

Memo to the Profession

TO: All Judges, Justices of the Peace, Crown Counsel, Defence Counsel, Legal Aid Ontario, Trial Co-ordinators, Judicial Secretaries, and Court Staff.

FROM: Justice Colette Good
Ontario Court of Justice
Local Administrative Justice for Tri-Counties (Criminal)

DATE: December 16th, 2024

RE: Judge-Led Intensive Case Management Court (JICMC) & Enhanced Trial Co-ordination Services

This practice direction applies to all cases in the Ontario Court of Justice for the Tri-Counties (Brantford, Simcoe, Cayuga).

Unless otherwise specified, this practice direction applies to self-represented accused persons and accused persons who are represented by counsel.

Judge-Led Intensive Case Management Courts (JICMC)

Effective immediately all cases that are six (6) months of age or more shall be adjourned to the next available judge-led intensive case management court. The six (6) month mark is determined by the sworn date on the information.

All accused persons and their counsel of record (where applicable) shall appear **in person** in the judge-led intensive case management court. In person, means in person. It does not mean in person by zoom.

Both the accused person and their counsel of record should come to court prepared to enter guilty pleas, have judicial pre-trials (where one is required), or set their matter down for a trial or preliminary hearing. If counsel of record cannot attend the next available judge-led intensive case management court in person, then counsel of record shall send a properly instructed agent to attend JICMC to discharge the above-noted responsibilities.

Where an accused person and their counsel of record wish to adjourn other matters into the judge-led intensive case management court for a global resolution on all outstanding charges, they may do so.

2025 dates for JICMC in Brantford (27 dates)

- January 8th, 2025 (#1) – 10 cases
- January 22nd, 2025 (#1) – 25 cases
- February 4th, 2025 (#1) – 10 cases
- February 11th, 2025 (#4) – 10 cases
- February 18th, 2025 (#4) – 10 cases
- February 26th, 2025 (#4) – 10 cases
- March 7th, 2025 (#4) – 10 cases
- March 12th, 2025 (#4) – 10 cases
- March 21st, 2025 (#4) – 10 cases
- March 25th, 2025 (#4) – 10 cases
- April 1st, 2025 (#1) – 10 cases
- April 9th, 2025 (#4) – 10 cases***
- April 15th, 2025 (#2) – 10 cases
- April 22nd, 2025 (#4) – 10 cases
- April 30th, 2025 (#4) – 10 cases***
- May 6th, 2025 (#4) – 10 cases
- May 14th, 2025 (#2) – 10 cases
- June 3rd, 2025 (#4) – 10 cases
- June 10th, 2025 (#4) – 10 cases
- June 18th, 2025 (#4) – 10 cases
- June 23rd, 2025 (#2) – 25 cases
- July 4th, 2025 (#4) – 25 cases
- July 29th, 2025 (#2) – 10 cases
- August 8th, 2025 (#4) – 25 cases
- August 12th, 2025 (#4) – 25 cases
- August 18th, 2025 (#4) – 25 cases
- August 26th, 2025 (#4) = 25 cases

This court starts at 10:00 a.m. unless otherwise specified (***) means a 2:00 p.m. start-time as the judge-led intensive case management court has been combined with the Indigenous Peoples court.

The JICMC in Brantford is an **in person only** court that will accept matters for case management that are six (6) months of age or older.

Do not adjourn cases into this court that are less than six (6) months of age unless those cases will formulate part of a global resolution that involves at least one information that is six (6) months of age or greater.

Do not adjourn cases into this court that are six (6) months of age or older where a resolution has already been achieved and time is required to complete that resolution. For example, the accused party requires six (6) months or more to complete a program of diversion, make restitution payments, etc.

The JICMC is a labour-intensive court that will be capped at either 10 or 25 cases per sitting. Once the JICMC cap is reached, please adjourn accused persons who are **not** moving their cases forward in a timely fashion to the next available judge-led intensive case management sitting. **Please do not exceed the caps, they exist for a reason!**

As soon as a matter is adjourned into JICMC, a pre-trial report form (a.k.a. Green Sheet) must be jointly completed by counsel and submitted to the trial co-ordinator. This form will be used by the trial co-ordinator to schedule trial and/or preliminary hearing dates. Where the accused person is self-represented, this form shall be completed by the Crown Attorney. The pre-trial report form shall be delivered to the trial co-ordinator's e-mail which is: Brantford.ocj.criminal.trialcoordinator@ontario.ca.

