



# Paperless Trials Manual

The Advocates' Society

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# THE ADVOCATES' SOCIETY PAPERLESS TRIALS MANUAL

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Given the changing nature of technology and the changing state of court resources, this Manual is a work in process. The Advocates' Society welcomes your feedback. Please direct comments to [policy@advocates.ca](mailto:policy@advocates.ca), subject: "Paperless Trials."

## Overview

No one reasonably disputes that technology, when managed efficiently, reduces the cost of litigation and causes the conduct of a trial to be more efficient. However, advocates, judges and the court system, generally, have not fully adapted to available technologies, particularly technologies for the conduct of a paperless trial. This Paperless Trials Manual seeks to remedy this problem. Designed for advocates, judges and the court system generally, this Manual provides guidance on how to conduct a paperless trial. The Manual recognizes that the technologies used at a paperless trial need to be cost-effective and proportional. This Manual accordingly adopts cost-effective technologies that apply to trials of all shapes and sizes—from the small one-day trial involving a few witnesses and a handful of documents to the large, multi-month trial involving hundreds of witnesses and hundreds of thousands of documents.

The authors wish to note the following:

- This inaugural edition of this Manual focuses on civil matters tried in the Ontario Superior Court of Justice. Aspects may be useful in other jurisdictions and practice areas.
- As the Manual's focus is on ways of making trials paperless, other aspects of fully electronic trials (e.g. use of real time transcription; witness testimony via videoconference) are beyond the Manual's scope but should be investigated by interested parties.
- Solutions presented in this Manual are targeted to different case budgets, but solutions presented for large (in scale and budget) trials can be used for smaller trials as well. Solutions for smaller trials are less scalable for large trials.
- For the most part, this Manual does not provide in-depth discussion of technical procedures involved. Where possible, links to internet resources providing such information are provided instead.
- The Manual aspires to describe the current state of paperless trials in Ontario and to describe solutions that have been successfully employed to date. It is not intended to foreclose more advanced options (e.g. greater use of cloud-based options) that are increasingly available and likely to prove optimal in the near future.
- The Manual refers to particular products and service providers. These references are not intended as endorsements by the Society. Rather, they are referenced to make readers aware of options that have been used successfully to date. Alternative products and services exist and should be considered.
- Readers will notice some duplication between sections of the Manual. This is because it is anticipated that readers will choose and focus on sections appropriate to their own trials and many not read the Manual front to back.
- A number of helpful resources for further reading are provided as Appendix [A](#) to this Manual.

## Governing Principles

1. There is no single or best model for a paperless trial.<sup>1</sup> Counsel and the trial judge should craft a case-specific approach, having regard to the size of the case and the available resources.
2. Parties should assume that they will bear the brunt of the cost and effort of a paperless trial; minimal resources will be made available by the court.
3. Paperless trials, conducted with advanced planning and co-operation between parties and the court, will save valuable court time, significantly reduce legal fees, eliminate the costs of reproducing and handling paper, and streamline the presentation of evidence. These savings more than offset the additional costs of hardware, software and technical support and will lead to better trial outcomes.

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<sup>1</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>).

# Preparation for a Paperless Trial

## *Collection and Production of Documents*

Counsel should confer and agree, early on in the litigation process, to a paperless trial. Preparing for this at the outset of a proceeding allows counsel to ensure that Schedule A documents are collected and exchanged in a manner that reduces extra work in preparing for trial (e.g. re-numbering documents; changing document management software programs, etc.). Documents should be collected and produced in electronic format to reduce the cost and increase efficiencies throughout the proceeding. The Ontario E-Discovery Implementation Committee recommends, and the Society adopts, the following protocol:<sup>2</sup>

### **At the outset of the action**

- (a) Negotiate a discovery plan or discovery agreement with all parties that will facilitate and reduce the costs of an electronic trial in the event the matter proceeds to trial. Among other things, the discovery agreement should specify:
  - (i) that all parties will exchange documentary productions electronically;
  - (ii) that all paper documents will be scanned using optical character recognition (OCR) technology,<sup>3</sup> to facilitate electronic searching;
  - (iii) that the parties will produce documentary productions using standardized image formats (e.g., JPG for photos, or PDF for documents);<sup>4</sup>
  - (iv) that the parties agree to use the same fields for objective coding (author, recipient, date, etc.)<sup>5</sup>

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<sup>2</sup> Ontario E-Discovery Implementation Committee, Model Document #11: E-Trial Checklist (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.1.

<sup>3</sup> OCR stands for “optical character recognition.” OCRed documents are searchable; non-OCRed documents are not searchable as they are “flat” images in which computer software cannot detect words as it sees only a picture of the document rather than its component words.

<sup>4</sup> The Ontario E-Discovery Implementation Committee wish to clarify that, in larger cases in which document management software is used, documents are more commonly exchanged as TIFF files, at least at the documentary discovery stage. Documents to be relied upon at trial may be exchanged / filed in PDF format to facilitate the approaches to document management at trial described in this manual.

<sup>5</sup> This step is of particular importance where the parties use document management software. In such cases, documents are produced in the form of structured files suitable for upload into the chosen software. “Objective coding” refers to values entered into fields in the database to which the documents themselves are hyperlinked in such software. We are of the view, however, that regardless of the size of trial or whether such software is used, counsel should provide an electronic Schedule A containing this same information. In the case of small trials where such software is not used, it is preferable that document descriptions in Schedule A be hyperlinked to PDF documents in the manner described below in the “Exhibit Format” discussion of Joint Books of Documents for small document trials.

- (v) that the parties agree to use unique document identifiers that are mutually consistent and do not result in two documents having the same identifier; and
- (vi) if applicable, that the parties agree to employ the same litigation support software.<sup>6</sup>

Documents should be obtained from the parties by their counsel in “native format,” i.e. in the program in which they were created, wherever possible. These may be converted to TIFF or PDF and remain searchable in Acrobat or document management software. Documents that are otherwise available electronically should **not** be scanned from paper copies unless they are signed originals (and relevant for that reason) or contain markups / notations that are significant from an evidentiary perspective. Such documents should be scanned in a way that allows for optical character recognition (note that full versions of Adobe Acrobat<sup>7</sup> used in most offices have the capacity to convert images of typed documents into scannable OCRd versions).

