



# Discipline Process & Hearing Information for Self-Represented Persons

Effective: October, 2024



## COLLEGE OF REGISTERED NURSES OF SASKATCHEWAN ["CRNS"] DISCIPLINE PROCESS & HEARING INFORMATION FOR SELF-REPRESENTED PERSONS

#### October 2024

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#### INTRODUCTION

This document is aimed at providing clarity and guidance to individuals representing themselves in a professional discipline hearing before the CRNS. It outlines key concepts, procedures and expectations relevant to your participation in the disciplinary process.

#### LEGAL COUNSEL

It is always strongly recommended that a registrant retain a lawyer to represent them at a discipline hearing and to assist them with the disciplinary process. Discipline proceedings are serious matters. It can be difficult to represent yourself considering the hearing must adhere to all appropriate legal and procedural rules and you are expected to follow them. The Investigation Committee ["IC"] and the Discipline Committee ["DC"] each have their own independent legal counsel whose role and function is to support the committee as their client. Neither the IC's legal counsel nor the DC's legal counsel can provide you with legal advice.

This document is intended to provide a general overview of the discipline and hearing process and is not intended as a substitute for legal advice to your specific situation.

#### **NOTICE OF HEARING**

A Notice of Hearing is a formal document issued by the regulatory body (CRNS) informing you of the date, time and location of your disciplinary hearing. It serves as an official notification of the charges against you. The specific purpose of the hearing is to determine whether the allegations of professional misconduct and/or incompetence made against you by the Investigation Committee are proven based on the evidence.

#### THE DISCIPLINE COMMITTEE

Your case will be heard by a panel of the Discipline Committee. The panel is independent and impartial. The panel will hear and determine the matter based solely upon the evidence which is presented to it. The Discipline Committee will also determine whether or not the evidence presented is relevant and material to the issues before them. The panel members have no prior knowledge of the case nor of any aspect of the investigation except for what is contained in the IC's Written Report (decision). The panel has not prejudged the matter in any way.

The panel generally consists of 5 members. It will include at least 2 RNs and at least 1 Public Representative. The panel will be supported on legal issues by its own independent legal counsel. The Discipline Committee's legal counsel may provide legal advice to the panel during your hearing. You will be made aware of any legal advice given by the Discipline Committee's legal counsel that relates to your hearing, and both



you and counsel for the IC will have the opportunity to comment on whatever advice is given by the Discipline Committee's legal counsel.

#### **BURDEN AND ONUS OF PROOF**

The IC bears the burden of proving the allegations set out in the Notice of Hearing. They are responsible for presenting evidence to prove the allegations of professional incompetence and/or professional misconduct against you. The standard of proof that the IC must meet is *not* the criminal standard of "proof beyond a reasonable doubt," rather, it is the civil standard of proof "on the balance of probabilities," meaning that the Discipline Committee must be satisfied that "it is more likely than not" that the alleged professional incompetence and/or professional misconduct occurred.

#### **DISCLOSURE**

You are entitled to receive disclosure of the case so that you may determine your position and prepare your defence. Disclosure is the process through which the IC shares with you the evidence and information obtained during the investigation that is relevant to the complaint. This may include documents collected, witness statements and/or interviews, expert reports and any other evidence that may be used during the hearing. It is essential for you to carefully review all the disclosed materials to determine whether you want to dispute the allegations against you and/or to prepare the defence of your case effectively. Due to the private and confidential nature of its content, as well as the CRNS' duties as a "Trustee" under the *Health Information Protection Act*, the disclosure will be provided to you solely for the purpose of responding to the allegations and preparing for the CRNS hearing, and for no other purpose.

### ADMISSIONS OF PROFESSIONAL INCOMPETENCE AND/OR PROFESSIONAL MISCONDUCT

If you do not deny or dispute the allegation(s) in the Notice of Hearing, you may choose to formally admit to the allegation(s). This admission is an acknowledgment of guilt to the conduct alleged and will have the effect of removing the need for the IC to prove the conduct occurred by calling witnesses and presenting evidence before the Discipline Committee. The admission to the allegation(s) in the Notice of Hearing will mean you are not only admitting the conduct alleged but also acknowledging that the conduct constituted professional incompetence and/or professional misconduct. If the Discipline Committee accepts your admission of professional incompetence/professional misconduct at the hearing based on the uncontested (undisputed) facts presented to them, the hearing will then shift to determining what the appropriate disciplinary penalty is. You are encouraged to seek the advice of a lawyer when considering whether to admit to the alleged professional incompetence/professional misconduct so that you are aware of what disciplinary sanctions may result.



