



PRACTICE DIRECTION SETTING PRE-HEARING CONFERENCE AND HEARING DATES

The Discipline Committee is committed to adjudicating allegations referred to it fairly and efficiently, and to fulfilling its mandate to protect the public. The Discipline Committee is of the view that the new Rules of Procedure (“Rules”), which will take effect on February 1, 2015, will further these goals.

With the passing of the Rules, the Discipline Committee will exercise more management over its processes, including scheduling pre-hearing conferences and hearings. A Hearings Office has been created to assist the Discipline Committee with administrative functions, such as scheduling. This will mark a departure from the Discipline Committee’s current practice of hearing set date motions. This Practice Direction reflects the Rules and is intended to provide further clarification regarding how discipline matters will be scheduled.

SET DATE MOTIONS

Effective February 1, 2015, the Discipline Committee will no longer schedule set date motions and will instead rely on the relevant provisions in the Rules and this Practice Direction when scheduling pre-hearing conferences and hearings.

For clarity, any set date motions already scheduled will be treated in the same manner as they were prior to this Practice Direction being issued. Namely, the parties will attend before a Panel and schedule a date for a hearing regarding the allegation(s) referred to the Discipline Committee. In circumstances where the parties have scheduled a pre-hearing conference before the set date, the set date motion will be cancelled and the parties will attend the pre-hearing conference with the expectation that a hearing date will be scheduled at that time.

This Practice Direction does not prevent a party from bringing a motion under Rule 5 seeking an order setting a hearing date. Nor does it prevent a party from seeking an order under Rule 10.01 directing an expedited pre-hearing conference or hearing.

MANDATORY PRE-HEARING CONFERENCE

The Discipline Committee views pre-hearing conferences as an invaluable step in a proceeding. A pre-hearing conference provides an opportunity for the parties to candidly discuss the case, with the goal of reaching an agreement. In circumstances where agreement is not possible, the pre-hearing conference provides a secondary benefit of reducing procedural issues and narrowing the issues to be determined by the hearing Panel. As a reflection of this view, the Discipline Committee has passed Rule 4.01, which makes pre-hearing conferences mandatory.

4.01 *The parties shall attend a pre-hearing conference, unless the chair directs otherwise, and shall be prepared to discuss all of the topics set out in the pre-hearing conference memorandum, including scheduling hearing dates.*

SCHEDULING PRE-HEARING CONFERENCES

Rule 4.03 provides that pre-hearing conferences “shall be scheduled by the Hearings Office.”

Upon referral of allegation(s) to the Discipline Committee, the Hearings Office will provide potential dates for a pre-hearing conference to the parties with the goal of completing the pre-hearing conference within 120 days (4 months) of the date of the referral. The Hearings Office will also provide a deadline by which the parties must select a date for the pre-hearing conference.

If the parties are not able to agree on a date for the pre-hearing conference by the deadline provided, the Chair of the Discipline Committee will select a date and the Hearings Office will schedule the pre-hearing conference accordingly.

SCHEDULING HEARINGS

The Discipline Committee expects that the parties will follow Rule 4.01 and will attend a pre-hearing conference prepared to discuss all of the topics set out in the pre-hearing conference memorandum, including scheduling a hearing date(s). Accordingly, the parties and counsel are instructed to attend pre-hearing conferences with their calendars and prepared to schedule a hearing date at that time.

In order to facilitate scheduling a hearing, the Discipline Committee expects the parties to fully complete Form 2A, including those sections relating to scheduling, as required by Rule 4.06.

At the pre-hearing conference the Presiding Officer will provide dates for the hearing with the goal of completing the hearing within 330 days (11 months) of the date of referral.

In rare circumstances where a pre-hearing conference is not held, or where a hearing date is not scheduled at the pre-hearing conference, the Hearings Office will provide potential dates for the hearing to the parties, along with a deadline by which the parties must respond.

If one of the parties does not respond by the deadline given, the Hearings Office will proceed to schedule the hearing without further consultation with the non-responding party regarding the date. If the parties are not able to agree on a date for the hearing by the deadline provided, the Chair of the Discipline Committee will select a date and the Hearings Office will schedule the hearing accordingly.

Effective February 1, 2015