CJC CCM
Canadian Judicial Council
Conseil canadien de la magistrature

National Generic Protocol
For use with the
National Model Practice Direction
For the Use of Technology in Civil Litigation

Public Version 2008-01-31

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IN THE SUPREME COURT OF # [1]

Docket:
Registry:

Between:

And

[TITLE OF DOCUMENT - DRAFT PROTOCOLS]

(i.e. Protocol, Statement of Claim, etc.)

LEGAL REPRESENTATIVES

PARTY	PARTY NAME:	SOLICITOR ACTING:	FIRM NAME & DETAILS
Plaintiff			
Defendant			

PROTOCOL INTRODUCTION:

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[1] Insert jurisdiction

1.   The protocols set out below conform to the Supreme Court Practice Direction[1] dated # [2]. They are designed to minimize document management and technology costs.   This document, therefore, specifies protocols for electronic exchange between the abovementioned parties with respect to discovery in this matter.

2.   The protocols ensure that each party can use its own software to view its own and other parties' documents. It is proposed that parties be responsible for providing their own systems for viewing the documents, database and images.

3.   If these matters are not resolved before the next directions hearing the parties will review and submit any proposals they wish to make regarding the treatment of Witness Statements, Court Documents, providing documents for inclusion in the Exhibit Book [3] electronically in the format required by the Supreme Court. [The court's technology requirements can be found on the Supreme Court of # [4] website, **# [5]**]

4.   The protocols outlined in this protocol document cover the following aspects:

   4.1   Exchange regime

   4.2   Proposed Party Codes

   4.3   Document numbering

   4.4   Imaging standards

   4.5   Updating or adding additional data/images

   4.6   Tables to be exchanged

   4.7   General Provision of data

5.1   EXCHANGE REGIME

5.1.1	Document Exchange of Court Documents, Witness Statements or any other document held in these formats, be provided as such	PDF (Image Only Format)
5.1.2	Data File Format	Tab Delimited text file.

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[1] Insert correct terminology
[2] Insert date
[3] Insert correct terminology if not *'Exhibit Book'*
[4] Insert jurisdiction
[5] Insert appropriate website address

5.1.3	Disk Medium	CD-R
5.1.4	Disk Contents	Two Files – One items table and one image table. A header row should be included for each file.
5.1.5	Disk Label	Name of proceedings, disk number, filename(s), date, description of data and whether it is additional or replacement data.

5.2   PROPOSED PARTY CODES:

PARTY	PARTY CODE (AAA)
Plaintiff	
Defendant	

5.3   DOCUMENT NUMBERING:

5.3.1   Every page will be identified with a unique six-digit serial number prefixed by a three letter code identifying the producing party. For example, a three page document from party "ABC" would be numbered as follows:

Page 1: ABC000001
Page 2: ABC000002
Page 3: ABC000003

The next produced document would be numbered as follows:

Page 1: ABC000004
Page 2: ABC000005
Etc.

5.4   IMAGING STANDARDS:

5.4.1   Discoverable paper documents will be scanned except when the document is larger than 11"x17". These documents will not be scanned but will be available for hardcopy inspection upon request. Information about these documents will appear in the database and discovery list when appropriate.

5.4.2.   Any format other than black and white documents up to 11"x17" require consideration as to how they should be managed and agreement reached between the parties as suggested in 5.7.3.3 of this document.

5.4.3.   The image file formats for exchange should be set out as follows:

ITEM:	DESCRIPTION:
CD Volume Name	Each CD-R to have a unique volume name consisting of the party ID and a 3 digit, padded zero, sequentially in file number order (i.e.: AAA001)
Disk Format	ISO-9660
Composition of File	Single page TIFF files (i.e. a four page document will have four distinct image files).
Resolution of Image	Black and White Images – 300 dpi sub-type CCITT group 4 compressed, 1 bit (bi-tonal)
Image Directory Structure	Images must reside in directories and sub directories. The sub directory structure must reflect the levels in the numbering style (i.e.: AAA000003.tif where AAA is the party code; 000003 is the page number)

5.5   UPDATING OR ADDING ADDITIONAL DATA/IMAGES:

5.5.1   Corrections, replacements or supplementary data or images should be produced in the format outlined in these protocols.

