Court of Queen's Bench of Alberta
Civil Practice Note No. 4

Guidelines for the Use of Technology
in any Civil Litigation Matter

1. Introduction

1.1.   This Practice Note 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 ***Records*** in a ***Technology*** environment.

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 Co-ordinator by email to
ecourt.coordinator@albertacourts.ca.

1.3.   Further information can also be found on the Court's website at
http://www.albertacourts.ab.ca 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 Notes about such matters as
electronic filing and electronic service of ***Court Documents***. Parties are
encouraged to refer to the Court's website at **http://www.
albertacourts.ab.ca** for current information on these matters.

1.5.   This Practice Note comes into force on March 1, 2011, unless otherwise
agreed by the parties to apply this Practice Note in whole or in part, for
matters initiated prior to this date.

1.6.   Definitions

    1.6.1.   Technical terms used in this Practice Note are defined in
           Appendix 4 – Glossary of Terms. A term which is so defined is

indicated by the use of ***bold italics underlined*** and is hypertext linked in the electronic version of this Practice Note.

1.6.2. In this Practice Note a reference to a rule is a reference to that rule in the Alberta Rules of Court.[1]

1.7. Appendices

Attached to and forming part of this Practice Note 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 document which identifies the type of information to be captured in the ***Fields*** to be used for the description of documents in accordance with the ***Default Standard*** for a schedule to an Affidavit of Records pursuant to Rule 5.6;

Appendix 3   Guidelines showing how the default ***Fields*** should be populated and suggesting possible additional ***Fields*** for the description of ***Discoverable Records*** in a ***Database***.

Appendix 4   ***Glossary of Terms***.

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[1] Alberta Rules of Court, A.R. 124/2010.

2. Application of the Practice Note

2.1.   In the event of a conflict between this Practice Note and the Alberta Rules of Court, the Alberta Rules of Court apply.

2.2.   This Practice Note, 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 Note in a proceeding where one or more of the following apply:

2.3.1.   a substantial portion of the ***Potentially Discoverable Records*** consists of ***Electronic Material***;

2.3.2.   the total number of ***Potentially Discoverable Records*** exceeds 1,000 ***Records***, or is more than 3,000 pages;

2.3.3.   there are more than three parties to the proceeding;

2.3.4.   if the matter is likely to be more than a 10 day trial as specified in the E-Appeals Practice Note (*Court of Appeal Practice Note (June 17, 2004) Part K, Electronic Appeals)*; or

2.3.5.   the proceedings are multi-jurisdictional or cross-border.

2.4.   Before any party seeks relief from the Court with respect to the use of technology in the proceeding, the parties should use best efforts to reach an agreement to use some or all of the provisions of this Practice Note or another agreed Protocol.

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 ***Records*** to another party; and

2.5.4.　preparing an electronic Agreed Exhibit Book for trial or hearing of a proceeding.

2.6.　This Practice Note does not apply to Standard Cases under Part 4 of the Rules unless the parties consent.

2.7.　In a proceeding to which this Practice Note applies, the Court may, on application by a party:

2.7.1.　order that the proceeding or certain steps in the proceeding be conducted using ***Technology***;

2.7.2.　 where a party is not reasonably able to access ***Records*** produced by another party, order that such other party take steps to enable access to ***Electronic Material*** produced by that party;

2.7.3.　resolve disputes between the parties as to matters that are the subject of this Practice Note, and give directions accordingly;

2.7.4.　order that there be an ***Electronic Trial*** of the proceeding;

2.7.5.　amend, vary or revoke any order previously made under this Practice Note; or

2.7.6.　make any other order that it considers appropriate.

2.8.　An order for the ***Electronic Trial*** of a proceeding may include any or all of the following orders:

2.8.1.　that ***Court Documents*** and other ***Records*** be delivered to other parties in electronic form;

2.8.2.　that ***Court Documents*** be delivered in electronic form for the Trial Record;

2.8.3.　that there be an electronic Agreed Exhibit Book;

2.8.4.　that there be a restriction upon the use of ***Hard Copy*** ***Records*** at trial; and

2.8.5.　any other Order that the Court considers appropriate.

3. Costs

3.1.   The reasonable costs incurred in complying with this Practice Note, including the expenses of retaining or utilizing necessary internal and external consultants, are considered costs within the meaning of Rule 10.31(1).

3.2.   Where this Practice Note applies, and a party incurs disbursements for work undertaken that is not in accordance with the Default Standard or an existing agreed Protocol or a Court ordered Protocol, then these will not be treated as costs within the meaning of Rule 10.31(1)(a), unless otherwise ordered by the Court.

