

SUPERIOR COURT OF JUSTICE
OFFICE OF THE CHIEF JUSTICE



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COUR SUPÉRIEURE DE JUSTICE
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October 3, 2012

Morris A. Chochla
President, Ontario Bar Association
20 Toronto Street, Suite 300,
Toronto, Ontario M5C 2B8

Dear Mr. Chochla *Morris*

It was so very nice meeting with you recently over lunch. I am writing to you in your capacity as President of the Ontario Bar Association to provide you and your members with advance notice of a new Practice Direction to be implemented in the Divisional Court.

The Practice Direction on “Filing Electronic Versions of Documents in Civil Appeals and Judicial Review Applications in the Divisional Court” is enclosed at the end of this letter in English and French. It establishes a regularized process to satisfy the requirement to file electronic versions of facts and transcripts – a requirement that is *already* in place pursuant to Rules 61.09 and 61.12 of the *Rules of Civil Procedure*. The Practice Direction also *encourages* parties to file *all* electronic documents with the Divisional Court in certain proceedings. The Practice Direction does not relieve the requirement to file documents in paper format as required under the *Rules of Civil Procedure*.

The Practice Direction is based on the existing Court of Appeal Practice Direction on Electronic Filing of Appeals. It is very similar to the new Commercial List Guidelines for E-Document Delivery, which address the format of the documents and were prepared in consultation with senior members of the bar.

In September 2012, the Practice Direction was approved by Chief Justice Smith, on the advice of Regional Senior Judges’ Council. In accordance with subrule 1.07(5), it will be filed with the secretary of the Civil Rules Committee, posted on the Superior Court of Justice website and notice of the Practice Direction will be published in the *Ontario Reports* on **November 2, 2012**. This is also the date on which the Practice Direction will become effective.

I would be most grateful if you could provide this information to your members at your earliest opportunity.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roslyn J. Levine". The signature is fluid and elegant, with a large initial 'R' and 'L'.

Roslyn J. Levine, Q.C.,
Executive Legal Officer.

RJL:ld

Encl.



Superior Court of Justice

PRACTICE DIRECTION

FILING ELECTRONIC VERSIONS OF DOCUMENTS IN CIVIL APPEALS AND JUDICIAL REVIEW APPLICATIONS IN THE DIVISIONAL COURT

Effective : November 2, 2012

Preamble

This Practice Direction sets out the procedures to be followed by parties filing electronic versions of documents in civil appeals, including appeals from administrative tribunals, and judicial review applications in the Divisional Court. It does not apply to motions in these matters.

This Practice Direction does not apply to family appeals to the Divisional Court.

Parties filing electronic versions of material for Divisional Court proceedings must still file typed or printed copies of such material in accordance with Rule 61 of the *Rules of Civil Procedure*.

This Practice Direction is intended to establish a uniform approach to filing electronic documents for appeals and judicial review applications to the Divisional Court, so that the documents may be readily accessed by the Court. It will also allow judicial officials to prepare more productively for their cases and facilitate judicial decision making.

Filing Electronic Versions of Documents in Civil Appeals and Judicial Review Applications in the Divisional Court

Parties are required to file electronic versions of their factums and transcripts in appeals to the Divisional Court, in accordance with Rule 61 of the *Rules of Civil Procedure*.

The Court also encourages parties to file electronic versions of their factums and transcripts in judicial review applications to the Divisional Court.

In addition, the Court encourages parties, or tribunals where applicable, to file electronic versions of all materials (e.g., appeal book and compendiums, case books, application records, record of proceedings) in appeals and judicial review applications to the Divisional Court.

Parties are also encouraged to give the electronic versions of documents that are filed electronically with the Court to all other parties to the proceeding.

Method of Filing Electronic Documents

Parties may file electronic documents on CD, DVD or USB key. Three copies of the CD, DVD or USB key should be filed with the Court where the matter is being heard by a panel of three judges.

The CD, DVD or USB key should be accompanied by a covering letter which identifies the materials contained on the CD, DVD or USB key.

USB Key: The cover letter should include a list of the files contained on the USB key, along with the title of proceedings, Court File #, Counsel Name(s), where applicable, and Party Name. If possible, the key should be labelled with the short style of cause and the Court File #.

CD or DVD: The CD or DVD should be labelled with the title of proceedings, Court File #, Counsel Name(s), where applicable, and Party Name. Include a list of the files contained on the CD or DVD in a cover letter.

The electronic documents should be filed together with the hard copy of the factum filed with the Court.

Format of Electronically Filed Documents

The electronic documents must be submitted in either Microsoft Word format (.doc or .docx) or text searchable PDF format.

The electronic version of factums or any other material filed in a Divisional Court appeal or judicial review application must be formatted and contained in one file and be virtually identical to the official printed version that is also filed with the Court. For example, a single file for a factum should contain the front and back pages, the index, the text and the schedules. Do not submit separate electronic files for the different sections of a factum or other document.

Naming of Electronically Filed Documents

The file names for electronic versions of factums, transcripts and other documents filed must start with the Divisional Court appeal or judicial review application file number, followed by one of the character codes set out below. Any other parties not included in this list should include their full name together with the title of the document they are filing.

