



Canadian Judicial Council
Conseil canadien de la magistrature

**National Model Practice Direction
For the Use of Technology in Civil Litigation**

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PRACTICE DIRECTION ¹

Re: Guidelines for the Use of Technology in any Civil Litigation Matter

1. INTRODUCTION

- 1.1. This Practice Direction provides guidance to parties in the use of Technology for the preparation and management of civil litigation in the Court and a Court approved framework for managing both Hard Copy and electronic Documents in a Technology environment.

¹ If '*Practice Direction*' is not the correct terminology, will need to do a global change throughout the document using correct terminology.

- 1.2. [Parties requiring further information or assistance in the appropriate use of Technology in civil litigation in the Court are encouraged to contact the eCourt Coordinator by e-mail at #####² or by phone at #####³.]
- 1.3. [Further information can also be found on the Court's website at # ⁴ under the Litigation Technology link where particular guidance with respect to the collection and management of Electronic Material in civil litigation is provided.]
- 1.4. [The Court may issue further Practice Directions about such matters as electronic filing and electronic service of Court Documents. Parties are encouraged to refer to the Court's website at ⁵for current information on these matters.]
- 1.5. [This Practice Direction comes into force on ⁶.]
- 1.6. Definitions
- 1.6.1. Technical terms used in this Practice Direction are defined in Appendix 4 – Glossary of Terms.
- 1.6.2. In this Practice Direction a reference to a rule is a reference to that rule in the Rules of Court.⁷
- 1.7. Appendices
- Attached to and forming part of this Practice Direction are:
- Appendix 1 A checklist of Technology matters which parties may use to identify technical options and issues that may arise at various stages of the proceedings.
- Appendix 2 A sample discoverable hard copy document which identifies the type of information to be captured in the Fields to be

² Insert email address here

³ Insert phone number here

⁴ Insert court website address here

⁵ Insert court website address here

⁶ Insert date here or delete if not appropriate

⁷ [Insert correct citation here.](#)

used for the description of Documents in accordance with the Default Standard for a schedule to an Affidavit of Documents⁸ pursuant to Rule #⁹

Appendix 3 Guidelines showing how the Default Fields should be populated and suggesting possible additional Fields for the description of Discoverable Documents in a Database; and

Appendix 4 Glossary of Terms.

⁸ Insert correct terminology here, if not "Affidavit of Documents"

⁹ Insert correct Rule here if applicable

2. APPLICATION OF THE PRACTICE DIRECTION

- 2.1. In the event of a conflict between this Practice Direction and Rules of Court, the Rules of Court apply.
- 2.2. This Practice Direction, in whole or in part, applies to any civil proceeding:
 - 2.2.1. where the parties agree it will apply and sign a Protocol; or
 - 2.2.2. where the Court orders.
- 2.3. Parties are encouraged to adopt this Practice Direction in a proceeding where one or more of the following apply:
 - 2.3.1. a substantial portion of the Potentially Discoverable Documents consist of Electronic Material;
 - 2.3.2. the total number of Potentially Discoverable Documents exceeds 1,000 Documents or 3,000 pages;
 - 2.3.3. there are more than three parties to the proceeding; or
 - 2.3.4. the proceedings are multi-jurisdictional or cross-border.
- 2.4. In determining whether to grant relief from the Court in respect to the use of technology in the proceeding, the Court will take into consideration whether the party seeking relief has made the best efforts to reach agreement with the other parties on the Protocol. Where it is apparent that a party has not fulfilled its best efforts requirement, the Court may direct that party to take reasonable steps to fulfil that requirement, and may adjourn the proceedings until the party demonstrates that best efforts have been made.
- 2.5. Parties should consider the ways in which the use of Technology might lead to the more efficient conduct of the litigation and, in particular, to its application and use in:
 - 2.5.1. delivering Court Documents to another party;
 - 2.5.2. communicating with another party;

- 2.5.3. providing copies of Documents to another party; and
 - 2.5.4. preparing an electronic Common Book of Documents ¹⁰ for trial or hearing of a proceeding.
- 2.6. In a proceeding to which this Practice Direction applies, the Court may, on application by a party:
- 2.6.1. order that the proceeding or certain steps in the proceeding be conducted using Technology;
 - 2.6.2. where a party is not reasonably able to access Documents produced by another party, order that such other party take steps to enable access to Electronic Material produced by that party;
 - 2.6.3. resolve disputes between the parties as to matters which are the subject of this Practice Direction, and give directions accordingly;
 - 2.6.4. order that there be an Electronic Trial of the proceeding;
 - 2.6.5. amend, vary or revoke any order previously made under this Practice Direction; or
 - 2.6.6. make any other order that it considers appropriate.
- 2.7. An order for the Electronic Trial of a proceeding may include any or all of the following orders:
- 2.7.1. that Court Documents including witness statements, outlines of expert evidence, chronologies, outlines of argument and other Documents be delivered to other parties in electronic form;
 - 2.7.2. that Court Documents be delivered in electronic form for the Trial Record ¹¹;
 - 2.7.3. that there be an electronic Common Book of Documents ¹²; and