4. *Default Standard and Agreed Protocol*

4.1.   The Court expects that, in all proceedings to which the Practice Note 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: [2]

    4.1.1.   the following formats are the default for the delivery of ***Court Documents***, to another party:

Record	Format
Court Documents Other than those listed below	PDF - (Image only format)
Lists or schedules of ***Discoverable Records*** under Rule 5.6	***Tab Delimited ASCII*** file

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[2] See Appendix 1 for other options for an agreed protocol

Record	Format
Record of Pleadings	PDF – (Image only format)
Index for the Agreed Exhibit Book and the Record of Pleadings (if appropriate)	*Tab Delimited ASCII* file

4.1.2. the following formats are the default for the *Fields* for a list or schedule of *Discoverable Records*:[3]

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

4.1.3. the default fields do not apply to documents over which privilege is claimed:.

4.1.4. the following format is the default for imaged *Discoverable Records*:[4]

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

4.1.5. the following format is the default for printable *Electronic Material*:

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[3] See Appendices 2 and 3.

[4] If not black and white then see **Special Considerations** in Appendix 1.

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

4.1.6.   For all other **_Electronic Material_** please refer to **_Special Considerations_** in Appendix 1.

4.2.   If a party to whom this Practice Note applies wishes or needs to depart from the **_Default Standard_**, it should seek agreement from all other parties 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,* which can be found on the website at **http://www.oba.org/en/main/ediscovery_en/default.aspx** ; 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 Agreed Exhibit Book;

4.3.2.2. in the preparation of a **_Record of Pleadings_**; and

4.3.2.3. generally, at trial.

5. Court Documents

5.1.   Parties are encouraged to agree to deliver and to accept service or delivery of **_Court Documents_** and other **_Records_** and communications, electronically.

5.2.   Even if the parties have not reached agreement as provided in section 5.1, 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 *__Record__* 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__*.

6. Discovery of Records

6.1. At an early stage in the proceeding, parties should consider whether they:

6.1.1. have in their power or possession any *__Electronic Material__* that is potentially discoverable;

6.1.2. have ascertained the probable volume of *__Records__* 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 Records__* including *__Electronic Material__*, and, where possible, 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 the other parties notice of any problems reasonably anticipated to arise in connection with the discovery of

Electronic Material 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 Records* 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 Records* 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 Records* to the party or parties demanding such discovery; and

6.1.4.3.   the identification of potentially relevant and material *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 Records* containing such *Data,* or pursuant to any document retention policy of that person.

6.1.5.   have given due consideration on how to manage *Records* electronically in an Examination for Discovery pursuant to Part 5, Subdivision 3 of the Alberta Rules of Court.

6.2.   The Court's website contains information regarding the type of *Potentially Discoverable Records* in electronic form which may be in the possession of a party and regarding matters which the parties and should take into account in the collection, retention and protection of *Electronic Material.*

6.3.   A *Record* 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 Records* have been produced for inspection in electronic format, a party retains the right to inspect in its original form any *Discoverable Record* (including those originally held in *Hard Copy*).

6.5.   Where particular hardware or software or other supporting resources are required to access discovered *Electronic Material*, the parties should work together to ensure that *Electronic Material* can be inspected for use in the proceeding.

7. Trial

7.1.   Not later than the first pre-trial conference, the parties will be required to make submissions to the Court 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:

  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 Record of Pleadings, Agreed Exhibit Book and any other *Record* that may be necessary 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 appointed for the commencement of the trial, the parties should meet with the eCourt Co-ordinator 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 Co-ordinator regarding the arrangements they propose.

7.3.   Where an ***Electronic Trial*** is to take place, an electronic version of the Record of Pleadings must be filed at the same time as the ***Hard Copy*** version, pursuant to Rule 8.4(2) of the Alberta Rules of Court, of the Record of Pleadings is filed.

7.4.   Unless otherwise agreed among the parties or ordered by the Court, the ***Default Standard*** will apply to ***Records*** contained in an Agreed Exhibit Book.

7.5.   Each party should have available for production 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 Records*** in its possession that are included in an Agreed Exhibit Book.

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.

