

**BASIC CHECKLIST FOR CLAIMS INEFFECTIVE REPRESENTATION IN
PROVINCIAL OFFENCES ACT APPEALS**

AT THE ONTARIO COURT OF JUSTICE IN ORANGEVILLE¹

(This checklist does not include all duties in the Protocol that all parties must follow)

A. BEFORE FILING THE APPEAL

1. ² The appellant **MUST** ensure that there is a factual foundation for the claim of ineffective representation by the trial representative.
2. Give the trial representative informal notice of the potential claim.
3. Allow the trial representative a reasonable opportunity to respond before making a formal claim.
4. Upon request, the trial representative shall transfer his/her file to the person acting on the appeal before any formal claim is made by the appellant.

B. SERVICE OF APPEAL AND SUPPORTING DOCUMENTS

5. If a formal claim of ineffective representation is made, the appellant must serve both the respondent AND the trial representative with the Notice of Appeal and all materials in support of the claim.

C. AFTER SERVING AND FILING THE APPEAL

6. Serve and file any *additional* materials on both the respondent AND the trial representative.
7. If any party wishes to compel the attendance of the trial representative or the appellant to be examined or cross-examined, that party must bring an application upon notice to all parties to be heard by a Judge of the Provincial Offences Act Appeals court.

¹ This is **NOT** a formal legal document. It is intended to be used as a guide to assist the appellant while complying with the Protocol.

² Check each box in order as applicable.