*Prior to the exchange of documents*, counsel should agree to a document identification protocol that gives each document a unique identifier number than makes its source immediately recognizable. If documents are to be exchanged only as PDFs and not as upload files for document management software, these identifiers should be used as the documents’ file names.

Sample protocols and trial plans setting out sample fields and identifiers are listed in an [appendix](#) to this Manual. A Canadian Judicial Council Model Practice Direction provides the following guidance for establishing a unique document identifier:<sup>8</sup>

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<sup>9</sup> should be named to match the Document ID.

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<sup>6</sup> The Ontario E-Discovery Implementation Committee wishes to clarify that, as the range and interchangeability of such programs increases, agreement at the production stage is less important than it once was. Agreement on a common program to present documents at trial, however, remains crucial.

<sup>7</sup> i.e. Acrobat Standard or higher. Note that the free version available online (Acrobat Reader) does not include most of the functions required by / discussed in this Manual. It should be noted, as well, that other PDF programs are available and offer the same functionality as Adobe. See, for example, Nitro (<https://www.gonitro.com/>) or Foxit (<http://www.foxitsoftware.com/>).

<sup>8</sup> Canadian Judicial Council. National *Model Practice Direction for Use of Technology in Civil Litigation, Public Version 2008-01-31* (<https://www.cjc-ccm.gc.ca/cmslib/general/JTAC%20National%20Model%20Practic%281%29.pdf>) at p.24.

<sup>9</sup> This recommendation is premised on the assumption that document management software (which typically stores documents as TIFF images) is used by the parties. The recommendation with respect to unique document identifiers is useful regardless of whether this is the case.



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.<sup>10</sup>

Attachments to Discoverable Documents will be separately listed and numbered.

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).

Alternatively, counsel should consider a numbering scheme that assigns each attachment a suffix to the host document number (e.g. the host or “parent” document may be numbered XXX000001 while the attachments are labelled XXX000001-1, XXX000001-2, etc.) to make the connection between attachments and host documents even more apparent.

### *Requesting a Paperless Trial from the Court<sup>11</sup>*

The decision to conduct a paperless trial rests with the trial judge. Where case management is automatic or available (e.g. the Commercial List in Toronto), counsel should raise the prospect with their case management judge as early in the process as practicable. Where case management is not readily available, counsel should write to the office of the Regional Senior Judge for the region in which the trial is to be held,

1. advising the court of counsel’s desire to conduct a paperless trial;
2. requesting the assignment of a judge willing to conduct a paperless trial; and
3. requesting an opportunity for a discussion between all counsel and the trial judge for the purposes of obtaining the judge’s approval of a trial plan and resolving any disagreements between parties about the conduct of the trial (including disagreements over whether or not the trial will be paperless).

The Society recommends that the request for a paperless trial be made early in the process so as to ensure a judge amenable to conducting a paperless trial will be available, and to ensure court staff is given adequate time to accommodate the request.

### *Trial Planning Considerations*

Ontario’s Superior Courts vary greatly in age and thus in the extent of technology and support available. For instance, the court at 393 University Avenue, Toronto has an “electronic courtroom” specially equipped to facilitate testimony by videoconference and

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<sup>10</sup> Note that, where document management software is used, the documents’ original file names and metadata may be captured in the document index as well.

<sup>11</sup> We are indebted to The Hon. Justice Frank N. Marrocco, Associate Chief Justice of the Superior Court of Justice, for his guidance on the recommendations in this section.

also provides internet connectivity, as do some courts at 330 University, while other courts do not have such facilities. The Society consulted the MAG with a view to ascertaining the resources available on a court-by-court basis. This information was not available but the Ministry advises that lawyers hoping to conduct a paperless trial may assume the following:<sup>12</sup>

1. Most Superior Court judges have laptop computers available to use in the courtroom.
2. Generally, Wi-Fi and internet connectivity in the courtrooms are not available for lawyers/parties to use. However, there are exceptions (such as courtrooms located in 393 University and 330 University in Toronto), and counsel should specifically request that a courtroom be assigned for the trial that has internet connectivity, if possible.
3. Lawyers should prepare to make available the technology required to conduct a paperless trial.
4. All courtrooms have a number of electrical outlets.
5. Technical support is not readily available on site.

Counsel should meet with the judge and court staff prior to trial to discuss the following:<sup>13</sup>

1. Any technology training requirements;
2. IT support requirements for the trial judge and court staff during the trial;
3. The role of the jointly retained IT consultant during the trial (if a consultant is retained);
4. The structure of the joint book of documents and the anticipated method of displaying documents and marking exhibits;
5. Counsel's proposed method of making submissions using electronic aids (if appropriate);
6. The trial judge's preferred method of receiving written submissions (e.g., whether to supply hyper-linked copies of the submissions);
7. The proposed method of filing read-ins electronically; and

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<sup>12</sup> We are grateful to Vaia Pappas, Director, Civil and Family Policy Programs Branch, Court Services Division, Ministry of the Attorney General for this information.

<sup>13</sup> Ontario E-Discovery Implementation Committee, Model Document #11: E-Trial Checklist (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.3.

8. If applicable, the means by which parties, court staff and the trial judge may access the e-trial materials (transcripts, exhibits, written submissions, etc.) remotely through the internet.

Counsel should arrange access to the courtroom as early as practicable to set up the necessary hardware and to perform a dry run.

### *Filing Documents with the Court*

Technically, Ontario's *Rules of Civil Procedure* still require the filing of a paper copy of all documents to be adduced at trial. Anecdotally, counsel have advised that trial judges have exercised their discretion to control court procedure to accept only electronic documents. Counsel should consult with the presiding judge prior to trial or as soon as practicable to seek an order permitting the filing of only electronic copies of documents.

Counsel should also be aware of local practice directions concerning the filing of documents. For example, the Commercial List (Toronto)<sup>14</sup> has developed an electronic filing protocol for "all large, multi-party or otherwise complex cases."<sup>15</sup> Counsel will wish to consider these requirements early in the trial preparation process to ensure that they do not have to alter or revise their work product to comply with applicable practice directions.

