

**FORM FOR THE MANAGEMENT OF AN APPEAL ALLEGING THE  
INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL**

(Section 61, *Rules of Practice of the Court of Appeal in Criminal Matters*)

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC

REGISTRY OF:

Appellant

v.

NO:

**HER MAJESTY THE QUEEN**

NO:

Respondent

**Appellant's counsel**

**Respondent's counsel**

Name:

Name:

Tel.:

Tel.:

Email:

Email:

**Contact information of trial counsel**

Name:

Tel.:

Email:

**NOTE:** This form must first be completed by the appellant, then by the respondent, and be filed with the motion for leave to appeal or the notice of appeal, or if such is not possible, with the motion to adduce new evidence. In any event, it must be filed no later than three days prior to a management conference. The form may be completed directly on the screen to be printed and signed by the parties' counsel.

<b>1.</b>	<b>[Appellant]</b> Section 61: When and how was the allegation of ineffective assistance notified on the appellant's trial counsel? <b>(2 lines, max.)</b>

	If not, for what reason? <b>(5 lines, max.)</b>

<b>2.</b>	<b>[Appellant]</b> Section 61(2): Do you know if trial counsel wishes to respond to the allegation? If so, how? Has the Chief Justice been informed? When? <b>(5 lines, max.)</b>

<b>3.</b>	<b>[Appellant]</b> What is the nature of the allegation of ineffective assistance? (e.g. failure to examine a witness or to call witnessed or to have adequately counselled the accused, conflict of interest). Specify. <b>(5 lines, max.)</b>

<b>4.</b>	<b>[Appellant]</b> Has the appellant waived professional secrecy between him/her and trial counsel? Is the waiver total or partial? If partial, in what precise respect? <b>(5 lines, max.)</b>

<b>5.</b>	<b>[Appellant]</b> Section 61(4): What evidence do you intend to file in support of the allegation of ineffective assistance? <b>(5 lines, max.)</b>
	Exhibits
	Transcript of testimony
	The appellant's declaration under oath
	Trial counsel's declaration under oath
	The declaration(s) under oath of other witnesses (Specify)

<b>6.</b>	<b>[Respondent]</b> Do you intend to cross-examine some of the declarants under oath? <b>(2 lines, max.)</b>

<b>7.</b>	<b>[Respondent]</b> Section 61(4): Do you intend to file any evidence? Exhibits? Depositions? Declarations under oath? <b>(5 lines, max.)</b>

<b>8.</b>	<b>[Appellant]</b> Do you anticipate any examinations under oath? When and how do you suggest they be conducted? <b>(5 lines, max.)</b>

<b>9.</b>	<b>[Respondent]</b> Do you anticipate any examinations under oath? When and how do you suggest they be conducted? <b>(5 lines, max.)</b>

<b>10.</b>	<b>[Appellant]</b> Do you anticipate cross-examining any witnesses of the respondent? <b>(3 lines, max.)</b>

<b>11.</b>	<b>[Respondent]</b> Do you anticipate cross-examining any witnesses of the appellant? <b>(3 lines, max.)</b>

<b>12.</b>	<b>[Appellant]</b> What timetable do you propose for the filing of the new elements of evidence? <b>(5 lines, max.)</b>

<b>13.</b>	<b>[Respondent]</b> What timetable do you propose for the filing of the new elements of evidence? <b>(5 lines, max.)</b>

<b>14.</b>	<b>[Appellant]</b> Do you have any other issues to discuss concerning the management of the file? <b>(5 lines, max.)</b>

<b>15.</b>	<b>[Respondent]</b> Do you have any other issues to discuss concerning the management of the file? <b>(5 lines, max.)</b>

<b>SIGNATURE</b>	<b>SIGNATURE</b>
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\_\_\_\_\_

Place

\_\_\_\_\_

Place

\_\_\_\_\_

Date

\_\_\_\_\_

Date

I agree to proceed in the manner described above.

I agree to proceed in the manner described above.

\_\_\_\_\_

Signature of appellant's counsel

\_\_\_\_\_

Signature of respondent's counsel

XIII - INEFFECTIVE ASSISTANCE OF COUNSEL	XIII – ASSISTANCE INADÉQUATE DE L’AVOCAT
<p><b>61. Allegation of ineffective assistance of counsel.</b> An appellant or a petitioner who alleges the ineffective assistance of counsel who acted on his or her behalf at trial or on appeal in the Superior Court shall inform that counsel by notification of a copy of the written pleadings containing the allegation. The parties shall complete the required form, available in the Office of the Court and on the Court's website, within the time limit stipulated on that document.</p>	<p><b>61. Allégation d'assistance inadéquate de l'avocat.</b> L'appelant ou le requérant qui allègue l'assistance inadéquate de l'avocat qui le représentait en première instance ou en appel en Cour supérieure en avise ce dernier en lui notifiant une copie des procédures écrites contenant cette allégation. Les parties doivent remplir le formulaire requis, disponible au greffe et sur le site Internet de la Cour, dans le délai indiqué sur le document.</p>
<p><b>Response from counsel.</b> If counsel in question wishes to respond, that counsel shall inform the Chief Justice in writing, with a copy to the parties, and shall describe the means counsel considers appropriate to respond to the allegations.</p>	<p><b>Réponse de l'avocat.</b> Si l'avocat désire répondre, il en informe par écrit le juge en chef, avec copie aux parties, et indique les modalités qui lui paraissent appropriées pour faire part de son point de vue.</p>
<p><b>Case management.</b> At a management conference, a judge may endeavour to secure the parties' agreement on the means by which the evidence will be adduced or, if necessary, impose such conditions and a timetable.</p>	<p><b>Gestion.</b> Un juge peut, par une conférence de gestion, tenter d'amener les parties à s'entendre sur les modalités pour recueillir la preuve ou, lorsque cela est nécessaire, imposer de telles modalités et un échéancier.</p>
<p><b>Fresh evidence (s. 683(1) Cr.C.).</b> The parties shall present the appropriate motions in order to be authorized to file fresh evidence.</p>	<p><b>Nouvelle preuve (art. 683(1) C.cr.).</b> Les parties présentent les requêtes appropriées afin d'être autorisées à déposer la nouvelle preuve.</p>