5.6   TABLES TO BE EXCHANGED:

5.6.1.   The following two tables shall be exchanged together with the imaged documents:

MAIN TABLE

FIELD NAME:	DATA TYPE:	EXPLANATION	EXAMPLE
Document ID	Text & Number	The unique identifier for each document (record) in the database	AAAPPPPPP
Document Date	Date Field	The date of the document as it appears on the document in the format YYYY-MM-DD If there is no way of ascertaining the date of the document or it is illegible – leave *field* blank *Discoverable documents* with no discernible date will be coded as "Undated" by leaving the date *field* blank. 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 *Discoverable documents* with the day and month but no year are considered undated. *Discoverable documents* with a date range will be coded with the earliest date unless otherwise agreed. [6]	1997-03-21

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[6] Parties can agree to record partially drafted documents in another way. See the Practice Direction for examples

Document Type	Text	A simple classification of a document such as a letter, agreement, minutes of meeting – to be agreed by the parties. Attached to these protocols and set out in Attachment A is a draft list of suggested document types – this list may need to be extended depending on the document types of the discoverable documents If the document is electronic, then the parties may use file type as the document type	Agreement
Author/[Author Organization]	Text	Person or persons who authored the document. To be completed using information on the face of the document. Last name First name or if it is an email address it should be captured as it is written, E.g. tom.parker@acme.com Author Organization should not be derived from the email address. Semicolons must separate multiple entries.	Smith, Bill [Wonder Windows Inc],
Recipient/[Recipient Organization]	Text	Person or persons who received the document. To be completed using information on the face of the document. Last name First name or if it is an email address it should be captured as it is written, E.g. bsmith@hotmail.com. Recipient Organization should not be derived from the email address. Semicolons must separate multiple entries.	Smith, Bill [Wonder Windows Inc],
Document Title	Text	Title of the document or the "re" line in a letter.	Report on Technology

IMAGE TABLE:

FIELD NAME	DATA TYPE	EXPLANATION	EXAMPLE
*item ID	Text and Number	Document ID	AAA000001
*Path	Text (100 character)	File name of the image file. There will be a single file for each page of each document. The format is AAAPPPPP.tif	AAA000001.tif

5.7   GENERAL

5.7.1   MALICIOUS CODE RESPONSIBILITY

The sender should take all reasonable precautions to ensure that their data is free of malicious code.

5.7.2   RESPONSIBILITY FOR COSTS

It is the responsibility of each party to bear the cost of producing the electronic data as outlined in these protocols, subject to any costs orders which may ultimately be made in the proceedings.

5.7.3   MEET AND AGREE

Representatives from all parties on the matter will meet and agree to –

5.7.3.1   Determine codes to be set for any additional parties who may be added to the proceedings and to organize exchange of data with any such parties.

5.7.3.2   Attempt to resolve any issues which arise in the course of the application of these protocols.

5.7.3.3   Give sufficient thought to the following special considerations as they apply to their particular matter:
- Management of Redacted Documents
- Image Resolution
- Colour Images (Compression)
- Unique Image Name (Referenced by Doc ID)
- Management of Host/Attachment relationships
- Oversized Documents
- Management of Unprintable Information (Databases)

- Management of Confidential Documents

- Management of Multi-Media Files (Audio/Visual files)

- Management of Forensically Gathered Information

5.7.3.4   Determine the way in which pleadings and witness statements are to be exchanged.

ATTACHMENT A

DOCUMENT TYPES LIST

These should be agreed by the parties based on the documents they are managing in their litigation but below are examples of how this list should be put together.

