



Duty Counsel's Role in Case Management

A Registered Early Childhood Educator (RECE) is entitled to bring their own representative to all meetings and proceedings related to their case.

Because many RECEs don't or can't hire a lawyer or paralegal to represent them, the Hearings Office has engaged lawyers with expertise defending members in discipline and fitness to practise cases. These lawyers, called Duty Counsel, support RECEs during Case Management. The RECE does **not** have to pay for Duty Counsel.

Duty Counsel is involved during Case Management to help the RECE understand the case the Prosecutor (the lawyer representing the College) will make against them, their legal rights and options, and the consequences of those options. Their duty is to the RECE, **not** to the Hearings Office and **not** to the College of Early Childhood Educators.

When will Duty Counsel be involved in a case?

Duty Counsel will be involved during Case Management only.

- Duty Counsel will be at the Case Conference for Understanding
- After the Case Conference for Understanding, the RECE can contact Duty Counsel for advice about their discussions with the Prosecutor. Duty Counsel can provide up to 2 hours of advice at this stage.
- Duty Counsel will be at the Case Conference to Plan for Finalization.

Whenever possible, the same lawyer will act as Duty Counsel throughout Case Management.

What can Duty Counsel do?

- Answer questions the RECE asks them
- Give legal advice to the RECE
- Speak on the RECE's behalf if the RECE asks them to
- Look at documents related to the case, including possible settlement documents the Prosecutor has prepared
- Help the RECE write documents for the Case Management process or give feedback on the RECE's drafts of these documents
- Refer the RECE to another licensee (member) of the Law Society of Ontario if the RECE wants to retain (hire) their own lawyer, including to represent them at a hearing in the case

What can Duty Counsel not do?

- Be at a hearing
- Give advice to the RECE at a hearing
- Be retained (hired) by the RECE to represent them in the case, including at a hearing



Confidentiality

All discussions and documents shared between Duty Counsel and the RECE are confidential. Duty Counsel will not share any information – including about what the RECE asked them or the answers they gave – with anyone unless the RECE gives them permission.

If Duty Counsel develops reasonable grounds to believe a child is in need of protection, they have to report that information to the relevant children's aid society or equivalent agency. Duty Counsel also have to share information to prevent death or serious harm to a person.