¹⁰ Insert correct terminology if not '*Common Book of Documents*'

¹¹ Insert correct terminology if not '*Trial Record*'

¹² Insert correct terminology if not '*Common Book of Documents*'

- 2.7.4. that there be a restriction upon the use of Hard Copy Documents at trial;
- 2.7.5. any other order that the Court considers appropriate.

3. COSTS

- 3.1. The reasonable costs incurred in complying with this Practice Direction, including the expenses of retaining or utilizing necessary external or in-house technical consultants, may be claimed as costs that were proper or reasonably necessary to conduct the proceeding within the meaning of Rule # ¹³.
- 3.2. Where this Practice Direction applies and subject to any order of the Court, work which might reasonably have been undertaken in accordance with the Default Standard or an existing agreed Protocol or a Court ordered Protocol, but which is undertaken otherwise than in accordance with the Default Standard or an agreed or Court ordered Protocol, as the case may be, will generally not be treated as being costs that were proper or reasonably necessary to conduct the proceeding within the meaning of Rule # ¹⁴.

¹³ Insert rule number. This whole section may need redrafting based on the Court Rules for your jurisdiction.

¹⁴ Insert rule number. This whole section may need redrafting based on the Court Rules for your jurisdiction

4. DEFAULT STANDARD AND AGREED PROTOCOL

4.1. The Court expects that, in all proceedings to which the Practice Direction applies, in which the parties are unable to reach agreement on an agreed Protocol, the parties will comply with the following Default Standard, subject to amendments by order of the Court or further agreement by the parties:

4.1.1. the following formats are the default for the delivery of Court Documents, to another party¹⁵ -

Document	Format
Court Documents Other than those listed below	PDF – (Image only format) ¹⁶
Lists or schedules of Discoverable Documents under Rule # ¹⁷	Tab Delimited text file
Trial Record ¹⁸	PDF – (Image only format)
Index for the Common Book of Documents ¹⁹ and the Trial Record ²⁰ (if appropriate)	Tab Delimited text file

¹⁵ See Appendix 1 for more information about other options for an agreed protocol

¹⁶ To be considered in conjunction with any planned or implemented e-filing project

¹⁷ Insert Rule number

¹⁸ Insert correct terminology if not '*Trial Record*'

¹⁹ Insert correct terminology if not '*Common Book of Documents*'

²⁰ Insert correct terminology if not '*Trial Record*'

- 4.1.2. the following formats are the default for the Fields for a list or schedule of Discoverable Documents²¹ –

Field	Data Type	Length of Field
Document ID	Alpha/numeric	AAA000000
Date	Date	YYYY-MM-DD
Document Type	Text	254 Characters
Author/Author Organization	Text	Unlimited
Recipient / Recipient Organization	Text	Unlimited
Document Title	Text	254 Characters

- 4.1.3. the following format is the default for imaged Discoverable Documents²²

Single page TIFF (CCITT Group 4) with a resolution of 300 dpi

- 4.1.4. the following format is the default for printable Electronic Material

Single page TIFF (CCITT Group 4) with a resolution of 300 dpi

- 4.1.5 for all other electronic materials, please refer to Special Considerations in Appendix 1.

- 4.2. If a party to whom this Practice Direction applies wishes or needs to depart from the Default Standard, it should seek agreement from all other parties

²¹ See Appendices 2 and 3

²² If not black and white see Appendix 1 Special Considerations

to an agreed Protocol. In an agreed Protocol, the parties are free to modify any Field or format so long as the Data so produced and material referred to in 4.1 meets the minimum standards required by the Court and described in the Default Standard.

4.3. In creating an agreed Protocol the parties should give consideration to:

4.3.1. the issues concerning the collection and discovery of Electronic Material discussed in the [Guidelines for the Discovery of Electronic Documents in Ontario, dated October 2005] [The Sedona Canada Principles Addressing Electronic Discovery], which is posted on the Court's website; and

4.3.2. the use which might be made of this Data:

4.3.2.1. in the preparation of the index to the Common Book of Documents ²³;

4.3.2.2. in the preparation of an Electronic Trial Record ²⁴ index; and

4.3.2.3. generally, at trial.