Admitting to the allegations of professional incompetence/professional misconduct expedites the hearing process by eliminating the need for the Discipline Committee to hear and assess contested evidence related to the allegations against you. This can save for all parties involved. Admitting resources professional incompetence/professional misconduct also demonstrates cooperation and acceptance of responsibility; the Discipline Committee will take this into consideration when determining what disciplinary penalty should be imposed and may result in them ordering you to pay a lesser amount of the costs of the investigation and disciplinary process. This will depend on the specific circumstances of the case and will be based on the discretion of the Discipline Committee. It is important to be aware of the potential and probable outcomes of the hearing, whether you choose to admit or dispute (contest) the allegations. Seeking the assistance of a lawyer can help you make an informed decision.

#### AGREED STATEMENT OF FACTS

An Agreed Statement of Facts is a document prepared by legal counsel for the IC outlining the facts of the case that are agreed upon which support the charges. This document helps to streamline the hearing process by reducing the need for evidence to be presented on matters that both you and the IC's legal counsel agree on. If you do not deny the allegations nor the evidence obtained in the investigation that supports the charges, all the evidence in a hearing can be submitted by way of an Agreed Statement of Facts. The Agreed Statement of Facts will be drafted by legal counsel for the IC and signed by them and by yourself once finalized and agreed upon.

#### BEFORE THE HEARING

#### 1) Case Management Conference

Leading up to the hearing, there may be one or more case management conferences where procedural matters are discussed and resolved. A case management conference is held after allegations have been referred to the Discipline Committee. The case management conference is a meeting that takes place with you, legal counsel for the IC, an experienced member of the Discipline Committee who acts as the Chair of conference, the legal counsel for the Discipline Committee, as well as CRNS staff involved in the hearing process. The Chair of the case management conference will not sit on the discipline panel that ultimately hears the matter, and everything that is said at the case management conference is confidential and "off-the-record," except for agreements reached between the parties.

The purpose of the case management conference is to narrow issues for the hearing and to identify legal and procedural issues for the panel. The Chair typically confirms:



- whether there are any objections to any members of the Discipline Committee panel for the hearing;
- the date, time and expected length of the hearing;
- the location or manner of the hearing (whether in-person or virtual);
- whether disclosure has been received and whether there are any issues or concerns with the disclosure received;
- the registrant's witnesses;
- the IC's witnesses;
- whether there is any admission of misconduct ('guilty plea') and/or agreement on facts/evidence; and,
- confirmation of when any documents or evidence will be filed (submitted) by the parties.

A case management conference may also include the presentation or challenging of expert evidence, addressing how much notice is required to be given to the other party regarding any witnesses that are going to be called at the hearing, and/or filing of prehearing motions.

#### 2) Expert Witnesses

You may wish to call an expert witness to testify on your behalf. An "expert witness" is someone qualified to give opinion evidence about matters outside the general scope of knowledge of the panel members. Although panel members may possess professional expertise, they cannot use that expertise in the place of evidence, and so expert evidence may be required. For example, the Discipline Committee often hears expert evidence about what the standards of practice of the profession are, and whether those standards were breached in a particular case.

The CRNS Discipline Committee typically adheres to Saskatchewan King's Bench Rules of Court where applicable to the situation and where *The Registered Nurses Act, 1988* does not explicitly dictate appropriate procedure. These rules can be located at: <a href="https://publications.saskatchewan.ca/api/v1/products/73108/formats/81637/download">https://publications.saskatchewan.ca/api/v1/products/73108/formats/81637/download</a>.

#### *Notice of Expert Evidence:*

Notice of your intention to have an expert witness at the discipline hearing is to be given to the IC's legal counsel 60 days before the case management conference, **or** 90 days before the hearing, unless the Discipline Committee Chair determines otherwise. The notice must include the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence. The same notice requirements apply to the IC.



#### "Rebuttal" Expert Reports:

If the party in receipt of an expert report seeks to have their own expert provide a rebuttal report, that report must be served at least 30 days in advance of the scheduled case management meeting or 60 days before the discipline hearing.