2025 dates for JICMC in Simcoe (15 dates)

- January 6th, 2025
- January 20th, 2025
- February 3rd, 2025
- February 24th, 2025
- March 10th, 2025
- March 24th, 2025
- April 7th, 2025
- April 28th, 2025
- May 5th, 2025
- May 12th, 2025
- June 2nd, 2025
- June 16th, 2025
- July 7th, 2025
- August 11th, 2025
- August 25th, 2025

This court starts at 2:00 p.m. unless otherwise unless otherwise specified by Justice Gethin Edward. Due to the limited number of cases requiring case management in Simcoe, this court is not subject to caps.

The JICMC is an **in person only** court that will accept guilty pleas, judicial pre-trials, and matters for case management that are six (6) months of age or older. This court can also be used for short trial matters.

The same “**do not**” rules apply for the Simcoe JICMC as the Brantford JICMC.

As soon as a matter is adjourned into JICMC, a pre-trial report form must be jointly completed by counsel and submitted to the trial co-ordinator. This form will be used by the trial co-ordinator to schedule trial and/or preliminary hearing dates. Where the accused person is self-represented, this form shall be completed by the Crown Attorney. The pre-trial report form shall be delivered to the trial co-ordinator’s e-mail which is: Simcoe.ocj.criminal.trialcoordinator@ontario.ca.

2025 dates for JICMC in Cayuga (15 dates)

- January 9th, 2025
- January 30th, 2025
- February 13th, 2025
- March 6th, 2025
- March 13th, 2025
- April 10th, 2025
- April 17th, 2025
- May 1st, 2025
- May 15th, 2025
- June 5th, 2025
- June 26th, 2025
- July 3rd, 2025
- July 31st, 2025
- August 14th, 2025
- August 28th, 2025

This court starts at 2:00 p.m. unless otherwise unless otherwise specified by Justice Gethin Edward. Due to the limited number of cases requiring case management in Cayuga, this court is not subject to caps.

The JICMC is an **in person only** court that will accept guilty pleas, judicial pre-trials, and matters for case management that are six (6) months of age or older. This court can also be used for short trial matters.

The same “**do not**” rules apply for the Cayuga JICMC as the Brantford JICMC.

As soon as a matter is adjourned into JICMC, a pre-trial report form must be jointly completed by counsel and submitted to the trial co-ordinator. This form will be used by the trial co-ordinator to schedule trial and/or preliminary hearing dates. Where the accused person is self-represented, this form shall be completed by the Crown Attorney. The pre-trial report form shall be delivered to the trial co-ordinator’s e-mail which is: Cayuga.ocj.criminal.trialcoordinator@ontario.ca.

The New Trial Scheduling Regime and Enhanced Trial Co-ordinator Availability

Effective immediately, there will be no need to complete a trial scheduling form before setting matters down for a trial or preliminary hearing as the completed the pre-trial report form will be sufficient. If you have already completed a trial scheduling form and delivered it to the trial co-ordinator, then there is no need to duplicate your work by also completing a pre-trial report form. Moving forward, however, the pre-trial report form is the **only** document that will be accepted by the trial co-ordinator when setting dates for a trial or preliminary hearing.

Effective on January 2nd, 2025, trial scheduling will occur by e-mail, and in rare cases it will occur by telephone or in person. The trial co-ordinator will be available by e-mail to schedule trial or preliminary hearing dates Monday to Friday from 9:00 a.m. to 4:00 p.m.

The party wishing to set a trial or preliminary hearing date must initiate an e-mail chain that includes the trial co-ordinator; opposing counsel; and the police service that has laid the charges. This e-mail chain must include a completed pre-trial report form.