²³ Insert correct terminology if not '*Common Book of Documents*'

²⁴ Insert correct terminology if not '*Trial Record*'

5. COURT DOCUMENTS

- 5.1. ²⁵Parties are encouraged to agree to deliver and to accept service or delivery of Court Documents and other Documents and communications, electronically.
- 5.2. Even if the parties have not reached agreement as provided in section 5.1²⁶, a party must, unless the Court otherwise orders, deliver to any other party upon request a copy in electronic format of any Court Document which is required to be delivered in Hard Copy in addition to the Hard Copy.
- 5.3. Where a Court Document is provided in electronic format, it must contain the same text as the Hard Copy.
- 5.4. Where it is impracticable to deliver any part of a Court Document or Document in an electronic format, it may be delivered in Hard Copy or its original form.
- 5.5. While the sender should make every effort to provide Malicious Code free Data, it is the obligation of the recipient to test for Malicious Code.

²⁵ If there is an e filing project, insert this before Clause 5.1, "Currently, Rule # established an e filing pilot project which provides for the filing of Court Documents electronically at certain Registries."

²⁶ If an e filing project exists, the new 5.2 should start, "Whether or not a party is involved in an e filing project,"

6. DISCOVERY OF DOCUMENTS

- 6.1. At an early stage in the proceeding, parties should consider whether they :
- 6.1.1. hold any Electronically Stored Information (“ESI”) that is potentially discoverable;
 - 6.1.2. have ascertained the probable volume of Documents likely to be produced on discovery by that party, taking into account any limits on discovery that may be agreed between the parties or the subject of a direction of the Court;
 - 6.1.3. have conferred with the other parties regarding any issues about the collection, preservation and production of Discoverable Documents including ESI, and, where possible, have agreed on the scope of each party’s rights and responsibilities with respect to these matters, including agreeing on any changes to the Default Standard;
 - 6.1.4. have given to the other parties notice of any problems reasonably anticipated to arise in connection with the discovery of ESI and to have conferred with those parties about these problems, including:
 - 6.1.4.1. the desirability of limiting search efforts for any category of Discoverable Documents where these efforts are considered to be unduly burdensome, oppressive or expensive having regard to the importance or likely importance of this category of Discoverable Documents to the proceeding;
 - 6.1.4.2. the transfer (in whole or in part) of the likely costs of searching for and discovering such Discoverable Documents to the party or parties demanding such discovery; and
 - 6.1.4.3. the identification of potentially relevant Data that is likely to be destroyed or altered in the normal course of the operations of the person in possession or control of the

Discoverable Documents containing such Data, or pursuant to any Document retention policy of that person.

- 6.1.5 have given due consideration on how to manage Documents electronically in an Examination for Discovery pursuant to Rule #²⁷.
- 6.2. [Information regarding the type of Potentially Discoverable Documents in electronic form which may be in the possession of a party and regarding matters which the parties and their counsel should take into account in the collection, retention and protection of ESI is available at the Court's website].²⁸
- 6.3. For the purposes of the List of Documents, a Document is sufficiently described if it is described in terms of the Fields described in the Default Standard, the agreed Protocol or the Court ordered Protocol, as the case may be.
- 6.4. Notwithstanding that Discoverable Documents have been produced for inspection in electronic format a party retains the right to inspect in its original form any Discoverable Document (including those originally held in Hard Copy).
- 6.5. Where particular hardware or software or other supporting resources are required to access discovered ESI, the parties should work together to ensure that ESI can be inspected for use in the proceeding.

²⁷ Insert Rule number

²⁸ Insert correct website

7. TRIAL

- 7.1. Not later than 60 days prior to the commencement of the trial the parties will be required to make submissions to the Court in a pre-trial conference in accordance with Rule # ²⁹ regarding how best to use Technology at the trial. They should address all aspects of the Technology that might be used at trial by the parties and the Court, and in particular:³⁰
- 7.1.1. the equipment and services (including appropriate hardware, software and additional infrastructure) that they and the Court might require;
 - 7.1.2. the arrangements that may need to be made between the parties, the Court and any third party service providers to ensure that appropriate equipment and services are available at the hearing;
 - 7.1.3. the format for the electronic Common Book of Documents ³¹ which is compatible with the software and Technology available in the courtroom;
 - 7.1.4. the format of Expert Reports and Transcripts of Examinations for Discovery;
 - 7.1.5. the compliance of the parties with the requirements of any Electronic Trial order; and
 - 7.1.6. how costs of the necessary equipment and services will be shared subject to any orders as to costs made by the Court.
- 7.2. Not less than 30 days before the date scheduled for the commencement of the trial or hearing of a proceeding the parties should meet with the eCourt Coordinator of the Court to make arrangements for the provision of the required equipment. At least 14 days prior to the date scheduled for the meeting, the parties must make a joint submission in writing to the eCourt Coordinator regarding the arrangements they propose.