#### **Duty of an Expert:**

Part 5 Division 3 rule 5-37 of the King's Bench Rules outlines the duty of an expert witness. The rule outlines that the duty of the expert is to assist the decision-maker (the Discipline Committee) and requires the expert to:

- provide opinion evidence that is objective and non-partisan;
- provide opinion evidence that is related only to matters that are within their area of expertise; and,
- to provide any additional assistance that the Discipline Committee may reasonably require to determine a matter in issue.

#### Content of an Expert's Report:

Rule 5-39 outlines the requirements for the content of an expert report and requires that it contain at minimum:

- the expert's name;
- the expert's address;
- the expert's qualifications;
- the information and assumptions on which the expert's opinion is based; and,
- a summary of the expert's opinion.

It must further be accompanied by a Statement of Expertise which outlines the areas of expertise in which the expert is proposed to offer an opinion.

#### Objections to the Expert's Report or Qualifications:

As per rule 5-41, any objection to the expert's qualifications or the admissibility of the expert's report that the party receiving the report intends to raise at the hearing, and the reasons for the objection, must be provided to the other party within 40 days of receipt of the expert report or 20 days before the scheduled case management conference, unless otherwise ordered or required by the Discipline Committee.

#### 3) Subpoena to a Witness

You have the right to subpoena witnesses to testify on your behalf or to provide evidence relevant to the case. A subpoena is a legal document that requires the witness to attend the disciplinary hearing to give relevant evidence. If you wish to call any witness to testify on your behalf at the hearing that has not agreed to testify voluntarily, you can apply to



the local registrar of the Court of King's Bench at any judicial centre for a subpoena to be issued. The following link provides the Court of King's Bench locations and contact information: <a href="https://sasklawcourts.ca/kings-bench/court-locations/">https://sasklawcourts.ca/kings-bench/court-locations/</a>. The following link is a resource to assist you with the subpoena process and form required: <a href="https://www.plea.org/courts-legal-system/going-to-kings-bench-court/preparing-for-a-kings-bench-trial/getting-witnesses-to-appear">https://www.plea.org/courts-legal-system/going-to-kings-bench-court/preparing-for-a-kings-bench-trial/getting-witnesses-to-appear</a>. It is crucial for you to identify and request subpoenas for necessary witnesses as far in advance of the discipline hearing as possible to ensure you have enough time to locate and serve the subpoena on the witness, and to further ensure they have time to arrange their schedules to make themselves available for the hearing date. It is *your* responsibility to ensure the subpoena is served on the witness in advance of the hearing.

#### 4) Pre-Hearing Motions

You may wish to consider whether there are any matters for the panel to decide before the hearing commences. If so, you may bring a motion requesting that the panel make a certain order. Some examples of pre-hearing motions are motions to require the IC to make further and better disclosure, or to obtain the records being held by a third party (a person or facility other than the IC).

A case management conference might assist you in determining what motions, if any, you feel are required in advance of the hearing.

#### THE HEARING

The CRNS conducts hearings virtually by default subject to limited exceptions. Granting requests for an in-person hearing will be at the discretion of the Executive Director and will be permitted only when it is necessary for procedural fairness or technological reasons. The hearing is a formal process. It is suggested you dress in business attire. The hearing will start promptly at the time indicated and is expected to proceed without disruptions. The hearing is open to the public and members of the media. Those who register in advance will be admitted; and will only have access to audio. It is required that cell phones and computer notifications are muted or turned off. All attendees are expected present themselves professionally and attendees are to refrain from eating and drinking during the proceedings. Those observing the hearing (non-participants including members of the public and media) who sign out of the hearing will not be allowed back in until there is a break in the proceeding. No recordings of the hearing will be permitted by members of the public. Members of the media are allowed to use audio recording devices during the proceedings when they have obtained prior approval from the Discipline Hearing Facilitator.

If the hearing is taking place in person at the CRNS:



- You should arrive early to familiarize yourself with the facilities and to ensure that you are ready to begin at the time indicated.
- The hearing will take place in the boardroom which will be laid out like a court room. The Discipline Committee panel and the Discipline Committee's legal counsel will sit at tables at the front of the room facing towards the parties. Two tables will be facing towards the panel, spaced apart. You will be at one of them, and the IC's legal counsel will be at the other table who may be accompanied by an assistant or investigator. Behind the parties will be the gallery for members of the public and media who want to view the proceeding.
- Once all participants are seated and ready to proceed, the discipline panel will
  enter the room. You are expected to stand when the panel enters and exits the
  room.
- The panel member sitting in the middle of the panel's table is the Chair of the panel who directs the proceeding. Do not speak until you are requested by the panel Chair to do so.
- You should only speak to the panel in the hearing room, in the presence of the IC's legal counsel. Do not attempt to have any contact with the panel members outside of the hearing room.