The completed pre-trial report form **must include** the following information: the Crown’s election; how the Accused elects to be tried, where applicable; the information number; the charges; the sworn date on the information; a witness list; a list of admissions or a notation that “no admissions” are being made; whether any applications/motions will be brought before or during the trial or preliminary hearing; a trial or preliminary hearing time estimate; whether committal is conceded and a judgeless preliminary hearing is all that is required; and the name of the judge who pre-tried the case, if a judicial pre-trial was held, or a notation that “no JPT was held.” Please be advised that failure to provide this basic information on the pre-trial report form will result in trial co-ordinator’s refusal to set the matters down for trial. The trial co-ordinator requires all of the above-noted information to discharge her duties of providing earliest possible trial or preliminary hearing date to counsel. Finally, it is not the trial co-ordinator’s responsibility to assist counsel in the completion of this form.

Once the trial co-ordinator receives a completed pre-trial report form, she will offer five (5) trial or preliminary hearing dates to counsel and the corresponding police service. Counsel and the police service **must respond** to the trial co-ordinator's e-mail offering dates **within 24 hours** of the e-mail being sent as the dates being offered will not be offered to any other accused person during this time-period. Failure to respond to the trial co-ordinator's e-mail within the specified time frame means that the dates will be offered to someone else, and the counsel or the police service who did not respond to the trial co-ordinator's e-mail in a timely fashion will be deemed **"unavailable"** for the trial or preliminary hearing dates that were offered.

If after the first round of five (5) dates, the trial or preliminary hearing has not been scheduled or fully scheduled, then the trial co-ordinator will offer a further five (5) dates to counsel and the police service that also must be responded to by counsel and the police service in accordance with the above specified timelines.

If after the second round of five (5) dates, no trial or preliminary hearing has been scheduled it will be within the trial co-ordinator's sole discretion to offer further trial or preliminary hearing dates, or remit the matter back into the judge-led case management court so dates can be set on the record.

Attached to the trial co-ordinator's e-mail offering dates will be a trial scheduling chart that shall be jointly completed by the trial co-ordinator; all counsel; and the police service. It will be the trial co-ordinator's responsibility to provide dates and it will be counsel and the police services responsibility to respond each date that is offered with either "available" or "unavailable." Failure to designate a response to a date that is offered or an equivocal response such as "maybe" or "possibly" will be deemed as an "unavailable" response.

The e-mails for the police schedulers in the tri-counties are as follows:

Brantford Police Service: lblack@police.brantford.on.ca
Brantford O.P.P.: OPP.Brant.Court@opp.ca
Six Nations Police Service: brookemartin@snpolice.ca and jsmith@snpolice.ca
Simcoe O.P.P.: OPP.Norfolk.County.Court@opp.ca
Cayuga O.P.P.: OPP.Haldimand.County.Court@opp.ca

Judicial Pre-Trials – Brantford only

Effective immediately, judicial pre-trials are only available where the matter before the court is being set for a trial or preliminary hearing, and the trial or preliminary hearing is estimated to take three (3) days or more of court time.

Three (3) or more days is defined as twelve (12) hours of court time; twelve (12) or more witnesses, or nine (9) or more witnesses with Charter applications or applications to introduce presumptively inadmissible evidence. These would include Third Party Records applications, 276 applications and other applications that require adjudication in advance of the trial.

Please refrain from the current practice of adjourning self-represented accused persons into a judges' court so that a Crown resolution meeting disguised as a judicial pre-trial can be held. Moving forward judicial pre-trials for all self-represented accused persons should only be set into a judges' court where the self-represented accused person has indicated that they would like to have a trial or preliminary hearing and the Crown has estimated that the trial or preliminary hearing will take three (3) or more days of court-time.

Finally, I would kindly ask that counsel not falsely inflate trial estimates to secure an unnecessary judicial pre-trial in the hopes that a resolution meeting can be held. The time to have resolution discussions is during Crown resolution meetings. It is not the role of the judiciary to referee or rubber stamp any negotiations or agreements that have been made by counsel as this practise removes a judge from the trial rotation should the matter not resolve by way of a guilty plea.