DOCUMENT TYPE	*DESCRIPTION/EXAMPLE*
Agreement	Includes Contracts, Deeds etc
Agenda	Outline of meeting, business, seminar, or conference events scheduled to take place. They may be handwritten.
Appendix	Includes appendices, schedules, annexes that were originally part of a larger document, usually a report or contract, but have become separated from the body of the larger document.
Budget	Material giving financial details or breakdowns of projects, staffing, statement of resources, allocation of resources, etc. Usually called a budget. See also Financial Document.
Business Card	Code the personal name in the author field and the company name in the Document title.
Certificate	• Use for actual certificates such as birth or marriage certificates. • Do not use for Share Certificates – they are Corporate Documents
Chart/Table	Any document in chart or table form separated from a larger report.
Court Documents	Includes Statements of Agreed Facts, Affidavits of parties admitting liability.
Electronic Document	Documents culled from an electronic source such as backup files, hard-drives, etc. Usually will be a computer directory list and may have a path name: c:\my documents\work file.
Email	• Code from the first message at the top of the page when there is a chain of emails. • Email attachments are coded to the appropriate document type (letter, report, etc.)
Exhibit	Use only for documents labelled Exhibit A, etc.
Financial Document	• Use for individual reports containing financial information – the information must be financial and not simply a list of numbers such as 234, 456, 147. • Examples: balance sheets, operating costs, A/P, A/R, reconciliation records, income statements, all banking documents, exchange rates, consolidated statements. • This document type may also be used for single page documents that primarily contain financial information. • Do not use for Audits, Budgets, Cheques.
Graphics	Documents that are primarily visual, not textual. Includes illustrations, photographs and diagrams. Do not include engineer plans (document type Plan), charts or tables.
Invoice	• Any bill or receipt. Includes Purchase Orders, any record of goods or services sold or ordered. • Document titles: for true invoices, enter the invoice number in the title: 234. Do not include the word Number or No. or the #. Do not include the word Invoice. • If both Sold To: and Ship To: is indicated on the document, code the company it was sold to as the recipient.
Legal Document	Litigation pleadings, affidavits, etc. Includes all documents filed in court or that have a case name on them. Do not include legislation.

Letter	Must have an addressee and a signature line, and usually has an address block. Letter of Agreement = Contract. Letter of Credit = Contract.
Manual	Includes procedural manuals, service manual, maintenance manual, user guide, operating instructions, guidelines, specifications.
Map	Includes geographical directions, may be hand drawn.
Marketing	Includes advertisements, brochures, flyers and the like.
Memorandum	- Usually formatted To: From: Re: Date: - Does not have an address block, but it may be signed. - Includes Inter-office memos, Inter-department memo, handwritten forms with Send To, From, and Reply sections. - Handwritten notes that are dated and indicate they are TO and FROM someone are coded as Memorandum.
Minutes	Formal records of a meeting
Note	Brief, informal comments or notations – can be typed or handwritten.
Organizational Chart	Describes the hierarchy of an organization – usually in "tree" form.
Presentation	Materials used for presentations, such as Power Point deck, overheads, etc. Do not include speeches or speaking notes.
Plan	Engineer's, architect's, or builder's drawings, plans, blueprints. Include aerial photographs of buildings or land.
Report	- Usually has a formal title and indicates who prepared it (the author) and when. - Note that financial reports of any length are coded to Financial Document. - May also be titled Study, Summary, Results, or Presentation. - Do not use for corporate documents such as Closing Reports or Annual Reports.
Transcript	Verbatim report of hearings or legal proceedings. Includes transcriptions of media programs, such as radio interviews.
Web page	Use primarily for website or www informational or marketing material.

Attachment B

1. Document Delimiting

1.1. Appendices, Attachments and Schedules, which form part of an Agreement, will not be coded as separate documents, but will be considered part of the Agreement.

1.2. Appendices, Attachments and Schedules, which form part of a Report, Financial Report or Annual Report, will not be coded as separate documents, but will be considered part of the Report.

1.3. Appendices, Attachments and Schedules, which form part of Legal Documents, including Affidavits, Witness Statements, Pleadings etc will not be coded as separate documents, but will be considered part of the Legal Document.

1.4. Appendices, Attachments and Schedules, which form part of the Minutes of Meetings or Meeting Agenda, will not be coded as separate documents, but will be considered part of the Minutes or Agenda.

1.5. The back of pages with any text or markings will not be delimited as separate documents.