Required format for default standard (**)

1. Pre-Trial

***Court Documents - Record* Exchange**	
• ***Hard copy*** and electronic copy (**)	□
• Electronic copy only	□
• ***Hard copy*** only	□

Electronic *Record* Format for ***Court Documents***	
• ***PDF*** Version #[5](**)	□
• Microsoft Word Version #[6]	□
• WordPerfect Version #[7]	□
• ***ASCII*** text file	□
• ***XML***	□
• ***RTF***	□
• ***HTML***	□
• Other	□

***Record* Exchange Via**	
• CD-R (**)	□
• Email Attachment	□
• DVD-R	□
• Internet (eg. ftp site)	□
• External Storage Device	□

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[5] # version of software must be agreed

[6] # version of software must be agreed

[7] # version of software must be agreed

2. Discovery of Records

Discoverable Records **– Exchange**

- *[Hard Copy](#)* and electronic copy (**) ☐
- Electronic copy only ☐
- *[Hard Copy](#)* only ☐

Electronic *[Record](#)* List Format

- *[Tab Delimited](#)* ***ASCII*** file (**)[Note: Double quotes, hard returns, asterisks and semi colons cannot be used in the database text] ☐
- *[ASCII](#)* *[CSV](#)* (comma separated values) ☐
- Electronic Spreadsheet ☐
- Word processing table format ☐
- *[HTML](#)* Table ☐
- *[XML](#)* ☐
- Other ☐

[Record](#) **Exchange Via**

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

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

- *[Tab Delimited](#)* *[ASCII](#)* file (**) ☐
- CT Summation format ☐
- Dataflight Concordance ☐
- Excel Spreadsheet ☐
- File Maker Pro ☐
- FTI Ringtail Casebook (aka Ringtail Legal 2005) ☐
- Introspect format ☐
- Microsoft MDB (aka Access) ☐
- Searchlight ☐
- Other ☐

3. Records Provided to a Party for Inspection

Record Inspection Format

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

Image Formats / _Record_ Formats (300 dpi)

- _**TIFF**_ **-** Single page **(**)   □
- _**TIFF**_ – Multi page   □
- _**PDF**_   □
- _**Native File**_   □
- _**GIF**_   □
- JPEG   □
- Other   □

Record Exchange Via

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

4. Trial

Exchange of Agreed Exhibit Book Indexes

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

Electronic _Record_ Index Format

- _**Tab Delimited**_ _**ASCII**_ file (**)[Note: Double quotes, hard   □
  returns, asterisks and semi colons cannot be used in the
  database text]
- Word Processing Format   □
- Electronic Spreadsheet   □

- _**ASCII**_ _**CSV**_ (comma separated values) □
- Other □

Record Exchange Via

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

Agreed Exhibit Book Format

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

Electronic _Image_ Formats (300 dpi) □

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

Record Exchange Via

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

5. Special Considerations

Redacting (Management of Redacted Documents)   □

Image Resolution   □

Colour ***Images*** (Compression)   □

Unique ***Image*** Name (referenced by **Record_ID**)   □

Management of ***Lead/Attachment Relationships***   □

Management of Oversized ***Records***   □

Management of Unprintable Information (e.g. Databases)   □

Management of Confidential Information   □

Management of Multi-Media Files (such as audio and video files)   □
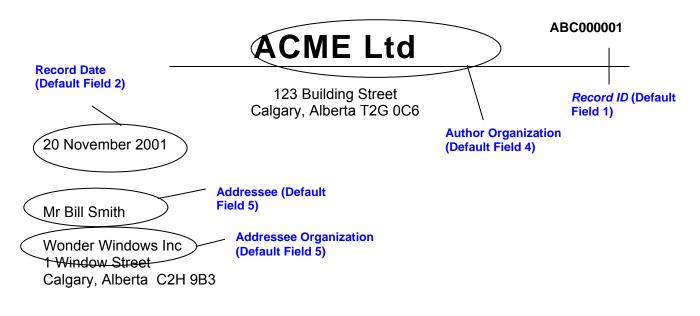
Management of Forensically Gathered Information   □

Default *Fields*: (If information is available)

1.   ***Record_ID*** AAA000000
2.   Date (YYYY-MM-DD or 2001-11-20)
3.   ***Record*** Type
4.   Author/[Author Organization]
5.   Recipient/[Recipient Organization]

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 Affidavit of Records

Record ID	Date	Record Type	Author / [Author Organization]	Recipient/ [Recipient Organization]
ABC000001	2001-11-20	Letter	Parker, Tom [ACME Ltd]	Smith, Bill [Wonder Windows Inc]

Appendix 2

ACME Ltd

ABC000001

123 Building Street
Calgary, Alberta T2G 0C6

Record Date (Default Field 2)

Record ID (Default Field 1)

Author Organization (Default Field 4)

20 November 2001

Addressee (Default Field 5)

Mr Bill Smith

Addressee Organization (Default Field 5)

Wonder Windows Inc
1 Window Street
Calgary, Alberta C2H 9B3

Dear Mr Smith

Replacement Window for Shop Front

I am writing to you to thank you for your prompt action in replacing our broken shop window over the weekend. We were very surprised to find that we'd been broken into and all our stock had been stolen when we arrived at work on Saturday morning. However our sorrowful mood was quickly turned around when your cheerful contractor arrived and fixed the window.

