



TO: Members of the Legal Profession and all Parties to proceedings in the Court Martial Appeal Court of Canada

FROM: The Honourable Elizabeth A. Bennett, Acting Chief Justice

DATE: June 14, 2024

RE: **Practice Direction – Electronic Documents**

1. Introduction

- 1.1 This practice direction responds to the increasing use of electronic documents in the Court.
- 1.2 The object of this Practice Direction is to provide a standardized electronic format for documents filed with the Court so as to facilitate the ease of use of documents filed by e-mail or designated internet-based transmission platform and reduce the necessity of printed Court materials.

2. Electronic document format

- 2.1 With the exception of Appeal Books and confidential documents as provided for in this Practice Direction, all electronic documents filed by email at cmac-information-cacm@cas-satj.gc.ca must not exceed 25 MB. A party who wishes to file an electronic document exceeding 25MB must first contact the Registry by email at cmac-information-cacm@cas-satj.gc.ca to pre-arrange the filing.
- 2.2 **Documents filed electronically must:**
 - 2.2.1 be in portable Document Format with any hidden text, such as markings or annotations, including track changes removed prior to converting the document to PDF format; (*.pdf);
 - 2.2.2 have Optical Character Recognition (OCR) applied;
 - 2.2.3 text that is scanned to PDF format must use the OCR feature. When paper documents are scanned, the resolution must be set to 300 dpi and must not be set to grayscale;
 - 2.2.4 have any security settings deactivated;
 - 2.2.5 not contain malware, viruses, or other malicious content;
 - 2.2.6 have any “commenting” functionality enabled;
 - 2.2.7 be page numbered consecutively, labelled and arranged in a way that is logical and accurately describes the contents. *When referring to a specific point in an*



electronic document, parties are to provide both the Bates numbering as well as the page number that appears on the page being referred to;

- 2.2.8 use electronic bookmarks for each entry in the document's table of contents or index, including separate individual entries and bookmarks for each exhibit, each witness's evidence in a transcript, and each exhibit to a transcript;
- 2.2.9 use hyperlinks to link to publicly available authorities (acts, regulations and case law) or to other parts/sections/pages of the same document. Hyperlinks must point directly to the relevant legislative provisions in both official languages, where available. Hyperlinks between documents are not permitted, however, as such links will not function once the document is uploaded into the Court's electronic document management system;
- 2.2.10 counsel and parties filing documents must sign those documents with a traditional personal wet ink signature, or a stamped or scanned version of a personal wet ink signature.
- 2.3 With the exception of Appeal Books and condensed books as provided for in paragraphs 3 and 7, where a document is filed electronically, no paper copy is required to be filed with the Registry.
- 2.4 Confidential documents must not be filed electronically unless ordered by the Chief Justice or a judge of the Court. Parties should contact the Registry for assistance.
- 2.5 **Accessibility**
 - 2.5.1 Parties are strongly encouraged to ensure that their documents are accessible to people who use assistive technology.

3. The Record (Rule 6) and Appeal Books

- 3.1 An electronic Appeal Book must be in the following standardized format:
 - 3.1.1 A bookmarked index for all parts of the appeal book. Bookmarks must mirror the items in the table of contents of a document and of each volume of a document.
 - 3.1.2 **Part I** copies of the following documents:
 - 3.1.2.1 The document commencing the proceedings in accordance with Rule 5(1) (notice of appeal, application for review).
 - 3.1.2.2 Any notice of cross-appeal in accordance with Rule 5(3)(b).
 - 3.1.2.3 In chronological order, all relevant rulings, reasons for judgment and/or sentence including hyperlinked copies to published reasons, if available.
 - 3.1.2.4 Any notice of constitutional question.
 - 3.1.2.5 The complete oral instructions of the military judge to a panel of the Court Martial Court. If the instructions are also provided to the panel in writing, a copy of the written instructions as well.



- 3.1.2.6 Memorandum of particulars.
 - 3.1.2.7 Covering Order.
 - 3.1.2.8 Charge Sheet.
 - 3.1.2.9 Order to assemble.
 - 3.1.2.10 Composition of the Court.
 - 3.1.2.11 Arraignment.
 - 3.1.2.12 Plea of accused.
 - 3.1.3 **Part II** transcripts of witnesses, bookmarked, indexed, and sub-indexed by examination-in-chief, cross-examination, and, where applicable, re-direct and objections.
 - 3.1.4 **Part III** any preliminary proceedings and trial proceedings bookmarked and indexed.
 - 3.1.5 **Part IV** exhibits capable of reproduction indexed and bookmarked in the order in which they were filed at trial.
- 4. Filing of the Appeal Book**
- 4.1 An electronic copy of the appeal book in conformity with this practice direction must be filed to a designated internet-based transmission system to be pre-arranged with the Registry at cmac-information-cacm@cas-satj.gc.ca.
 - 4.2 Where an electronic copy of the appeal book has been filed in accordance with this practice direction, only one (1) paper copy must be filed with the Registry for the Court record.
 - 4.3 The one (1) printed copy of the appeal book filed must be printed on both sides of the page.
 - 4.4 If the printed version of a document has more than one volume, there must be an electronic version that corresponds to each of the printed volumes.
- 5. Memorandum of Fact and Law**
- 5.1 Memorandums of Fact and Law filed electronically must be bookmarked and include hyperlinks to all authorities publicly available in an electronic format. Hyperlinks must point directly to the relevant legislative provisions in both official languages, where available, and the cases cited. Web based versions are preferred.
- 6. Books of Authority**
- 6.1 Books of Authority must be filed electronically within 30 days of filing the memorandum of fact and law and must highlight those portions of the cases, statutes and/or regulations relied upon by the parties.



7. Condensed Books

- 7.1 Parties may bring to the hearing of the appeal, one electronic and five (5) paper copies of the condensed books as litigation aids.
- 7.2 Unless requested by the Chief Justice or the Court, these materials are not mandatory but often helpful.
- 7.3 A condensed book contains extracts from the appeal book and book of authorities to which a party will refer in oral argument. Condensed books do not contain new evidence. They simply condense, organize, or summarize materials or arguments that can be found elsewhere on the record.

“Elizabeth A. Bennett”

Acting Chief Justice