#### If the hearing is virtual (i.e. via Zoom):

- You will be provided with the Zoom link well in advance and have an opportunity
  for at least one practice session. This will provide an opportunity to work with the
  CRNS Discipline Hearing Facilitator and IT to assist with any issues that may need
  to be resolved in advance.
- On the day of the hearing, you should plan to join the link 15 minutes early to ensure there is time to work out any last-minute unexpected issues.
- The Discipline Hearing Facilitator will move you to a breakout room until the panel is ready to start the hearing.

The hearing, whether in person or virtual, is recorded by a court reporter. The transcripts are available for you upon request, provided you are willing to pay the fee for obtaining them. It can take several weeks to obtain the transcripts, even on an expedited basis. Therefore, you should be prepared to take notes of the hearing for your own personal use. Notes are often very useful when the time comes to make submissions.

The discipline hearing typically follows a structured order of evidence presentation. This may include opening statements by both parties, examination and cross-examination of witnesses, presentation of documentary evidence, and closing arguments. More specifically, the process will likely proceed as outlined below.



#### 1) Reading of Allegations and Response

First, IC's legal counsel will formally present the allegations of professional incompetence/professional misconduct set out in the Notice of Hearing. The panel understands that the Notice of Hearing contains allegations, not facts. The Notice of Hearing is not evidence of professional incompetence/professional misconduct on your part; it is only evidence that these allegations have been made against you.

Once the allegations have been read, you will be asked how you respond to the allegations. You have two options:

- 1) you can *admit* an allegation; or,
- 2) you can *deny* an allegation.

For any allegation that you <u>deny</u>, this is the discipline proceeding equivalent to a plea of "not guilty" and the hearing will proceed on the basis that the denied allegations are contested and must be proven by the Investigation Committee. For any allegation that you <u>admit</u>, this is the discipline proceeding equivalent of a plea of "guilty."

The balance of this informational document assumes that you are denying some or all of the allegations, which means that the hearing will be contested.

#### 2) Orders Excluding Witnesses

In most cases, contested hearings will begin with the panel making an order excluding witnesses. This means that witnesses must stay out of the hearing room until they are called to testify. This order does not apply to you, and you have the right to be present throughout the entire hearing even if you intend to testify. The order excluding witnesses often does not apply to expert witnesses, either.

#### 3) Opening Statements

After hearing your response to the allegations, the panel will call upon the parties to make opening statements. The IC's legal counsel has the right to make their opening statement first. You will then have the right to make an opening statement on your own behalf. You may do so immediately after the IC's legal counsel makes their opening (and before the IC's evidence is heard), or you may choose to wait until after the IC's evidence has been heard, so that your opening will be heard just before you present your evidence.

The IC's opening statement summarizes for the panel what the IC expects to be able to prove on the evidence. **The statement itself is not evidence.** 

The defence's (your) opening statement usually sets out the basis of the defence's position and summarizes the evidence that you intend to present in support of that position. **The defence's opening statement is not evidence.** 



The purpose of the opening statements is to assist the panel in understanding the parties' respective positions and the evidence supporting those positions. You are not obliged to make an opening statement and it will not be held against you in any way if you choose not to.

#### 4) Oral Evidence (Testimony)

#### Order of Witnesses and Cross-Examination

Following the opening statement(s), the IC's legal counsel will call evidence through witnesses. Documents may be identified by witnesses and presented into evidence through those witnesses. After the IC's legal counsel has finished examining each witness, you have the right to cross-examine each of the witnesses by asking questions that you believe will assist in your defence.

You are not required to cross-examine any witness. But bear in mind that cross-examination is usually necessary if you intend to argue to the panel that the evidence of any particular witness should not be believed, in whole or in part. It is generally recognized that cross-examination is an extremely important tool and, typically, most witnesses are cross-examined.

When you are done your cross-examination, the IC's legal counsel has the right to ask questions in re-examination. These questions should only be directed to issues that were not previously dealt with by the IC's legal counsel and were only raised in your cross-examination.

Members of the panel also have the right to ask questions of the witnesses to obtain clarification of points brought up in the evidence.