Thank you for your assistance.

Kind regards

Tom Parker

Author (Default Field 4)

Appendix 3

Database Field Guidelines

(Default Standard Fields are shaded)

Field	Data Type and Length of Field	Notes
Record ID **Default Field 1**	Text and Numbers (if appropriate) Length – 9 or depending on *Field* structure	Each record should be uniquely identified by the first page number being the Record ID, and stamped 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 record 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 **Record ID**. If processing **Native Files** the file name should be the **Record ID** with each record 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 record. Attachments to **Discoverable Records** will be separately listed and numbered. Attachments can be numbered sequentially following the lead record. For example, a lead record may be numbered XXX-000001 (being a 5 page record) and its attachments would be numbered as XXX000006 (being a 2 page record) and XXX000008 (being a 1 page record). Note: For larger matters parties should agree to use an extended number such as AAA-BBBB-FFFF-PPP where: AAA is the Party Code, which identifies the party in the proceedings. Padded characters will not be used. BBBB is the box or bundle number. Padded with zeros, maximum value of 9999 (e.g. 0099) FFFF is the folder of file number. Padded with zeros, maximum value of 9999 (e.g. 0020) PPP is the unique "page" identifier within the document. Padded with zeros, maximum value of 999 (e.g. 099). It should be noted that the first page number in each document will become the document ID.

Field	*Data* Type and Length of *Field*	Notes
Lead Record Number	Text and Number, Length depending on the *Record ID*. Structure	Contains first page of the lead record to which an attachment is attached. There will never be multiple entries in this *Field* as each attachment should only ever have one lead record
Date **Default *Field* 2**	Date, 10	Date can be exported as: YYYY-MM-DD for example 2001-11-20 YYYY = Year MM = Month DD = Day Undated = If there is no way of ascertaining the date of the record or it is illegible – leave *Field* blank *Discoverable Records* 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 Records* with only the month and year (e.g. August 1997) will be coded as undated unless otherwise agreed between the parties. *Discoverable Records* with the day and month but no year are considered undated. *Discoverable Records* with a date range will be coded using the earliest date unless otherwise agreed. ## OR Format is YYYY-MM-DD: 2001-11-20 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). • 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 month and day 01-Mar-1800 with the estimated date field coded. DO NOT fill in the missing information with zeros. • If the date is completely illegible LEAVE blank. • Look for the date the document was written, created or signed.

Field	*Data* Type and Length of *Field*	Notes
		• 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. • For electronic documents, the best available meta data is acceptable. Use the following priority for coding dates: • 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 When coding agreements/contracts use the following priority: • latest date next to actual signature - the signing date • execution/in effect date – usually in the first paragraph of the document When coding court documents and legal documents use the following priority: • 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	No = If the exact **full** date is on the record (for example 1963-03-04).
		Yes = Where we cannot be certain of the actual date and it has been agreed in the *Protocol* to use an estimated 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.
		If an agreement has an original date as well as a subsequent later date as a result of alterations being made to the record, then the later date is taken as the record date and "Estimated Date = Yes".
		If a newspaper clipping has the date/reference handwritten on to the record, then the record is dated according to the handwritten notation and is an "Estimated Date = Yes".
		If there is a date range the first date of the date range could be used and "Estimated Date = Yes"
Record Type **Default *Field* 3**	Text, 254	This *Field* can be completed using commonly received record types, for example letter, memo, deed etc.
		If the record has been faxed, this *Field* can include "facsimile".
		If a group of *Discoverable Records* is being discovered as a bundle, this *Field* may be completed as "Record type bundle*".*
		If the document is an E-document then 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.
		Parties should confer and agree on a standard list on a case by case basis at the earliest opportunity.
Author/**[Author Organization]** **Default *Field* 4**	Text, 254 or as appropriate	Person or persons who authored the record. To be completed using information on the face of the record. **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**
		Author Organization should not be derived from the email address.
		Semi colons must separate multiple entries.
Recipient/ **[Recipient**	Text, 254 or as appropriate	Person or persons who received the record. To be completed using information on the face of the record.