²⁹ Insert Rule number

³⁰ This clause needs to be considered in light of the timetabling of the Court schedule and Court Rules

³¹ insert correct terminology if not '*Common Book of Documents*'

- 7.3. Where an Electronic Trial is to take place, an electronic version of the Trial Record ³² filed pursuant to Rule # ³³ must be filed at the same time as the Hard Copy version of the Trial Record ³⁴ is filed.
- 7.4. Unless otherwise agreed among the parties or ordered by the Court, the Default Standard will apply to Documents introduced under Rule # ³⁵ or contained in a Common Book of Documents ³⁶.
- 7.5. Each party should have available for inspection at trial within a reasonable time, if required, the original Hard Copy or Native File, as the case may be, of each of the Discoverable Documents in its possession that are included in a Common Book of Documents ³⁷.

Dated ³⁸

³⁹

Chief Justice

³² Insert correct terminology if not *'Trial Record'*

³³ Insert Rule number

³⁴ Insert correct terminology if not *'Trial Record'*

³⁵ Insert Rule number

³⁶ Insert correct terminology if not *'Common Book of Documents'*

³⁷ Insert correct terminology if not *'Common Book of Documents'*

³⁸ Date document

³⁹ Insert Chief Justice's name

APPENDIX 1

TECHNOLOGY CHECK LIST

Parties are encouraged to use this checklist to identify Technology options and issues that may arise during proceedings. The Default Standard is applicable unless the parties agree to another Protocol or the Court otherwise orders. For more information, please see the Generic Protocol Document published on the court's website.

** applied format for Default Standard

1. PRE-TRIAL

Court Documents - Document Exchange

- Hard copy and electronic copy (**) θ
- Electronic copy only θ
- Hard copy only θ

Electronic Document Format for Court Documents

- PDF Version #(**)⁴⁰ θ
- Microsoft Word Version #⁴¹ θ
- Word Perfect Version #⁴² θ
- Text file θ
- XML θ
- RTF θ
- HTML θ
- Other θ

Document Exchange Via

- CD-R (**) θ
- Email Attachments θ
- DVD-R θ
- Internet (eg. ftp site) θ

⁴⁰ # version of software must be agreed

⁴¹ # version of software must be agreed

⁴² # version of software must be agreed

2. DISCOVERY OF DOCUMENTS

Discoverable Documents – Exchange

- Electronic copy only (**) 0
- Hard Copy and electronic copy 0
- Hard Copy only 0

Electronic Document List Format

- Tab Delimited Text file (**) 0
- CSV (comma separated text values) 0
- Electronic Spreadsheet 0
- Word processing table format 0
- HTML Table 0
- XML 0
- Other 0

Document Exchange Via

- CD-R (**) 0
- Email Attachments 0
- DVD-R 0
- Internet (eg. ftp site) 0
- External Storage Device 0

In addition to the list the parties may wish to exchange the Data in an agreed proprietary Database format such as:

- Tab Delimited text file (**) 0
- CT Summation format 0
- Dataflight Concordance 0
- Excel Spreadsheet 0
- FTI Ringtail Casebook (aka Ringtail Legal 2005) 0
- Introspect 0
- Microsoft Access (MDB) 0
- Searchlight 0
- Other 0

3. DOCUMENTS PROVIDED TO A PARTY FOR INSPECTION

Document Inspection Format

- Native File or Image copy of document (**) 0
- Hard Copy only 0
- Hard Copy and Native File/Image copy 0
- Non-paper record for example, video/audio tape, Database, microfiche, etc. 0
- Other medium 0

Image Formats / Document Formats (300 dpi)

- TIFF - Single page (**) 0
- TIFF - Multi page 0
- PDF 0
- Native File 0
- GIF 0
- JPEG 0
- Other 0

Document Exchange Via

- CD-R (**) 0
- Email Attachments 0
- DVD-R 0
- Internet (eg. ftp site) 0
- External Storage Device 0

4. TRIAL

Exchange of Common Book of Documents⁴³ Indexes

- Electronic copy only (**) θ
- Hard copy and electronic/Image copy θ
- Hard Copy only θ
- Other Medium θ

Electronic Document Index Format

- Tab Delimited text file (**) θ
- Word Processing Format θ
- Electronic Spreadsheet θ
- CSV (comma separated text values) θ
- Other θ