#### Objections to Questions Asked by the IC's Legal Counsel

You have the right to object to any question asked by the IC's legal counsel if you believe that it is improper. Some examples of grounds for objection might be:

- (i) the question seeks irrelevant information;
- (ii) the question is being asked by the IC's legal counsel of its own witness in a leading fashion (that is, the question is phrased not in an open-ended way but in a way that suggests the answer); and,
- (iii) the question seeks hearsay information, that is information that the witness himself or herself does not know first-hand but has been told by someone else.



There may be other valid grounds for objecting to questions. If you have an objection to any question asked by the IC's legal counsel, you should simply rise and politely state your objection before the witness answers the question. Your objection should be directed to the Chair of the panel, not directly to the IC's legal counsel or to the witness. Once you have indicated that you have an objection, the panel may ask the witness to be excused while the objection is discussed. If you object to a question, you are required to explain to the panel why you object. The IC's legal counsel has the right to respond following your statement of your objection and you will also have the right to reply. The panel may then seek the views of the Discipline Committee's legal counsel. Both the IC's legal counsel and you will have the right to comment on the Discipline Committee legal counsel's advice to the panel. The panel will make the decision as to whether the question is proper or not.

#### <u>Calling Defence Evidence</u>

Once the IC's legal counsel has finished calling all witnesses, you have the right to call any relevant witnesses that you wish to call in your own defence. You also have the right to testify yourself in your own defence. If you do choose to testify in your own defence, the IC's legal counsel is free to cross-examine you on all relevant matters. If you wish to testify in your own defence, you will be required to swear an oath or make a solemn affirmation to tell the truth. Then you should simply tell the factual story. You do not pose questions to yourself. If you do testify, and the IC's legal counsel cross-examines you, you are then entitled to give relevant reply evidence to new matters, which arose during your cross-examination.

In making the decision about whether to testify (and what matters to testify about), you should bear in mind that **your submissions are not evidence**. In other words, if you want the panel to accept your version of the events, you cannot rely solely on your submissions to the panel – and the panel cannot rely on those submissions in its decision. Contested matters of fact must usually be resolved through testimony, which includes the other side's right to cross-examine. You will have the opportunity to call such other witnesses as you believe will assist in your defence. The order in which you call witnesses (and if you testify, whether you testify before they do) is a tactical decision that you must make.

In the case of each witness that you call, the IC's legal counsel is entitled to cross-examine that witness, and you are then entitled to ask further questions in re-examination for areas that were not touched on when you first questioned the witness but arose strictly out of the IC's cross-examination.



#### Objections by the IC's Legal Counsel

The IC may object to any questions that you ask of a witness. If the IC's legal counsel objects, they are required to state the reason for the objection. You will then have the right to explain to the panel why you believe your question is proper. The IC's legal counsel will then respond to your comments. The panel will decide whether your question is proper or not. If they decide it is not, the witness will not be permitted to answer your question.

#### Expert Evidence

You may also choose to call an expert witness to give opinion evidence. Before such a witness can give expert opinion evidence, they must be qualified and accepted by the panel as an expert.

As stated above, the Saskatchewan Court of King's Bench Rules of Court are typically adhered to for appropriate procedure relating to expert evidence where applicable. Rule 5-37 outlines the duty of an expert witness to provide opinion evidence that is objective and non-partisan and related only to matters within their area of expertise. Rule 5-44 explains the rules relating to presenting the expert report as evidence at the hearing *without* calling the expert as a witness, while rule 5-45 explains the rules around requiring the expert's attendance at trial if the expert's report has been submitted ("tendered") into evidence.

#### 5) Documentary Evidence (Exhibits)

You may also wish to present as evidence, by way of exhibits, any documents that are relevant and important to the issues that the Discipline Committee must determine. You can present them through yourself if you testify or through other witnesses that you call or on cross-examination of any of the IC's witnesses. Generally speaking, a document may only be submitted into evidence and marked as an exhibit through a witness if that witness created, sent or received that document or has otherwise had first-hand contact with it, and can therefore identify it.

Objections to the introduction of any documentary evidence are made the same way as objections to questions. Simply stand and state the objection. If you are submitting the document as an exhibit, you should have nine (9) copies so that you can give one to each member of the panel, the court reporter, the IC's legal counsel and the Discipline Committee's legal counsel while still having one copy for yourself. The original document (if available) will be formally marked as an exhibit. During a virtual hearing, you will have to have the exhibits prepared and filed in advance of the hearing. If you have multiple documents, you can create a "book of exhibits" which you will provide to the Discipline Committee and counsel for the IC in advance so that it can be viewed by



all involved during the hearing process when you are submitting it as an exhibit. It may be the case that there are many documents that both you and IC agree are relevant and should be tendered as evidence before the Discipline Committee. If this is the case, a 'joint exhibit book' can be created and filed in advance which will include all agreed upon exhibits by both the IC and you.