Field	*Data* Type and Length of *Field*	Notes
Organization] **Default *Field* 5**		**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**. Recipient Organization should not be derived from the email address. Semi colons must separate multiple entries.
Record Title	Text 254 or as appropriate	Title of a record such as "Report on Technology" etc. or the "re" line in a letter, memorandum or email, full name of an agreement or lease. Cheque numbers and invoice numbers and amounts 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 record
Source	Text, 20 or as appropriate	Parties may find this *Field* useful to identify *Discoverable Records* that have been obtained from someone other than the party giving discovery; for example, *Discoverable Records* obtained on subpoena or through some other compulsory process of obtaining access to *Discoverable Records* or it could be used to identify the location of the original record. This *Field* would identify the party from whom such *Discoverable Records* 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 emails, non standard software applications, electronic *Discoverable Records*, electronically stored *Records* or *Image* files etc.). Permissible entries are "Yes" and "No".
Redacted	Text, 3	If the produced record has been redacted. Permissible entries are "Yes" or "No".
Basis of *Redaction*	Text, 12	If a document has been marked "yes" in redacted field above, then choose reason, such as privilege or confidential.

Field	*Data* Type and Length of *Field*	Notes
Pages	Number	The number of pages in each record can be recorded in this *Field* – particularly if parties decide to number Records only.
CC	Text	Person or persons who were copied in to the record. To be completed using information on the face of the record. **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. Semi colons must separate multiple entries.
ENDOC	Text and Numbers (if appropriate) Length – 9 or depending on *Field* structure	Complete this field with the last page number in the Record.

Appendix 4

Glossary of Terms

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

ASCII

> The abbreviation for American Standard Code for Information Interchange which is the most common format for text files in computers and on the Internet. In an ***ASCII*** file, each alphabetic, numeric, or special character is represented with a 7-bit or 8-bit binary number.

Court Documents

> Those ***Records*** that are filed in Court or that are delivered to another party pursuant to an 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 ***Records***.

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 ***ASCII*** 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 Note for the exchange of electronic evidence.

Discoverable Records

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

Electronic Material

Any email messages or computer generated files identified in their *Native Format.* An example is a computer file of a Microsoft Word record as opposed to the printed version of that record.

Electronic Trial

An **Electronic Trial** is a hearing where evidence is managed, presented and stored electronically by the Court in an eCourt. The eCourt is a multi-media electronic in-Court system designed to manage the electronic information relating to and generated by a Court case. The eCourt System is designed to:

Manage Transcripts

- Real-time Transcript (What is being said right now)

- Historic Realtime Transcript (What was said earlier today) (this can be delivered in near realtime, or in batches of transcript delivered on a half day basis or other intervals as may be appropriate)

- Edited Transcript (What was said on previous days)

- Streaming of Realtime to remote locations (if required)

Manage Evidence

- Repository for **Records** and other multimedia based evidence stored using Images and Native File formats imported from the participants

- Management of status - exhibits and MFI's (marked for identification)

- Court Operator controlled Broadcast Channel (Public View)

Manage Associated Materials

- Manage pleadings, witness statements, etc.

- Manage Audio and Video

- Streaming of realtime audio visual to remote locations (remote transcription services)

Integrate External Resources

- Links to the Court's own web site pages (**Protocol** pro forma, Practice Note)

- Links to Internet web sites for research

- Links to the Court's additional core systems such as case management

Field

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

GIF

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 (Joint Photographic Experts Group) which is another image format used on the Web

Hard Copy

A **Record** in non-electronic form. A **Hard Copy** is often a paper copy of a **Record**.

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 in dots per inch (dpi). The dot pitch determines the absolute limit of the possible dots per inch. Industry standard is 200 dpi for black and white imaging.

Lead/Attachment Relationships

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

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 electronic format. For example, if a ***Record*** is produced as an ***Image*** or in ***Hard Copy*** format the original electronic file is referred to as the ***Native Format***.

PDF

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

Potentially Discoverable Records

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

Protocol

A special set of rules which are often described in terms of an agreed upon, industry or international standard. For this Practice Note the default protocol can be found on the Courts website (see sub-paragraph 1.3)

Record

Record has the meaning set out in the Definitions in the Alberta Rules of Court, which includes:

the physical representation or record of any information, data or other thing that is or is capable of being represented or reproduced visually or by sound, or both.

Record ID

The ***Record ID*** is the method by which each ***Record*** is uniquely identified.[8]

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 parties. ***Discoverable Records*** that contain a combination of discoverable and non-discoverable or privileged information may be produced with non-discoverable or privileged information redacted.

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[8] See ***Default Field 1*** in Appendix 3 and, for an example, see Appendix 2.

RTF

The abbreviation for Rich Text Format, 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. Microsoft Excel, a leading spreadsheet or relational **Database** application, can read **Tab Delimited** files.

Technology

Technology refers to any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of **Data** or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

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.