

## SUMMARY SHEET

# Mid-level Case Management (Criminal)

### Program eligibility criteria

Criminal law matters may be streamed to the Mid-level Case Management program in the following circumstances:

- The case contains at least one of the charges listed below
- A preliminary hearing or trial date has been set
- The tariff will be insufficient to complete the proceeding, i.e., complex criminal cases likely to cost more than \$8,000, but less than \$20,000 for non-homicide, or \$30,000 for homicide.

### Budgets

- Budgets set based on existing tariff authorizations and case management (CM) authorizations.
- CM authorizations to be added to certificate (additional hours) in the increments of 10, 25, 50, 75, 100 or 150 hours.
- Budgets will be determined in consultation with the case manager.
- Budgets may be amended prior to costs being incurred.
- No discretion is available on case managed files.

Factors considered for case management authorizations:	
Length of the proceeding	Disclosure, e.g., complexity, volume, etc.
Charge(s) and preparation hours that are provided under the tariff.	Client with special needs (e.g., mental health issues, serious non-criminal law consequences if convicted).
The merits of the proposed pre-trial motions.	Crown litigation strategy (e.g., prosecution acting unreasonably).
Novel legal issues (e.g., constitutional challenges to legislation, expansion of common law defences).	Extended sentencing hearing (e.g., matter resolved but detailed Gardiner hearing required).
The nature of forensic and expert evidence (e.g., novel forensic evidence that may be challenged at trial by either defence or the Crown).	The historical billing pattern of the service provider (e.g., regularly exceeds tariff and requests discretion).

## Mid-level Case Management program process

The direction, “*This case may be case managed.*” is included in certificates which cover charges eligible for mid-level case management.

1. Where costs are likely to exceed \$8,000, counsel should complete either of the following forms:

[Criminal Mid-level Case Management Assessment Form—Preliminary Hearing](#)  
[Criminal Mid-level Case Management Assessment Form—Trial](#)

2. Please submit the completed Case Management Assessment Form to LAO using one of the following options:
  - Submit the completed form online via *Legal Aid Online*.
  - Fax the completed form to 1-877-750-2009 (toll-free outside the GTA) or 647-260-0550 (within the GTA).
3. A LAO case manager will review the completed assessment form and contact counsel to discuss the case and set a budget, if appropriate.
  - Case management (CM) authorizations may be added to the certificate.
4. Counsel completes work and submits account for payment.

Payment is made within 25 days if the account does not exceed the established budget, is not billed late, etc.

Contact LAO’s **Lawyer Services Centre** (LSC) if you need assistance.

Hours: Monday to Friday, 8 a.m. to 5 p.m.  
Toll-free: [1-866-979-9934](tel:1-866-979-9934)  
Local (GTA): [416-979-9934](tel:416-979-9934)



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### Mid-level Case Management (Criminal)

#### Motions and applications which may be present in a mid-level criminal case

Evidentiary: Charter/Common Law motions	
Motion	Description
S.10 (b)	Accused not given right to counsel/caution
Voluntariness of accused's statements	
S. 8	Unreasonable search and seizure of evidence found on defendant, vehicle, or premises
S. 24(2) Other	Evidence obtained in manner that infringes on defendant's rights and brings justice into disrepute
S. 9	Arbitrary arrest, detention
Hearsay Evidence	K.G.B. motion to admit what would otherwise be inadmissible hearsay evidence based on reliability
Unseal search warrant	Pre-condition to Dawson application
<i>Dawson</i> application	Cross-examine affiant re: wiretap authorization
<i>Garofoli</i> application	Challenge to validity of wiretap authorization
<i>Mohan</i> application	Motion to exclude Crown's expert witness
Post-offence conduct of the defendant	E.g., flight as indication of guilt
<i>Vetrovec</i> warning or instruction	To jurors re: bad character of Crown witness
<i>Stinchcombe</i> application	Motion for additional disclosure from the Crown
<i>McNeill/O'Connor</i> application	To obtain third party records of complainant/witness
<i>Scopelliti</i> application	Evidence of a third party's bad character
Alternate suspect application	
<i>Seaboyer</i> application	Leave to cross-examine complainant about prior sexual conduct
<i>Carosella</i> application	Stay based on lost disclosure
Application to disclose identity of confidential informant	

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### Mid-level Case Management (Criminal)

#### Motions and applications which may be present in a mid-level criminal case (continued)

Procedural motions	
Motion	Description
S. 11(b)	Seeking stay of proceedings based on delay
Adjournment application	
Application to allow client to sit at counsel table	
<i>Rowbotham/Fisher</i> applications for funding	
Constitutional or other challenge to legislation	(ss. 7, 11, 12 – sentencing provisions, changes to CCC which alter case to meet or change onus)
Responding to Crown applications	<ul style="list-style-type: none"> <li>• Similar fact</li> <li>• Removal of counsel</li> <li>• <i>Corbett</i> application to exclude criminal record of accused</li> <li>• Prior similar acts of misconduct of accused</li> <li>• <i>Khan</i> application to admit otherwise inadmissible unsworn evidence of witness</li> </ul>