Document Exchange Via

- CD-R (**) θ
- Email Attachments θ
- DVD-R θ
- Internet (eg. ftp site) θ
- External Storage Device θ

Common Book of Documents⁴⁴ Format

- Electronic Image copy of all Discoverable Documents in the index (**) θ
- Hard Copy and electronic/Image copy θ
- Hard Copy only θ
- Non-paper record for example, video/audio tape, Database, microfiche, etc. θ
- Other Medium θ

⁴³ Insert correct terminology if not 'Common Book of Documents'

⁴⁴ Insert correct terminology if not 'Common Book of Documents'

Electronic Image Formats (300 dpi) 0

- TIFF – Single page (**) 0
- TIFF – Multi page 0
- PDF 0
- GIF 0
- JPEG 0
- Native Format 0
- Other 0

Document Exchange Via

- CD-R (**) 0
- Email Attachment 0
- DVD-R 0
- Internet (eg. ftp site) 0
- External Storage Device 0

5. SPECIAL CONSIDERATIONS

Redacting – Management of Redacted Documents	θ
Image Resolution	θ
Colour Images (Compression)	θ
Unique Image Name (referenced by Document ID)	θ
Management of Host/Attachment Relationships	θ
Management of Oversized Documents	θ
Management of Unprintable Information (Databases)	θ
Management of Confidential Documents	θ
Management of Multi-Media Files (audio and video files)	θ
Management of Forensically Gathered Information	θ

Default Fields:

The following information, if it is available, must be provided:

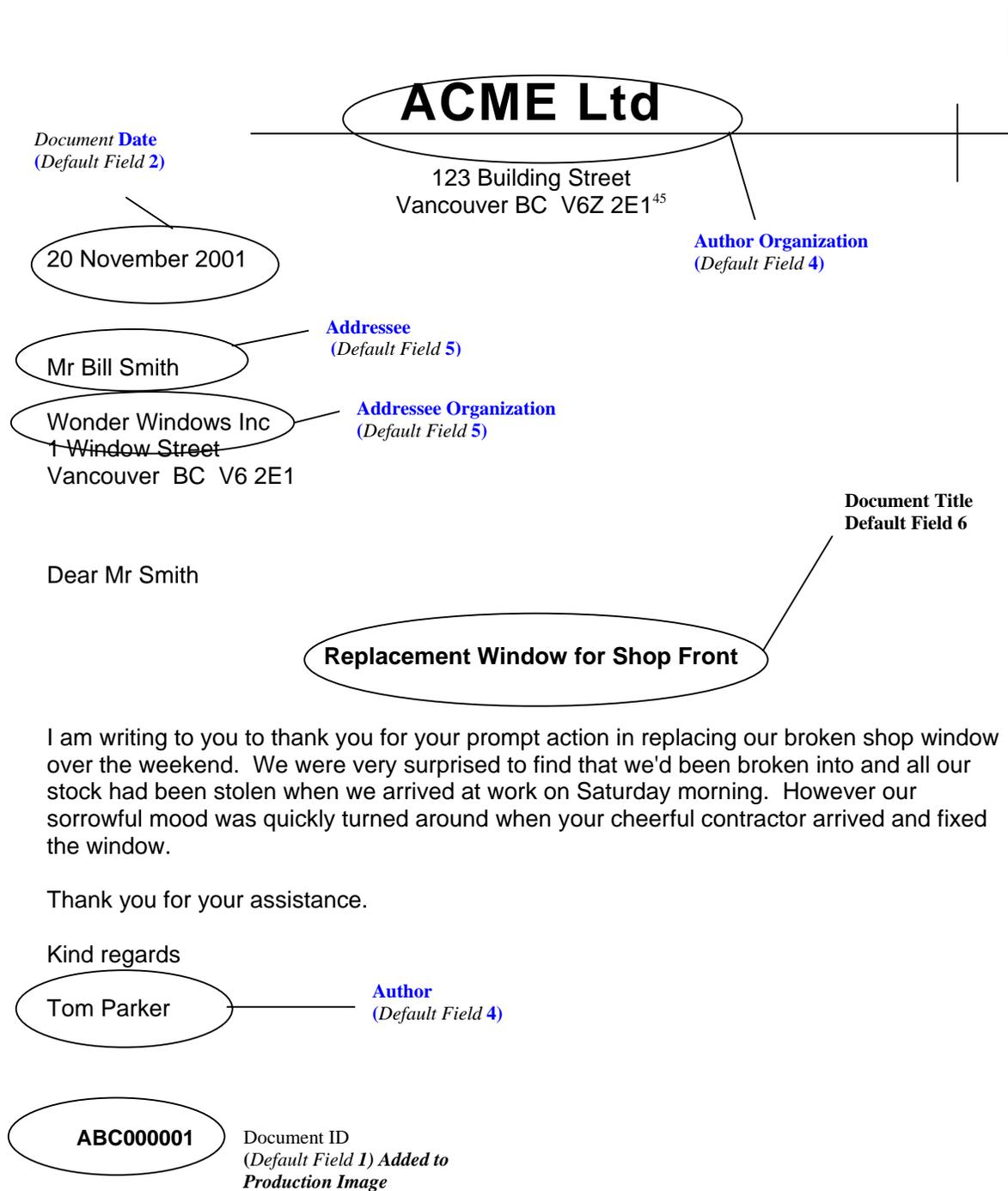
1. Document_ID AAA000000
2. Date (YYYY-MM-DD or 2001-11-20)
3. Document Type
4. Author/[Author Organization]
5. Recipient/[Recipient Organization]
6. Document Title

