

**Court of Appeal for Ontario
Practice Direction**

Schedule A
Appeal Management Form
Re Allegations of Incompetence of Trial Counsel In Criminal Cases

Name of Appellant:
Court of Appeal File No.: C

Appellate Counsel:

tel:

Crown Counsel:

tel:

Trial Counsel:

1. Is the allegation of the incompetence of trial counsel the only ground of appeal?

No

Yes - attach a copy of the Notice of Appeal

Additional grounds are:

2. What is the nature of the allegation of incompetence? (e.g. conflict of interest, failure to interview/call witnesses etc.)

3. What is the evidentiary foundation for the allegation of incompetence?

- transcript
- affidavit from appellant
- affidavit from trial counsel
- affidavits from other witnesses (details)
- other (specify)

4. Has notice of the allegation of incompetence been given to trial counsel?

- Yes
- No (explanation for failure to notify)

5. Has appeal counsel received trial counsel's file?
 Yes - date received:
 No

6. Is trial counsel bringing an application to object to the transfer of the file?
 No
 Yes

7. Has Crown counsel been given access to trial counsel's file?
 No
 Yes - date provided:

8. Has the Appellant given a waiver of privilege in relation to trial counsel's file?
 No
 Yes - date provided:

9. If a waiver has been given, are there limitations on its scope?
 No
 Yes (specify)

10. Is a claim of solicitor-client privilege being made for any material in the file?
 No
 Yes

11. Has Crown counsel received an inventory of the materials over which privilege is claimed?
 No
 Yes - date provided:
12. Has Crown counsel received a written statement of the basis for any claim of privilege?
 No
 Yes - date provided:
13. Is Crown counsel bringing an application for directions as to how the validity of the claim of privilege may be challenged?
 No
 Yes - proposed date for application:
14. What is the status of the Appellant's fresh evidence material?
15. Proposed dates for the filing of the Appellant's fresh evidence materials:

16. Has the Respondent been served with all of the Appellant's materials in support of the Allegation of incompetence of trial counsel?

Yes

No

17. If the Respondent has not received all of the Appellant's materials,

- list the materials which have been received:

- list the materials which are outstanding:

- proposed date for filing the Appellant's materials:

18. Is the Respondent intending to file material in response to the Appellant's material?

Yes

No

19. Proposed date for filing the Respondent's materials:

20. Other issues to be discussed with the Case Management Judge:

Counsel for the Appellant

Of Counsel for the Respondent

Date:

Please Fax The Completed Schedule to the Attention of the Criminal Appeals Coordinator to (416) 327-6256, or Scan and E-mail to:

Coa.criminal.scheduling@ontario.ca.