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<sup>14</sup> Ontario Court Superior Court of Justice Commercial List Users Committee, *E-Filing and E-Service Protocol* (<http://www.courtcanada.com/ccdocs/dsf/0/9802224284271.pdf>). See also Christopher W. Besant & Dina Mejalli, Canadian Bar Association, *The E-Filing and E-Service Protocol (as Adopted by the Commercial List Users): A Quick Summary and Users Guide* (<http://www.cba.org/cba/newsletters/pdf/EFile.pdf>).

<sup>15</sup> Ontario Court Superior Court of Justice Commercial List Users Committee, *E-Filing and E-Service Protocol* (<http://www.courtcanada.com/ccdocs/dsf/0/9802224284271.pdf>) at p.1.

# Small Document Trials (200 Documents or Fewer)

## Overview

*Recommendations below for “small” cases are premised on the following assumptions:*

- 1. The number of documents involved is low enough that document database management software<sup>16</sup> is not required.<sup>17</sup>*
- 2. The trial should not require any technology not already in use by the average law firm.<sup>18</sup>*

## Technological Requirements

### Hardware

#### Simplest / Lowest Cost

- Secure USB keys<sup>19</sup> for the exchange / filing of documents
- Laptops for counsel, the witness and the judge,<sup>20</sup> provided by the firms (i.e. already owned by firms)
- iPads<sup>21</sup> / other tablets for display of documents, if preferred to laptops
- Extension cords and chargers for laptops / tablets and monitors

#### Premium

- Secure USB keys for the exchange / filing of documents

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<sup>16</sup> For the purposes of this Manual, “document management software” refers to programs used to organize and search large collections of documents, primarily for the purposes of documentary exchange and examinations for discovery.

<sup>17</sup> Note, however, that the use of Microsoft Excel for a hyperlinked, electronic Schedule A is recommended).

<sup>18</sup> Note that some of the equipment listed under “Premium” may not already be owned by the average firm but is readily obtainable for minimal cost.

<sup>19</sup> These are available online and at most office supply and consumer electronics stores. It is recommended that USB keys with built-in encryption be used when storing client documents).

<sup>20</sup> As noted above, the judge may have a court-provided laptop.

<sup>21</sup> Apple iPads are widely available and modestly priced compared to conventional computers; these currently range \$279 to \$899 each, depending on screen size, storage space, and other features (e.g., built in cellular). See: <http://store.apple.com/ca> for models and pricing. They, like other tablets, allow the user to organize, view and mark up PDF documents. Users can also take notes by typing using an external keypad, or by hand using styluses and note-taking software downloadable from Apple’s App Store (e.g. Notability, available for US \$3.49; see: <https://itunes.apple.com/ca/app/notability/id360593530?mt=8>). The authors are aware that (1) there are many other similar tablets available in Canada, some of which are even more affordably priced, and that (2) the use of iPads in trials other jurisdictions has been met with mixed results and that other tablets have been preferred for, e.g., their greater storage capacity or compatibility with Windows-based devices. The authors focus on iPads in this Manual because they are, at present, the most ubiquitous of tablets and the most likely to already be owned by counsel and judges.

- Laptops and external monitors for counsel, the witness and the judge,<sup>22</sup> provided by the firms
- VGA splitters and cabling to connect display monitors for witness and judge to laptop controlled by counsel
- Portable scanner for conversion of “last minute” documents from paper to PDF
- Control switch to switch control of display between counsel (optional)
- iPads / other tablet computers for display of documents, if preferred to laptops
- iPad / other tablet adapters<sup>23</sup> to connect tablets to monitors
- Portable scanner for conversion of “last minute” documents from paper to PDF
- Extension cords and chargers for laptops / tablets
- Gaffer tape or cable covers to prevent tripping over cables to monitors<sup>24</sup>

## Software

### Simplest / Lowest Cost

- PDF management software such as Adobe Acrobat (not Reader)<sup>25</sup>
- Microsoft PowerPoint or other presentation software

### Premium

- PDF management software such as Adobe Acrobat
- Microsoft PowerPoint, TrialPad<sup>26</sup> or other document display software

## Staffing Requirements

### *Document Management*

- Clerical support for the scanning, organizing of documents<sup>27</sup>

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<sup>22</sup> As noted above, the judge may have a court-provided laptop.

<sup>23</sup> iPad adaptors, for example, are available in the Apple Store and other consumer electronics retail stores and range from \$25-\$60 depending on the type of adapter required for a given monitor.

<sup>24</sup> Much of the suggested hardware referenced throughout this Manual is drawn from Carolyn Anger’s article, “Modernizing the Courtroom One Step at a Time.” *BCPA Paralegal Press*, vol. 45, issue #2 ([http://www.bcpaparalegalassociation.com/uploads/news\\_details/a335d909de3aca8406b3f1c3fb54ec7a.pdf](http://www.bcpaparalegalassociation.com/uploads/news_details/a335d909de3aca8406b3f1c3fb54ec7a.pdf)).

<sup>25</sup> This program is in use in most business and law offices. It allows the reader to create, organize, view, edit, and to render searchable pdf documents. Note that the free version available online (Acrobat Reader) does not include most of the functions required by / discussed in this Manual.

<sup>26</sup> TrialPad is a relatively modestly-priced (US \$99.99) app available from the Apple App Store that allows counsel to organize and display documents on monitors for the witness, judge and jury. The user controls what the monitor viewer sees and can mark-up documents, call out portions of documents and images, and project videos. See: <https://itunes.apple.com/ca/app/trialpad-organize-present/id828542236?mt=8>.

<sup>27</sup> Note: with advanced preparation, this work need not be in addition to the work that would be normally required to take a case through the discovery process. Rather than printing / copying documents provided by counsel, documents should either be obtained and then organized electronically or, if received as paper from the client, scanned rather than copied. The same may be said for medium and large-size document cases as

## *Technical Support*

### *Simplest / Lowest Cost*

- Lawyer / student / clerk able to set up computers / tablets for counsel, judge and witness

### *Premium*

- Firm technical support to connect judge / witness monitors to counsel-controlled laptops, control switch, etc.