The following is an example of a List of Documents which was populated using the Data from the sample letter contained in Appendix 2. For more detail regarding the Default Standard including options for departing from the Default Standard including additional Data Fields parties may wish to consider including in a List of Documents, please refer to Appendix 3.

Example List of Documents

Document ID	Date	Document Type	Author/[Author Organization]	Recipient/[Recipient Organization]	Document Title
ABC000001	2001-11-20	Letter	Parker, Tom [ACME Ltd]	Smith, Bill [Wonder Windows Inc.]	Replacement Window for Shop Front

APPENDIX 2



⁴⁵ Addresses can be changed to appropriate city, province and postcode.

APPENDIX 3

Database Field Guidelines

(Default Fields are shaded)

Field	Data Type and Length of Field	Notes
Document ID Default Field 1	Text and Numbers (if appropriate) Length – 10 or depending on Field structure	<p>Each produced image should be uniquely identified and branded in the required form. The Field will comprise a two part number in form AAA000000 where “AAA” represents alphabetic shorthand for the party name, where 000000 represents the page number or the numbers could be used to suit the convenience of the party processing the information. Unless processing electronic information in its Native Format, each page of a document should be individually numbered or some other satisfactory arrangement should be reached in an agreed Protocol and each TIFF_Image should be named to match the Document ID.</p> <p>If processing Native Files the file name should be the Document ID with each document numbered consecutively. If the parties agree not to number each page, consideration should be given to an additional Field recording the number of pages in each document.</p> <p>Attachments to Discoverable Documents will be separately listed and numbered.</p> <p>Attachments can be numbered sequentially following the host document. For example, a host document may be numbered XXX000001 (being a 5 page document) and its attachments would be numbered as XXX000006 (being a 2 page document) and XXX000008 (being a 1 page document).</p>
Host Document Number	Text and Number, Length depending on the Document ID structure	Contains first page of the host document to which an attachment is attached. There will never be multiple entries in this Field as each attachment should only ever have one host document.
Date Default Field 2	Date, 10	<p>Date can be inserted as: YYYY-MM-DD for example 1996-04-08</p> <p>YYYY = Year MM = Month DD = Day</p> <p>[Note: this is for exchange only and can still be displayed as DD-MMM-YYYY eg. 05-MAY-2001]</p>

Field	Data Type and Length of Field	Notes
		<p>Undated = If there is no way of ascertaining the date of the document or it is illegible – leave Field blank</p> <p>Discoverable Documents with no discernible date will be coded as “Undated” by leaving the date Field blank.</p> <p>It should be noted that in a true date Field “00” is not an acceptable value and Discoverable Documents with only the month and year (e.g. August 1997) will be coded as undated unless otherwise agreed between the parties.</p> <p>Discoverable Documents with the day and month but no year are considered undated.</p> <p>Discoverable Documents with a date range will be coded with the earliest date unless otherwise agreed.</p> <p>OR</p> <p>Format is YYYY-MM-DD: 2001-11-20</p> <p>January is the default month when no month exists and the '01' is the default day when no day exists. For years use 1800 (on historical files use 2050).</p> <ul style="list-style-type: none"> • Year but no month or day 01-Jan-2000 with the estimated date field coded. • Year and day but no month 01-Jan-1999 with the estimated date field coded. • No Year but and month and day 01-Mar-1800 with the estimated date field coded. <p>DO NOT fill in the missing information with zeros.</p> <ul style="list-style-type: none"> • If the date is completely illegible LEAVE blank. • Look for the date the document was written, created or signed. • If a date has been crossed out and another one written in, use the original date. • If there is an undated fax cover, fax message or fax confirmation/transmittal sheet, use the fax trailer date. The trailer date can only be used as the Docdate if the Doctype is Fax. • Newspaper and journal articles often have a handwritten date on them – you can use this for the docdate if there is no other date.