Appeals:

FAP	Factum of Appellant
FRE	Factum of Respondent
FXA	Factum of Cross-appellant
FXR	Factum of Cross-respondent
FOI	Factum of Intervenor
FOAC	Factum of Amicus Curiae
AFAP	Amended Factum for Appellant
AFRE	Amended Factum for Respondent

FSE Further Submissions - Appellant
FSR Further Submissions - Respondent
ABC Appellant's Appeal Book and Compendium
RBC Respondent's Compendium
EXB Exhibit Book
BOA Book of Authorities of Appellant
BOR Book of Authorities of Respondent

Transcripts:

TRN Transcript

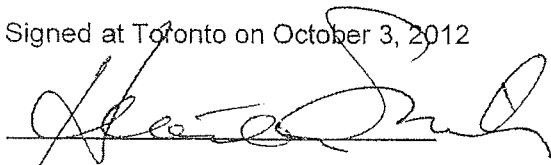
Judicial Review Applications:

FAPL Factum of Applicant
FRP Factum of Respondent
FIN Factum of the Intervener
ROP Record of Proceeding
APAR Application Record of Applicant
APRR Application Record of Respondent
APINR Application Record of the Intervener
BAAP Book of Authorities of Applicant
BARP Book of Authorities of Respondent
BAIN Book of Authorities of the Intervener

Failure to Comply with this Practice Direction

Please note that the Divisional Court may reject any electronic version of a factum or transcript that does not conform to the procedures set out in this Practice Direction.

Signed at Toronto on October 3, 2012



Heather J. Smith
Chief Justice of the Superior Court of Justice (Ontario)

Les parties sont également encouragées à transmettre à toutes les autres parties à l'instance des versions électroniques des documents qui ont été déposés électroniquement auprès de la Cour.

Méthode de dépôt de documents en version électronique

Les parties peuvent déposer des documents en version électronique sur CD, DVD ou clé USB. Lorsque l'affaire est entendue par un comité de trois juges, trois copies du CD, du DVD ou de la clé USB sont requises.

Les CD, DVD ou clés USB doivent être accompagnés d'une lettre d'accompagnement qui identifie les documents qui y sont contenus.

Clé USB : La lettre de présentation doit la liste des fichiers contenus sur la clé USB, ainsi que l'intitulé de l'instance, le numéro du dossier du greffe, le nom de l'avocat ou des avocats, le cas échéant, et celui de la partie. Si possible, la clé doit porter une étiquette avec le nom abrégé de la cause et son numéro de dossier.

CD ou DVD : Le CD ou le DVD doit porter une étiquette comprenant l'intitulé de l'instance, le numéro de dossier du greffe, le nom de l'avocat ou des avocats, le cas échéant, et celui de la partie. La liste des documents contenus sur le CD ou le DVD doit être incluse dans une lettre de présentation.

Les versions électroniques des documents devraient être accompagnées d'une version en support papier du mémoire déposé auprès de la Cour.

Format des documents déposés par voie électronique

Les documents en version électronique doivent être déposés soit en format Microsoft Word (.doc ou .docx) ou en format PDF avec option de recherche de texte.

La version électronique du mémoire ou de tout autre document déposé dans le cadre d'un appel ou d'une requête en révision judiciaire à la Cour divisionnaire doit être formatée et contenue dans un fichier, et être pratiquement dentique à la version imprimée officielle qui est également déposée auprès de la Cour. À titre d'exemple, le fichier d'un mémoire doit contenir les pages couvertures avant et arrière, l'index, le texte et les annexes du document. Ne déposez pas des fichiers électroniques séparés pour les différentes sections d'un mémoire ou d'un autre document.

Nommez les documents déposés par voie électronique

Le nom de fichier des versions électroniques des mémoires, transcriptions et d'autres documents déposés doit commencer par le numéro du dossier d'appel ou de requête en révision judiciaire à la Cour divisionnaire, et être suivi par l'un des codes de caractères figurant ci-dessous. Toute autre partie non mentionnée dans cette liste doit inclure son nom complet ainsi que le titre du document qu'elle dépose dans le nom du document.

Appels :

MAP Mémoire de l'appelant
MIN Mémoire de l'intimé

MCA Mémoire du contre-appelant
MAI : Mémoire de l'intimé à l'appel incident
MIV Mémoire de l'intervenant
MAC Mémoire de l'amicus curiae
MMAP Mémoire modifié de l'appelant
MMIN Mémoire modifié de l'intimé
OSA Observations supplémentaires - appelant
OSI Observations supplémentaires - intimé
CARA Cahier d'appel et recueil de l'appelant
RIN Recueil de l'intimé
DPC Dossier des pièces
RJAP Recueil de jurisprudence de l'appelant
RJIN Recueil de jurisprudence de l'intimé

Transcriptions :

TRN Transcription

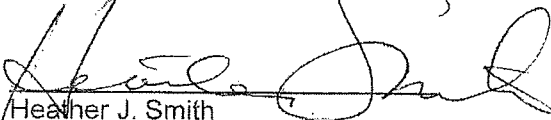
Requêtes en révision judiciaire :

MRQ Mémoire du requérant
MIN Mémoire de l'intimé
MIV Mémoire de l'intervenant
ENP Enregistrement du procès
DRRQ Dossier de requête du requérant
DRIN Dossier de requête de l'intimé
DRIV Dossier de requête de l'intervenant
RJRQ Recueil de jurisprudence du requérant
RJIN Recueil de jurisprudence de l'intimé
RJIV Recueil de jurisprudence de l'intervenant

Défaut de se conformer à cette directive de pratique

Veillez noter que la Cour divisionnaire peut rejeter toute version électronique d'un mémoire ou d'une transcription qui n'est pas conforme aux procédures décrites dans la présente directive de pratique.

Fait à Toronto le 3 octobre 2012



Heather J. Smith

Juge en chef de la Cour supérieure de justice (Ontario)