## **Courtroom Logistics**

### *Layout*

#### *Simplest / Lowest Cost*

- Laptops or iPads / tablets set up for each counsel table, judge and witness, each containing a standalone copy of the Joint Book of Documents

*or*

- Laptops at counsel table, and monitors for judge and witness connected by video splitter to a mobile controller switch plugged into laptop of counsel controlling the examination.
- Monitors at the counsel tables are also required in this version, to allow non-examining counsel to observe what is presented by examining counsel.

### *Exhibit Format*

Counsel agree on an index for an electronic Joint Book of Documents (“JBD”). The Joint Book of Documents could take several forms, e.g.:

1. **A single PDF with bookmarks indicating the beginning of each document.**<sup>28</sup> Place all PDF documents in a common folder with each file named according to a convention agreed to by counsel (preferably, using the unique document identifier number described above). Use the “Combine” feature in Acrobat to merge the documents into a single PDF,<sup>29</sup> with your index document as the first document. Each document is automatically assigned a bookmark; the reader

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the cost saving of scanning rather than printing / copying increases in proportion to the number of documents in the case.

<sup>28</sup> This is the format many legal conference proceedings now use for materials.

<sup>29</sup> See Adobe’s online instructions for combining files:

[https://acrobatusers.com/assets/uploads/public\\_downloads/2217/adobe-acrobat-xi-merge-pdf-files-tutorial-ue.pdf](https://acrobatusers.com/assets/uploads/public_downloads/2217/adobe-acrobat-xi-merge-pdf-files-tutorial-ue.pdf).

may choose a document / tab by viewing the directory in the “Bookmarks” view and clicking on the appropriate tab. Counsel may wish to hyperlink the documents listed in the index for greater ease of use.<sup>30</sup>

2. **A folder of PDFs accessible from a hyperlinked JBD index.** Where the combined file size might make a single PDF document unstable, counsel may wish to consider a folder of documents, labelled as described under option #1, and accessible from a single PDF or Excel index document in the same format as a paper index but with hyperlinks to the documents.<sup>31</sup>
3. **A folder of PDFs accessible from a hyperlinked case / document chronology.**<sup>32</sup> Where counsel anticipate evidence will be presented in chronological order, they may wish to follow the steps under option #2, but to build the hyperlinks to a PDF or Excel index document with dates, descriptions of key events, and links to the relevant documents.<sup>33</sup>

The JBD may be provided to the court and loaded onto laptops or tablets via USB key.<sup>34</sup>

## *Working with Exhibits*

### *Simplest / Lowest Cost*

Counsel direct the witness and judge to those tabs of the JBD to which they wish to refer the witness. The witness and judge are able to access the appropriate tabs via laptops or on iPads provided by counsel (the judge may wish to use her own court-provided laptop if available). The JBD may be viewed on either type of device. If using a tablet, many simple PDF reader programs are available;<sup>35</sup> the witness is given a tablet with only the viewer software and the JBD.

Assuming there is no agreement among counsel that all documents in the JBD are admitted upon filing for the truth of their contents, judge (and counsel) keep track of those documents proven by witnesses (i.e., by having the court clerk mark these documents as exhibits), and these documents comprise the evidentiary record on which the judge’s decision is made. If deemed necessary, documents not proven may easily

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<sup>30</sup> See Adobe’s online instructions for creating hyperlinks within bookmarked PDFs: <http://blogs.adobe.com/acrolaw/2010/04/creating-hyperlinks-in-adobe-acrobat/>.

<sup>31</sup> For instructions on adding hyperlinks to your Word or Excel index, see: <https://support.office.com/en-in/article/Create-format-or-delete-a-hyperlink-0c2f680d-5f61-48b9-9f6f-894c6f3cab55>. Either type of file may then be converted to PDF with its hyperlinks remaining intact.

<sup>32</sup> We are indebted to Belinda E. Shubert, Ellyn Law LLP, and to the Hon. Arthur M. Gans for this insight.

<sup>33</sup> Schubert, Belinda. E. *Electronic Trials for Small Firms* (presentation).

<sup>34</sup> Note: to add files to tablets, it will be necessary to either download the file / files to a stationary computer and either “synch” to the tablet or upload them to an upload site for wireless download to the tablet. Many such sites are available. Counsel should investigate such sites and choose carefully as some have known security issues and / or are hosted on servers outside of Ontario and / or Canada.

<sup>35</sup> One of the most popular of such programs is GoodReader, available for download from Apple’s App Store for US \$5.79. See: <https://itunes.apple.com/ca/app/goodreader/id777310222?mt=8>.



be deleted from a copy of the JBD that may then be filed at the end of the trial to ensure there is no confusion as to which documents have been proven. This is akin to removing documents from binders or bound paper volumes filed at trial.<sup>36</sup> Otherwise, documents proven at trial may be marked using editing functions in the PDF reader program (most programs allow the user to type in additional text; the user may thus simply type “Exhibit “\_\_” or some other agreed-upon shorthand to indicate a proven document, directly on the document) to indicate they were accepted as exhibits by the court.

This process replicates the practice of filing a JBD in paper form and referring the witness to tabs in the paper document. The witness’s ability to review documents other than those to which she is directed is no greater than with a paper JBD.

Documents not included in the JBD that are filed in the course of the trial (e.g. new documents put to witnesses and proven in cross-examination) may be exchanged and provided to the judge as PDFs on USB keys.

Read-ins from discovery transcripts may be exchanged and filed electronically via USB key, as all court reporters provide transcripts either in PDF form or in formats easily converted to PDF. The Ontario E-Discovery Implementation Committee recommends<sup>37</sup> organizing such briefs by subject matter with indexes listing subject headings and hyperlinks to relevant portions of the transcripts.

### Premium

Counsel wishing to control the witness by limiting their access to documents may wish to modify the protocol above by providing the witness with a monitor connected to a laptop controlled by examining counsel instead of a laptop / tablet. They may also wish to equip the judge with a similar monitor to free the judge from having to change documents. While the judge could view the documents called up by counsel on the monitor, the judge would still have the ability to work with a local copy on her laptop or iPad, allowing her to highlight or annotate the documents as desired. A separate, clean copy of the JBD would be filed via USB key for the court’s record.

