# FORM 2A – PRE-HEARING CONFERENCE MEMORANDUM

**Discipline Committee of the**

**Ontario College of Pharmacists**

**IN THE MATTER OF** the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, as amended, and the regulations thereunder, as amended;

**AND IN THE MATTER OF** the *Pharmacy Act, 1991*, S.O. 1991, c.36, as amended, and the regulations thereunder, as amended;

**AND IN THE MATTER OF** the *Drug and Pharmacies Regulation Act,* R.S.O. 1990, c.H.4, as amended, and the regulations thereunder, as amended;

**AND IN THE MATTER** of allegations of proprietary/professional misconduct/incompetence referred by the Accreditation/ Inquiries, Complaints and Reports Committee to the Discipline Committee of the Ontario College of Pharmacists regarding **[NAME OF MEMBER].**

**PRE-HEARING CONFERENCE MEMORANDUM**

**OF [THE 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.
2. Set out a brief statement of the theory of the prosecution'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. Attach a copy of any document that would assist the pre-hearing conference to be more effective.

**SETTLEMENT AND AGREEMENTS**

1. What are the prospects for settlement?
2. Have counsel discussed the matter and sought instructions?
3. How/on what terms should this matter be settled?
4. Set out the facts, in numbered paragraphs, that you believe should be agreed to.
5. Set out a numbered list of the documents you believe should be admitted into evidence on agreement, as part of a joint brief of documents.

**ADDITIONAL STEPS BEFORE THE HEARING**

1. On the subject of disclosure:
2. Has the prosecution made full disclosure to the member?
3. Has the member made disclosure to the prosecution in accordance with the Discipline Committee’s Rules of Procedure?
4. Are there any issues with respect to disclosure?
5. Have you produced all of the expert reports upon which you intend to rely?
6. If you have not yet made all required disclosure, why not and by what date will it be done?
7. On the subject of motions:
8. Do you anticipate bringing any motions before or during the hearing?
9. If so, what order will you seek and on what grounds?
10. When do you intend to bring each motion?
11. On the subject of a documents brief:
12. Set out a numbered list of the documents you expect to enter into evidence.
13. If there is to be a joint book of documents, should the hearing panel be able to review the brief before the hearing?
14. If so, by what date can the brief be delivered?
15. On the subject of a book of authorities:
16. Will you be referring to any authorities other than the *Regulated Health Professions Act, 1991*, the *Statutory Powers Procedure Act*, the *Pharmacy Act, 1991*, the *Drug and Pharmacies Regulation Act,* and the regulations under those statutes? If so, list them.
17. If so, who should prepare the book of authorities and when should it be delivered?
18. Should the hearing panel and/or independent legal counsel be able to review the book of authorities before the hearing?

**PLANNING THE HEARING**

1. On the subject of witnesses:
2. In numbered paragraphs, list your fact witnesses in the order that 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:

Number Witness Name Estimated Time

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 reason why the witness list cannot be circulated to the hearing panel?
2. Do you anticipate calling any expert witnesses?
3. If so, have you disclosed a copy of the expert’s report to the other side?
4. On the subject of scheduling the hearing:
5. Are there any special considerations affecting the setting of a hearing date arising from the availability of witnesses or otherwise?
6. 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?
   2. 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?
   3. How long will it take to hear the evidence of all of your anticipated fact witnesses, including any cross-examination and questions from the hearing panel?
   4. 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?
   5. In the event that the hearing panel makes a finding, how long do you anticipate requiring for any submissions and evidence on the issue of what order the hearing panel should make?
7. When will you be prepared for the hearing to commence?

[*Date*] [*Signature of most responsible counsel who will be attending at the hearing*]