#### 6) Reply Evidence

After you have presented all of the evidence through witnesses that you intend to present, the IC has the right to call witnesses in reply. The right to call witnesses in reply is a limited right and is restricted to witnesses that will be providing evidence that arises out of the evidence that you presented in the defence and which could not have been anticipated.

#### 7) Closing Submissions

After all evidence has been presented, both the IC and you have the right to make closing submissions. The order of presentation is that the IC's legal counsel goes first, then you respond and then the IC's legal counsel has a limited right of reply.

As with your opening statement, your closing statement is not evidence. Rather, your closing submissions should be based on the oral and documentary evidence given before the panel. You can ask the panel to make any factual inferences or conclusions that you think can be appropriately drawn from the evidence. This is your opportunity to make your closing argument based on the evidence the panel heard and tie it to your defence (for example, that the evidence did not prove that you did what has been alleged in the notice of hearing). You cannot provide any new evidence during your closing submissions.

Previous decisions from the courts and by the Discipline Committee may be presented at the time of your closing submissions. If you do intend to refer to any court decision or previous decision of the Discipline Committee, you should have eight (8) copies available so that all panel members, the IC's legal counsel and the Discipline Committee legal counsel each have a copy. Court and Discipline Committee decisions are not made exhibits. If possible, whether the hearing proceeds virtually or in person, you should attempt to provide the decisions to the Discipline Committee's legal counsel, and the IC's legal counsel *in advance* of the hearing.

The question of a possible penalty is not addressed in this part of the hearing. During this part of the hearing, the only decision for the panel to make is whether the allegations in the Notice of Hearing have been established on a balance of probabilities. If the panel finds that one or more of the allegations in the Notice of Hearing have been proven by



the IC in accordance with this standard of proof, another hearing date will be set, this is called the Penalty Hearing. At this time, the panel will hear evidence, if any, and submissions on the question of the appropriate penalty.

In the event that the panel finds that none of the allegations against you have been proven, the matter will be at an end.

#### 8) Deliberations

Following the parties' Closing Submissions, the panel will retire to deliberate in private. Depending on the time that deliberations begin, you may be asked to stay so that the panel can return to the hearing room to announce its decision once its deliberations have been completed. Sometimes panels announce their decisions orally, in the hearing room, with written reasons to follow. Other times, the panel will adjourn the hearing and give its decision in writing. In both cases, you will receive a written decision with written reasons.

#### THE PENALTY HEARING

If the panel finds that any of the allegations in the Notice of Hearing have been proven on a balance of probabilities, the penalty hearing phase of the proceeding will be scheduled. The panel may make one or more of the orders authorized by Section 31 of *The Registered Nurses Act*, 1988. Those possible orders are set out in the Notice of Hearing.

During the penalty phase of the hearing, the parties may call oral evidence and/or submit documentary evidence relevant to the issue of the appropriate penalty order. This is not the time to call evidence or make submissions about the fairness or correctness of the panel's decision regarding professional incompetence/professional misconduct. The only issue is what penalty order the panel should make considering its findings regarding professional incompetence/professional misconduct .

If evidence is called, the order of proceedings is the same as it is during the hearing. First, the IC calls its witnesses, and you are entitled to cross-examine them. Then, you may call your witnesses (including yourself) and the IC may cross-examine. The IC then has an opportunity to call reply evidence. Often, penalty hearings do not involve any new evidence. Rather, the parties simply make submissions about the appropriate order based on the findings of fact made by the panel.

Submissions proceed in the same manner as opening and closing statements: the IC goes first, then you. The IC's legal counsel has a right to reply to your submissions regarding penalty. Previous decisions from the courts and the Discipline Committee may be presented in this portion of the hearing. They are often helpful during your submissions



as to the appropriate penalty and whether your proposed penalty is within the range of penalties ordered in the past in similar circumstances.

Once all submissions have been heard, the panel will adjourn to make their decision. You will receive their decision in writing. The decision of the Discipline Committee will be available to the public on the CRNS website.