



*The Supreme Court  
of British Columbia*

*Guidelines for the Use of  
Technology in any  
Civil Litigation Matter*



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Why the practice direction was written

How it was drafted

Why and how it is being marketed it to the profession



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### Education and Training

- Articles in law and technology journals
- Press releases and articles in newspapers
- Training sessions for Judges
- Training of Court Services staff including Court Clerks
- CLE sessions for law firms and in-house counsel
- Seminars, Workshops, Information Sessions
- Paralegal course
- eCourt coordinator (on-call) to work with parties and the court



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## Practice Direction - Introduction

- Framework
- Further information
- Guidelines for the Discovery of Electronic Documents in Ontario published October 2005
- eFiling pilot Project
- Commencement of Practice Direction



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### Appendices

- Appendix 1 – Technology Checklist [\(link\)](#)
- Appendix 2 - Sample Document [\(link\)](#)
- Appendix 3 – Guidelines for database fields [\(link\)](#)
- Appendix 4 – Glossary of Terms [\(link\)](#)



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### Application of the Practice Direction

- Criteria for considering application of the Practice Direction
  - Substantial portion of the potentially discoverable documents consists of electronic material
  - Total number of documents exceeds 1000 documents
  - More than three parties to a proceeding



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## Application of the Practice Direction

- Communicating/Informing the Court
- Assigns responsibility
- Possible orders that the court might make with respect to this Practice Direction including with respect to eTrials



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## Costs

- How costs will be managed if you comply with the practice direction within the meaning of Rule 57
- How costs may be managed if work is undertaken otherwise than in accordance with the practice direction within the meaning of Rule 57



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## Default Protocol

- Format for the exchange of Court Documents (in accordance with eFiling pilot)
- Format for the fields for a list of discoverable documents
- Discoverable documents
  - Hardcopy format
  - Electronic format



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## Default Protocol

- Complying with the default protocol
- Agreeing a protocol between the parties
- Use which might be made of this Data



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## Court Documents

- Pilot efilng project
- Exchange with the Court
- Exchange between Parties



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## Discovery of Documents

- Considerations for the management of Electronic Materials
- Exchange of Lists of Documents electronically
- Inspection of the original documents
  - Electronic or Hardcopy



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# Trial

- Pretrial Conference
  - The equipment and services (including hardware and software and additional infrastructure)
  - Third party providers
  - How costs for an etrial might be shared
- Trial Record
- Format of the Common Book of Documents
- Original Exhibits



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Way Forward in all Jurisdictions in Canada is the  
Canadian Judicial Council initiative :

Phase 1: Federal Court  
Ontario Courts  
Nova Scotia  
Alberta



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Timetable

- Draft released today
- Release of draft 1 – 1 October 2006
- **Feedback due – Monday 13 November 2006**
- Release of draft 2 – 27 November 2006
- **Feedback due – Monday 8 January 2007**
- **Workshops held in Canada from 8.1.07-22.1.07**
- Release of draft 3 – 29 January 2007
- **Feedback due – Monday 26 February 2007**
- Final copy Released to Court for sign off - 28 February 2007
- Practice Direction signed by Chief Justice



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## Useful Reference Documents on

[www.courts.gov.bc.ca](http://www.courts.gov.bc.ca)

- Practice Direction [\(link\)](#)
- Default Protocol [\(link\)](#) [\(old link\)](#)
- Guidelines for the Discovery of Electronic Documents in Ontario published October 2005 [\(link\)](#)



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**Thank you**

Practice Direction feedback to

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<http://150.101.156.34/pdcanada>