Field	Data Type and Length of Field	Notes
		<p><u>Use the following priority for coding dates:</u></p> <ul style="list-style-type: none"> • latest revised/updated date – the document must state that it has been revised or updated • latest date of creation (top, bottom of page, or end of document), • latest approved date • latest published date • latest copyright date • latest date from title – If the latest date is a future date then code the latest non-future date • latest stamp date • latest print date <p><u>When coding agreements/contracts use the following priority:</u></p> <ul style="list-style-type: none"> • latest date next to actual signature - the signing date • execution/in effect date – usually in the first paragraph of the document <p><u>When coding court documents and legal documents use the following priority:</u></p> <ul style="list-style-type: none"> • latest date next to actual signature - the signing date • filing date • execution/in effect date

Field	Data Type and Length of Field	Notes
Estimated Date	Text, 3	<p>No = If the exact full date is on the document (for example 04-MAR-1963).</p> <p>Yes = Where we cannot be certain of the actual date and it has been agreed in the Protocol to use an estimate date. For example if there is a partial date (e.g. August 1979), the date is stamped on, the date has been amended by hand or the only visible date is on the fax track.</p> <p>If an agreement has an original date as well as a subsequent later date as a result of alterations being made to the document, then the later date is taken as the document date and "Estimated Date = Yes".</p> <p>If a newspaper clipping has the date/reference handwritten on to the document, then the document is dated according to the handwritten notation and is an "Estimated Date = Yes".</p> <p>If there is a date range the first date of the date range could be used and "Estimated Date = Yes".</p>
Document type Default Field 3	Text, 254	<p>This Field can be completed using common document types, for example letter, memo, deed etc.</p> <p>If the document has been faxed, this Field can include "facsimile".</p> <p>For ESI, parties should agree on appropriate document types such as xls, Doc or msg, or agree to populate with traditional document types, such as Document, Letter, Fax, etc.</p> <p>Parties should confer and agree on a standard list on a case by case basis at the earliest opportunity.</p>
Author/[Author Organization] Default Field 4	Text, 254 or as appropriate	<p>Person or persons who authored the document. To be completed using information on the face of the document. Last name First name for example "Parker, Tom [ACME Ltd]" or if it is an email address it should be captured as it is written, E.g. tom.parker@acme.com</p> <p>Author Organization should not be derived from the email address.</p> <p>Semicolons must separate multiple entries.</p>
Recipient/[Recipient Organization] Default Field 5	Text, 254 or as appropriate	<p>Person or persons who received the document. To be completed using information on the face of the document. Last name First name for example "Smith, Bill [Wonder Windows Inc]" or if it is an email address it should be captured as it is written, E.g. bsmith@hotmail.com</p> <p>Recipient Organization should not be derived from the email address.</p>

Field	Data Type and Length of Field	Notes
		Semicolons must separate multiple entries.
Document Title Default Field 6	Text 254 or as appropriate	Title of a document such as "Report on Technology" etc. or the "re" line in a letter. If none of these then leave blank. In a discovery of Native Files this could be where the original electronic file name is captured.
Parties	Text, 254 or as appropriate	Identifies parties to an agreement or other legal document.
Source	Text, 20 or as appropriate	Parties may find this Field useful to identify Discoverable Documents that have been obtained from someone other than the party giving discovery; for example, Discoverable Documents obtained on subpoena or through some other compulsory process of obtaining access to Discoverable Documents or it could be used to identify the location of the original document. This Field would identify the party from whom such Discoverable Documents were obtained.
Non-paper record	Text, 3	This Field can be used to identify information recorded using a medium other than paper, where the relevant information has not been printed out and discovered in Hard Copy form; for example, video and audio tapes, floppy disks and magnetic computer tapes (these could contain e-mails, non standard software applications, electronic Discoverable Documents, electronically stored Documents or Image files etc.). Permissible entries are "Yes" and "No".
Redacted	Text, 3	If the produced document has been redacted. Permissible entries are "Yes" or "No".
Basis of Redaction	Text, 12	If a document has been marked "yes" in the redacted field above, then choose reason, such as privilege and confidential.
Status	Text, 10	"Copy" or "Original". Note: Parties should fully define how they wish to use this Field prior to populating it to ensure consistency.
Pages	Number	The number of pages in each document can be recorded in this Field – particularly if parties decide to number Documents only.