Counsel electing to provide monitors to the judge and witness as above may wish to augment their presentation of evidence by using moderately priced trial presentation software such as TrialPad, described above.<sup>38</sup> TrialPad allows examining counsel to show documents to the witness and judge, and to highlight or annotate documents, zoom in on documents or call out portions for emphasis while showing them to the

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<sup>36</sup> This approach was taken in a recent jury trial in Ottawa. Counsel (Joseph Obagi, Connolly Obagi LLP) estimated the cost of equipping counsel, the judge, and an 8-person jury with iPads was only \$4,000, that the cost of doing so was substantially lower than the cost of printing / copying the same documents, and that the iPads are reusable for future proceedings. Yamri Tadesse, “Tablets for Jurors touted for Civil Trials.” *Law Times*, vol. 26, no. 5, p.1.

<sup>37</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.3.

<sup>38</sup> See here for a video demonstration of the program’s features: <https://vimeo.com/101072709>.



witness and judge. Counsel may take “screenshots” of the marked up pages and have these marked as exhibits using an exhibit marking tool built into the program, and can display two documents at once on the same screen (eliminating the need for multiple screens for comparing documents). The software also allows counsel to mark proven documents as exhibits,<sup>39</sup> or play videos.<sup>40</sup> Counsel electing to use TrialPad or similar software would need to provide monitors for opposing counsel as well.

As above, documents not included in the JBD that are filed in the course of the trial (e.g. documents put to witnesses and proven in cross-examination) may be exchanged and provided to the judge as PDFs on USB keys. Counsel using only iPads may need to produce them to opposing counsel via upload to a cloud website or via email, as iPads do not have USB ports.

### *The Final Court File*

Counsel should consider whether it is necessary or desirable, at the conclusion of the trial, to file with the court a copy of the JBD database containing only those documents proven by witnesses,<sup>41</sup> with exhibit numbers if individual exhibit numbers were assigned by the trial judge.

Counsel may wish to consider preparing electronic compendia of key documents to which they intend to refer in closing submissions.<sup>42</sup> This may take the form of a collection of PDFs with a hyperlinked index as [described above](#).

Counsel should also wish to prepare a factum hyperlinked to compendium documents and case law. Counsel preferring to submit factums as PDFs to the version submitted cannot accidentally be altered by the reader should also submit a copy to the court in Word to allow the judge to cut and paste portions into her judgment (with attribution).

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<sup>39</sup> For ease of reference only; it would still be necessary for the judge to keep track of exhibits as the judge’s laptop / iPad would not be equipped with the presentation program.

<sup>40</sup> For example, counsel in personal injury cases may present accident recreation videos in this manner.

<sup>41</sup> This assumes that there is no agreement among counsel that all documents are admitted for the truth of their contents.

<sup>42</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.4.

## Medium-Sized Document Trials (200-1,000 Documents)

### Overview

*The recommendations below are based on the following assumptions:*

1. *The file is large enough to merit the use of document management software already owned by the firms.*
2. *The parties agree, at the documentary disclosure stage,*
  - a. *to use document management software for the production of Schedule A documents;*
  - b. *to use the same software where possible, and produce their documents to each other in that software format and following an agreed-upon protocol describing the database [content and format](#); or*
  - c. *where the parties cannot agree on using the same software, to at least follow the agreed-upon protocol describing the database content and format.*
3. *The file size does not merit the hiring of outside consultants or specialized equipment to provide internet connectivity or connectivity between computers in the courtroom.*
4. *The file size does not merit the purchase of more expensive trial presentation software.*

*Cases of this size approach the upper limit of what can be achieved using only PDF readers as they become unwieldy (counsel may quickly skim an index of 200 documents; 1,000 documents is time-consuming) and labour-intensive (i.e., the time required to manually label and organize 1,000 documents into a JBD is prohibitive). Document management software allows for greater automation and flexibility for cases of this size and is owned by most mid-size to large firms.*

*Cases using document management software complicate the use of tablet-based document readers and moderately-priced presentation software such as TrialPad as the document management software generally does not run on tablets (Relativity Binders, discussed below, being an exception); counsel must export documents from the document management software in PDF form and import them to the iPad. This is possible assuming the file does not exceed the storage capacity of the iPad, but even so, the process of locating documents is slowed as the number of documents increases. Counsel may still take advantage of programs such as TrialPad by loading them with only those documents she intends to put to witnesses during a given examination. This process requires selection and exporting of documents from the document management software and thus requires advanced preparation and reduces flexibility during an examination as counsel cannot have the entire record at her fingertips. For cases of this size where the above assumptions apply, it is thus recommended that counsel use the document management software itself for the in-court presentation of documents.*

## Technological Requirements

### *Hardware*

- Secure USB keys flash drives or USB drives for the exchange / filing of documents
- Laptops and monitors for counsel, the podium, the witness and the judge,<sup>43</sup> provided by the firms (optimally, 2 monitors each to allow for comparison of two documents at once)
- VGA splitters and cabling to connect display monitors for witness and judge to a laptop controlled by examining counsel
- Control switch to switch control of display between counsel
- Amplified speaker set for audio / video (audio / video evidence is contemplated)
- Portable scanner for conversion of “last minute” documents from paper to PDF
- Extension cords and chargers for laptops / tablets
- Gaffer tape or cable covers to prevent tripping over cables to monitors
- Backups equipment in the event of equipment failure

### *Software*

- Document management software<sup>44</sup> to be used for presentation at trial and agreed upon by counsel, such as:
  - CaseLogistix<sup>45</sup>
  - iPro<sup>46</sup>
  - Relativity<sup>47</sup>
  - Ringtail<sup>48</sup>
  - Summation<sup>49</sup>

## Staffing Requirements

### *Document Management*

- Clerical support for the scanning and organizing of documents

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<sup>43</sup> As noted above, the judge may have a court-provided laptop.

