required to submit paper copies of pre-hearing conference memos and are instead directed to file an electronic copy with the Hearings Office by email to:

twray@ocswssw.org.

3. Hearing Documents and Logistics

In recognition of the fact that different types of hearings i.e. contested, uncontested, motions etc., may raise unique issues regarding documents, it is directed that each party complete the Hearing Management Screening Form (Schedule A to this Directive) at least 14 days in advance of the hearing (or at such other time as approved by the hearing panel chair). The parties shall file the Hearing Management Screening Form with the Hearings Office by email to:

twray@ocswssw.org.

Where the Registrant who is the subject of the hearing is self-represented, or where a party requests it, or as directed by the hearing panel chair, a hearing management teleconference shall be convened. Such hearing management teleconference shall be scheduled at least ten days in advance of the hearing (or at such other time approved by the hearing panel chair).

4. Electronic Hearings - Court Reporter and Transcript

A court reporter will make an audio recording of hearings held by teleconference and videoconference. The transcript can be ordered by the parties in the normal course.

¹ Rules of Procedure of the Discipline and Fitness to Practise Committees.

HEARING MANAGEMENT SCREENING FORM "SCHEDULE A"

Please respond to each of the following questions, with explanatory comments as necessary, and submit by email to the Hearings Officer at: twray@ocswssw.org.

- 1. Format of documents:** Documents will be submitted as PDF files. It is easier for the panel to manage documents electronically if they are submitted as separate files, rather than as one large PDF. However, it is also useful to have related documents grouped together in the form of briefs, where possible. For example, it would be helpful if all of one party's documentary evidence can be assembled in one brief of documents, and all of one party's case law and authorities can be assembled on one brief of authorities.

Question: Will each party submit their materials as separate PDFs, grouped as briefs, where possible?

- 2.** For any materials that are submitted in the form of PDF briefs, i.e. with multiple tabs, the panel asks that they be "bookmarked" so the panel can easily jump to a specific tab. The panel also asks that the pages in each document be numbered sequentially.

Question: Will the parties accommodate these two requests?

- 3. File naming convention:** the panel asks that the different PDF files be named in a way that allows the panel to identify easily which party has submitted the document and what the document is. The file name for all documents submitted by the College should begin with the word "College", followed by the name of document, for example "Book of Documents" or "Submissions on Misconduct" or "Book of authorities". For materials submitted by the Registrant who is the subject of the hearing, the file name should begin with the word "Registrant" followed by the name of the document. Documents submitted jointly can be named "Joint Book of Documents" or "Joint Book of Authorities."

Question: Are the parties agreeable to this?

- 4. Submitting documents in advance:** Can any of the documents be submitted to the panel in advance of the hearing? Although it is not required, it would be logistically most simple and efficient if all the documents were sent to the panel in advance of the hearing. If the parties are prepared to do that, the parties can also stipulate that the panel should not *review* some (or all) of the documents prior to the hearing. In other words, the parties could direct that although the materials are *delivered* to the panel before the hearing, the panel *should not read* some or all of them prior to the hearing. The panel would abide by such a request.

Question: What are the parties' views on whether the panel can receive some or all documents electronically before the hearing in this case? What are the parties' views on whether the panel can review any the documents it receives in advance?

- 5. Date for submission of documents to the Hearings Officer:** According to the Committee's Rules, each party must deliver to the other party and the Hearings Officer the documents they intend to rely on at least 3 business days before the hearing.

Question: When will the parties deliver to the Hearings Officer any documents that are to be provided to the panel in advance of the hearing? Will the parties do so in this case, or do they anticipate needing to shorten that time?

- 6. Submitting documents during the hearing:** Documents that need to be submitted during the hearing are typically dealt with by having counsel send the document to the Hearings Officer, by email at the appropriate time in the hearing, copying the other counsel. The Hearings Officer would then forward the document on to the panel by email.

Question: Are the parties in agreement with this approach?

- 7. Displaying documents during the hearing.** For electronic hearings held using a video conference platform, the video conference platform allows documents to be displayed on the screen for all participants to view. It is not required, and the panel will be referring to their own copies of the documents, but it is helpful for the panel to see the documents on-screen as counsel refer to them during the hearing.

Question: Would the parties be comfortable using the screen sharing function to display documents during the hearing?

- 8. Other issues:**

Question: Are there any other logistical or other issues related to the hearing that the panel should be aware of?