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## Mid-level Case Management (Criminal)

### Charges managed by Case Management and Litigation (CML)

Homicide	
Charge	Code
Conspiracy to commit murder	CRIM112
Counseling to commit murder	CRIM159
Criminal negligence causing death	CRIM165
Dangerous driving causing death	CRIM170
Flight in motor vehicle causing death	CRIM236
Impaired driving causing death	CRIM268
Manslaughter	CRIM317
Murder	CRIM326
Criminal negligence causing death (firearm)	CRIM584
Manslaughter (firearm)	CRIM585
Terrorism	
Commission of an offence for terrorist group	CRIM572
Instruct to carry out activity for terrorist group	CRIM573
Indictable Type II appeals	
Appeal on charge of conspiracy to commit murder	CAPP116
Appeal on charge of counselling to commit murder	CAPP163
Appeal on charge of criminal negligence causing death	CAPP169
Appeal on charge of dangerous driving causing death	CAPP174
Appeal on charge of flight in motor vehicle causing death	CAPP241
Appeal on charge of impaired driving causing death	CAPP273
Appeal on charge of manslaughter	CAPP320
Appeal on charge of murder	CAPP329
Appeal on charge of criminal negligence causing death (firearm)	CAPP569
Appeal on charge of manslaughter (firearm)	CAPP570
Appeal on charge of commission of an offence for terrorist group	CAPP579
Appeal on charge of instruct to carry out terrorist activity	CAPP580

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## Mid-level Case Management (Criminal)

## List of criminal charges managed by the district office

Non-homicide Extremely Serious Matters (ESM)	
Charge	Code
Attempt Murder (Firearm)	CRIM586
Causing Bodily Harm with Intent (Firearm)	CRIM587
Sexual Assault (Firearm)	CRIM588
Aggravated Sexual Assault (Firearm)	CRIM589
Kidnapping (Firearm)	CRIM590
Hostage-taking (Firearm)	CRIM591
Robbery (Firearm)	CRIM592
Extortion (Firearm)	CRIM593
Non-ESM sexual assault	
Accessory after the fact murder	CRIM005
Aggravated Sexual Assault	CRIM013
Anal Intercourse	CRIM017
Assault with intent to commit buggery (offence occurred prior to 01/01/1985)	CRIM25
Attempt Murder	CRIM34
Attempt Rape	CRIM37
Attempt Sexual Assault	CRIM39
Attempt Sexual Interference	CRIM40
Bestiality	CRIM049
Expose Genitals (under 14)	CRIM200
Fail to Provide the Necessities of Life	CRIM212
Fail to Remain Causing Bodily Harm/Death	CRIM215
Gross indecency (offence prior to 01/01/1988)	CRIM252
Incest	CRIM281
Invitation to sexual touching	CRIM294
Rape (offence occurred prior to 01/01/1985)	CRIM433

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## Mid-level Case Management (Criminal)

## List of criminal charges managed by the district office (continued)

Non-ESM sexual assault (continued)	
Charge	Code
Sexual Assault	CRIM452
Sexual Assault Causing Bodily Harm	CRIM453
Sexual Assault with a weapon	CRIM454
Sexual Exploitation	CRIM455
Sexual Intercourse with female under 16	CRIM456
Sexual Interference	CRIM457
Fail to comply with order under <i>Sex Offender Information Registration Act</i>	CRIM563
Knowingly provide false or misleading information under <i>Sex Offender Information Registration Act</i>	CRIM564
Unauthorized person exercising function or performing duty under Sex Offender Information Registration	CRIM565
Unauthorized consultation, matching, disclosure and use of information under Sex Offender Information	CRIM566
Agreement or arrangement – Sexual offence against child	CRIM609
Making sexually explicit material available to children	CRIM610

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## Mid-level Case Management (Criminal)

### Mid-level Case Management: Authorization and directions

Code	Description
<b>CD100</b>	Matter has been <b>identified as a potential Case Management matter</b> . Please complete the appropriate MCM or BCM form if fees and disbursements are expected to exceed tariff maximums.
<b>CA100</b>	Certificate is subject to case management rules and an <b>additional 10 hours</b> have been authorized. No discretion is payable on case managed certificates. Counsel may receive additional hours in exceptional circumstances, on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
<b>CA101</b>	Certificate is subject to case management rules and an <b>additional 25 hours</b> have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances, on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
<b>CA102</b>	Certificate is subject to case management rules and an <b>additional 50 hours</b> have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances, on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
<b>CA103</b>	Certificate is subject to case management rules and an <b>additional 75 hours</b> have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances, on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
<b>CA104</b>	Certificate is subject to case management rules and an <b>additional 100 hours</b> have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances, on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
<b>CA105</b>	Certificate is subject to case management rules and an <b>additional 150 hours</b> have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances on approval of his/her case manager. Approval must be requested in advance of hours being incurred.