<sup>44</sup> The capabilities of these programs vary and an exhaustive comparison exceeds the mandate of this Manual. It is assumed, for the purposes of this Manual, that the firms involved already own such software. Counsel considering purchasing such software should consult their manufacturers and / or litigation support consultants. The list of document management software is not exhaustive; programs listed here are among the more common programs used by Canadian firms, and are listed alphabetically.

<sup>45</sup> See the manufacturer's site: <http://legalsolutions.thomsonreuters.com/law-products/solutions/case-logistix>.

<sup>46</sup> See the manufacturer's site: <https://iprotech.com/>.

<sup>47</sup> See the manufacturer's site: <https://www.kcura.com/relativity/>.

<sup>48</sup> See the supplier's site: <http://www.ftitechnology.com/Products-Services/Software-and-Services/Ringtail/Ringtail.aspx>.

<sup>49</sup> See the manufacturer's site: <http://accessdata.com/solutions/e-discovery/summation>.

## *Technical Support*

- Lawyer / student / clerk or litigation support specialist capable of operating document management software while lead counsel examines witnesses
- Firm technical support to connect judge / witness monitors to counsel-controlled laptops, control switch, etc.

## **Courtroom Logistics**

### *Layout*

- Laptops at counsel tables and for judge, containing local copies of JBD in document management software
- Counsel laptops are connected to a control switch allowing them to switch control to examining counsel
- Monitors are set up at each counsel table and for the witness, podium and judge, to allow all to view documents presented by examining counsel
- Optimally:
  - 2 monitors are set up for each of these stations, to allow for comparison of two documents simultaneously
  - 2 laptops are set up for use by both sets of counsel, each controlling one of the monitors in front of counsel, witness and judge

### *Exhibit Format*

Counsel should agree to the contents of a JBD consisting of a subset of the parties' Schedule A documents. A copy is provided to the judge. Depending on the capabilities of the document management software chosen, this may take the form of, for example, (1) a "briefcased" standalone version of the database (typically, this consists of a folder of PDF document files accessible via an html index page with hyperlinks to each document; a briefcased version may be accessed without the document management software as it consists only of html and PDF files); or (2) a searchable full version of the JBD database, accessible by using a local copy of the database on the judge's laptop. (For this option, counsel should assume that the judge's laptop will not have the required software program and that it will be necessary for counsel to purchase the software / a licence for the software and arrange to have it installed on the judge's computer.)

Note that, of the document management software programs identified above, only Summation and (with some effort) CaseLogistix are available in a mobile version capable of operating on a standalone laptop or other computer. The remaining programs require internet connectivity. In the case of CaseLogistix, a party may export the document database from CaseLogistix into an Excel spreadsheet with hyperlinks to

PDFs of each document in the JBD.<sup>50</sup> The resulting folder may be shared by USB with the court or other parties and does not require a copy or license from CaseLogistix for use. Relativity has a comparable and more sophisticated option (Relativity Binders<sup>51</sup>) for exporting a subset of documents from the networked database to a local copy that may be accessed from a computer without the need for internet or network access. This option may be used on an iPad.

Given technological limitations of many document management programs in providing local, unconnected functionality, counsel should seriously consider arranging to provide internet access in the courtroom to allow them to use the software in the normal, net-based fashion, even for cases of this size.

### *Working with Exhibits*

Examining counsel projects documents from her laptop to the monitors viewed by the judge, witness and non-examining counsel. Counsel and the judge have the ability to make notes to the JBD database in the local copies on their laptops that other parties cannot see.

Counsel and the judge keep track of documents entered as exhibits in a column of their local copies of the database. Note that the judge may elect to designate the entire JBD as one exhibit and simply note, in a designated column in the database, which documents are actually proven by witnesses during the course of the trial, or she may wish to designate each proven document as a separate exhibit in the database, and so indicate in the designated column.

Under this model, it is more complicated to work with documents not included in the JBD that are filed during the course of the trial. Ultimately, such documents should be provided to counsel in an uploadable format capable of being incorporated into local copies of the database. This process may be unfamiliar to counsel operating the database in court (uploading and organizing document databases is typically a clerk / staff function) and can be time-consuming to carry out in court, and it will therefore most likely be performed at the end of the day in counsel's office. Counsel will also need to make arrangements to update the judge's local copy of the database, which requires court staff co-operation and access to the courtroom when court is not in session. It may be necessary for counsel to provide PDF copies of such documents on USB keys for use in court on the day each exhibit is put to a witness, understanding that local copies of the databases will be updated to include such documents.<sup>52</sup>

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<sup>50</sup> The exporting requires some technical knowledge of the program but the spreadsheet and hyperlinks are generated automatically in the exporting process, i.e. the hyperlinks need not be added manually.

<sup>51</sup> See: <https://www.kcura.com/relativity/products/mobile/>. For a demonstration video, see: [https://www.youtube.com/watch?v=9xsv592n\\_Rw](https://www.youtube.com/watch?v=9xsv592n_Rw).

<sup>52</sup> Again, the parties may wish to consider arranging courtroom internet access and working with the JBD online for this reason.

Read-ins from discovery transcripts may be uploaded into most if not all document management software programs currently in use.<sup>53</sup>

### *The Final Court File*

Counsel should consider whether it is necessary or desirable, at the conclusion of the trial, to file with the court a copy of the JBD database containing only those documents proven by witnesses,<sup>54</sup> with exhibit numbers if individual exhibit numbers were assigned by the trial judge. Counsel may wish to consider filing a briefcased version instead of or (preferably) in addition to the full copy, so that the court file contains a version in which the trial exhibits may be accessed without document management software.

Counsel may wish to consider preparing electronic compendia of key documents to which they intend to refer in closing submissions.<sup>55</sup> These can be created in and uploaded to the document management software, or—depending on the number of documents to be referenced—counsel may prefer to prepare a collection of PDFs with a hyperlinked index as [described above](#).

Counsel should also wish to prepare a factum hyperlinked to compendium documents and case law. Counsel preferring to submit factums as PDFs to the version submitted cannot accidentally be altered by the reader should also submit a copy to the court in Word to allow the judge to cut and paste portions into her judgment (with attribution).

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<sup>53</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.3.