APPENDIX 4

GLOSSARY OF TERMS

For the purposes of this Practice Direction, the following technical terms shall have the following meanings:

Court Documents

Those Documents that are filed in Court or that are delivered to another party pursuant to a order of the Court or a Rule or practice of the Court (such as pleadings, discovery lists etc.), and includes witness statements, outlines of expert evidence, chronologies, outlines of argument and other Documents.

CSV (comma separated values)

The abbreviation for comma separated values. In computers, a file that contains the values in a table as a series of text lines organized so that each column value is separated by a comma from the next column's value and each row starts a new line. A CSV file collects the Data from any table so that it can be conveyed as input to another table-oriented application such as a relational Database application. Microsoft Excel, a leading spreadsheet or relational Database application, can read CSV files.

Data

Electronic information that has been translated into a form that is more convenient to move or process (in the format of a Database for example).

Database

A collection of Data that is organized so that its contents can easily be accessed, managed and updated.

Default Standard

The standard format established by paragraph 4.1 of this Practice Direction for the exchange of electronic evidence.

Discoverable Documents

Documents that are required to be disclosed to a party in accordance with the Rules and practice of the Court.

Document

Document has the meaning set out in Rule # ⁴⁶ of the Rules of Court, which includes, in addition to a document in writing:

- a. any book, map, plan, graph, or drawing;
- b. any photograph;
- c. any label, marking, or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;
- d. any disc, tape, sound track, or other device in which sounds or other Data (not being visual Images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- e. any film (including microfilm), negative, tape, or other device in which one or more visual Images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters, or symbols that are capable of carrying a definite meaning to persons conversant with them.

Document ID

The Document ID is the method by which each Document is uniquely identified.⁴⁷

Electronically Stored Information (“ESI”)

ESI includes any documents, information or data stored in digital form, including, for example, email, documents, pictures, databases, audio, video, log files and metadata.

Electronic Trial

An **Electronic Trial** is a hearing where evidence is managed, presented and stored electronically by the Court.

Field

A Field represents a column of Data within a Database or a spreadsheet.

GIF

⁴⁶ Insert Rule number and change definition as appropriate

⁴⁷ See Default Field 1 in Appendix 3 and, for an example, see Appendix 2.

The abbreviation for Graphics Interchange Format which is one of the two most common file formats for graphical Images on the World Wide Web. The other is the JPEG.

Hard Copy

The term used to refer to a Document in non-electronic form. A Hard Copy is often a paper copy of a Document.

Host/Attachment Relationships

While host and attachment relationships are not required in the default Fields and may not be captured in the majority of lists of Documents. Parties will need to agree on whether to record this information and how it will be recorded for exchange.

HTML

The abbreviation for Hypertext Markup Language which is a set of “mark up” symbols or codes inserted in a file intended for display on the internet by a World Wide Web browser.

Image

A picture that has been created or copied and stored in electronic form, an electronic photocopy. The format of the Image is given by the file extension name suffix – for example BMP, GIF, JPEG, or TIFF.

Image Resolution

A description of the sharpness of an Image sharpness (that is, the density of illuminated points) which is measured by dots per inch (dpi). The dot pitch determines the absolute limit of the possible dots per inch. Industry standard is 300 dpi for black and white imaging.

Malicious Code

Malicious code is the term used to describe any code in any part of a software system or script that is intended to cause undesired effects, security breaches or damage to a system. Malicious code describes a broad category of system security terms that includes attack scripts, viruses, worms, Trojan horses, backdoors, and malicious active content.

Native (Native Files or Native Format)

A reference to a computer file in its original digital format, prior to processing, or conversion to image form.

PDF

The abbreviation for Portable Document Format which is an open file format that captures all the elements of a printed document.

Potentially Discoverable Documents

Documents that are included in the initial collection of information at a time when decisions are being made to determine which of them are Discoverable Documents.

Protocol

A special set of rules which are often described in terms of an agreed upon, industry or international standard. A Generic Protocol Document can be found on the Court's website at # ⁴⁸.

Redaction

The process by which information or text is electronically covered or masked in such a way that it can not be read by other people. Discoverable Documents that contain a combination of discoverable and non-discoverable or privileged information are produced with non-discoverable or privileged information redacted.

RTF

The abbreviation for Rich Text Format which is a generic file format that allows exchange of text files between different word processors in different operating systems.

Tab Delimited

In computers, a Tab Delimited file contains the values in a table as a series of ASCII text lines organized so that each column value is separated by a tab character from the next columns value, and each row starts a new line.

TIFF

The abbreviation for Tagged Image File Format which is a common format for saving Image files.

XML

The abbreviation for Extensible Markup Language which is a flexible way to create common information formats and share both the format and the Data on the World Wide Web, intranets, and elsewhere.

⁴⁸ Insert website