<sup>54</sup> This assumes that there is no agreement among counsel that all documents are admitted for the truth of their contents.

<sup>55</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.4.

# Large Document Trials (More than 1,000 Documents)

## Overview

*The recommendations below are based on the following assumptions:*

1. *The file is large enough to merit jointly retaining external consultants to assist counsel in designing the trial, loaning / renting the parties specialized equipment as needed;*
2. *The parties will make use of:*
  - a. *in-court connectivity between computers via internet (internet access provided by the parties / consultants if the trial will not be taking place in a courtroom equipped to provide internet access); and*
  - b. *specialized document presentation software*
3. *The file is also large enough to merit the use of document management software already owned by the firms or which the firms are prepared to acquire for the purposes of the trial.*

*As the parties to such a trial have the ability to retain expert advice and assistance, this Manual deals with the model for such a trial in less detail than the small and medium-size case models.*

## Technological Requirements

### Hardware

- Secure USB keys or flash drives for the exchange / filing of documents
- Laptops and monitors for counsel, the podium, the witness and the judge,<sup>56</sup> provided by the firms (optimally, 2 monitors each to allow for comparison of two documents at once, unless counsel use large monitors and trial presentation software capable of split-screen presentation on a single monitor)
- Server / hub and connecting cables to provide in-court internet access via Wi-Fi or cable to counsel's and judge's laptops
- VGA splitters and cabling to connect display monitors for witness and judge to laptop controlled by counsel
- Control switch to switch control of display between counsel
- Amplified speaker set for audio / video (audio / video evidence is contemplated)
- Portable scanner for conversion of "last minute" documents from paper to PDF
- Extension cords and chargers for laptops / tablets
- Gaffer tape or cable covers to prevent tripping over cables to monitors

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<sup>56</sup> As noted above, the judge may have a court-provided laptop.

## Software

- Document management software<sup>57</sup> to be agreed upon by counsel, for example:
  - CaseLogistix<sup>58</sup>
  - iPro<sup>59</sup>
  - Relativity<sup>60</sup>
  - Ringtail<sup>61</sup>
  - Summation<sup>62</sup>
- Purpose-built trial presentation software, for example:
  - Delium<sup>63</sup>
  - Exhibit Bridge<sup>64</sup>
  - Sanction<sup>65</sup>
  - The Tribunal Toolkit<sup>66</sup>
  - TrialDirector<sup>67</sup>

## Staffing Requirements

### *Document Management*

- Clerical support for the scanning, organizing of documents

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<sup>57</sup> The capabilities of these programs vary and an exhaustive comparison exceeds the mandate of this Manual. It is assumed, for the purposes of this Manual, that the firms involved already own such software. Counsel considering purchasing such software should consult their manufacturers and / or litigation support consultants. The list of document management software is not exhaustive; programs listed here are among the more common programs used by Canadian firms, and are listed alphabetically.

<sup>58</sup> See the manufacturer's site: <http://legalsolutions.thomsonreuters.com/law-products/solutions/case-logistix>.

<sup>59</sup> See the manufacturer's site: <https://iprotech.com/>.

<sup>60</sup> See the manufacturer's site: <https://www.kcura.com/relativity/>.

<sup>61</sup> See the supplier's site: <http://www.ftitechnology.com/Products-Services/Software-and-Services/Ringtail/Ringtail.aspx>.

<sup>62</sup> See the manufacturer's site: <http://accessdata.com/solutions/e-discovery/summation>.

<sup>63</sup> See the manufacturer's site: <http://www.delium.com/>

<sup>64</sup> See the manufacturer's site: <http://www.exhibitbridge.com/exhibit/wp-content/uploads/2015/03/EB-Brochure-2015-2.pdf>. Note that the supplier offers both a "Do-It-Yourself Service" for which software and training are provided but counsel provide the necessary hardware and internet connectivity, and a "White Glove Service" for which the specialized equipment, internet connectivity and in-court technical service and support are included.

<sup>65</sup> See the manufacturer's site: <http://www.lexisnexis.ca/en-ca/products/sanction.page>. Sanction operates in much the same way as TrialPad but with greater capabilities, and runs on a regular computer.

<sup>66</sup> See manufacturer's site: [http://www.redianalysis.com/Tribunal\\_ToolKit.html](http://www.redianalysis.com/Tribunal_ToolKit.html). Note that this product is a bespoke product typically purchased by courts (e.g. the Federal Court of Canada) or tribunals, customized to their needs, and made available for use in court by the court / tribunal, rather than being provided by parties to litigation. It is not currently available in the Ontario Superior Court of Justice.

<sup>67</sup> See the manufacturer's site: <http://www.indatacorp.com/TrialDirector.html>. TrialDirector operates in much the same way as TrialPad but with greater capabilities, and runs on a regular computer (though an iPad version is now also available).



## *Technical Support*

- Lawyer / student / clerk capable of operating document management software and case presentation software while lead counsel examines witnesses
- Firm technical support to connect judge / witness monitors to counsel-controlled laptops, control switch, etc.
- If centralized exhibit display software<sup>68</sup> is used, Court Registrar or independent consultant technician to operate the software

## **Courtroom Logistics**

### *Layout*

- Laptops at counsel tables and for judge, with access to an online, web-hosted version of the JBD
- All laptops are connected to in-court internet and control over the display shown on the external monitors alternates between examining counsel and the Registrar / consultant technician as required
- Monitors are set up at each counsel table and for the witness, podium and judge, to allow all to view documents presented by examining counsel
- Consider large screens for the gallery
- Optimally (unless counsel use large monitors and trial presentation software capable of split-screen presentation on a single monitor):
  - 2 monitors are set up for each of these, to allow for comparison of two documents simultaneously
  - 2 laptops are set up for use by both sets of counsel, each controlling one of the monitors before counsel, witness and judge

### *Exhibit Format*

Counsel agree to the contents of a JBD consisting of a subset of the parties' Schedule A documents. The judge and parties are able to access a web-hosted version of the database. This facilitates access to the database by the judge and parties when court is not sitting, and simplifies updating of the database as it eliminates the need to update several local copies.<sup>69</sup>

### *Working with Exhibits*

Examining counsel projects documents from her laptop to the monitors viewed by the judge, witness and non-examining counsel. Counsel and the judge have the ability to

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<sup>68</sup> For example, Exhibit Bridge, described below.

<sup>69</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.3.

make notes to the JBD database in the local copies on their laptops that other parties cannot see.

Counsel and the judge keep track of documents entered as exhibits in a column of the web-hosted database. Note that the judge may elect to designate the entire JBD as one exhibit and simply note, in a designated column in the database, which documents are actually proven by witnesses during the course of the trial, or she may wish to designate each proven document as a separate exhibit in the database, and so indicate in the designated column.

Read-ins from discovery transcripts may be uploaded into most if not all document management software programs currently in use.<sup>70</sup>

Documents may be displayed via document management software or via trial presentation software. Counsel using such software load documents from the document management software into the presentation software for use, and may launch it from the presentation software, which gives examining counsel a range of presentation options similar to those [described above](#) for TrialPad. Note that a number of unique features are available with the Exhibit Bridge program.<sup>71</sup>

### *The Final Court File*

Counsel should consider whether it is necessary or desirable, at the conclusion of the trial, to file with the court a copy of the JBD database containing only those documents proven by witnesses,<sup>72</sup> with exhibit numbers if individual exhibit numbers were assigned by the trial judge. Counsel may wish to consider filing a briefcased version instead of or

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<sup>70</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.3.

<sup>71</sup> For example:

1. The Registrar / consultant technician has the ability to label exhibits as they are proven and to generate, at the end of each court day and the trial, an electronic copy of all exhibits entered during the day and over the course of the entire trial. This eliminates the need to file an entire JBD with documents that may not become part of the trial record. Rather, the complete JBD is uploaded into a web-hosted case database and only those documents that become exhibits need be filed with the court.
2. Counsel may add documents “on the fly” by providing them to the Registrar / technician as PDFs on a USB key. These documents are loaded into the Registrar’s / technician’s computer and do not become known or visible to other parties, the judge or the witness unless or until they are called up by counsel. Once proven through a witness, they may be marked as exhibits and enter the court record in the same manner as documents from the JBD.
3. At the end of the trial, counsel and the court receive an electronic list of trial exhibits, hyperlinked to PDF documents, which may be accessed without Exhibit Bridge software.

Note that, at present, in-court staff and technical support for Exhibit Bridge from its Canadian vendor (Neesons—visit: <http://www.neesonsreporting.com/services/exhibit-bridge/>) is available in Toronto but not elsewhere in the province.

<sup>72</sup> This assumes that there is no agreement among counsel that all documents are admitted for the truth of their contents.

(preferably) in addition to the full copy, so that the court file contains a version in which the trial exhibits may be accessed without document management software.

Counsel may wish to consider preparing electronic compendia of key documents to which they intend to refer in closing submissions.<sup>73</sup> These can be created in and uploaded to the document management software, or—depending on the number of documents to be referenced—counsel may prefer to prepare a collection of PDFs with a hyperlinked index as [described above](#).

Counsel should also wish to prepare a factum hyperlinked to compendium documents and case law. Counsel preferring to submit factums as PDFs to the version submitted cannot accidentally be altered by the reader should also submit a copy to the court in Word to allow the judge to cut and paste portions into her judgment (with attribution).

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<sup>73</sup> Ontario E-Discovery Implementation Committee, *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>) at p.4.

## Resources

### Sample Trial Plans and Orders

*1159465 Alberta Ltd. v. Adwood Manufacturing Ltd.*, 2010 ABQB 133 (CanLII), (<http://canlii.ca/t/28c4k>) (see Schedule 1 - Judicial Comments About the Electronic (Digital) Trial Format)

*Bank of Montreal v. Faibish*, 2014 ONSC 3958 (CanLII), (<http://canlii.ca/t/g7zm9>) (see appended trial plan)

Canadian Judicial Council, *National Model Practice Direction for Use of Technology in Civil Litigation*, Public Version 2008-01-31 (<https://www.cjc-ccm.gc.ca/cmslib/general/JTAC%20National%20Model%20Practic%281%29.pdf>)

### Further Reading

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Granger, Justice B.T. *The Future is Now* (presentation, 2008 CBA Canadian Legal Conference & Expo, Quebec City, August 17-19, 2008)

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Obagi, Joseph Y & Matthew W. Malcolm. *iPad in the Courtroom* (presentation, OTLA Fall Conference & CCLA Mont Tremblant, November 2012)

Ontario Superior Court of Justice Commercial List Users Committee. *E-Filing and E-Service Protocol* (<http://www.courtcanada.com/ccdocs/dsf/0/9802224284271.pdf>)

Ontario E-Discovery Implementation Committee. *Model Document #11: E-Trial Checklist* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>)

Ontario E-Discovery Implementation Committee. *What is an Electronic Trial?* (<http://www.oba.org/Advocacy/E-Discovery/Model-Precedents>)

Canadian Judicial Council. *National Model Practice Direction for Use of Technology in Civil Litigation*, Public Version 2008-01-31 (<https://www.cjc-ccm.gc.ca/cmslib/general/JTAC%20National%20Model%20Practic%281%29.pdf>)

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## Products & Consultants

*NOTE: The following is a non-exhaustive list. The Advocates' Society does not endorse these suppliers or consultants, and in particular does not endorse them to the exclusion of others. Vendors interested in having their products and services considered for inclusion in future versions of this Manual may email [policy@advocates.ca](mailto:policy@advocates.ca), subject: "Paperless Trials."*

### Products

#### Hardware

- Apple iPads: <http://store.apple.com/ca>

#### Software

- Apple App Store: <https://itunes.apple.com/ca/genre/ios/id36?mt=8>
- Adobe Acrobat: <https://acrobat.adobe.com/ca/en/products/acrobat-standard.html>
- Acrobat Reader
- CaseLogistix: <http://legalsolutions.thomsonreuters.com/law-products/solutions/case-logistix>
- Delium: <http://www.delium.com/>
- Exhibit Bridge: <http://www.exhibitbridge.com/exhibit/wp-content/uploads/2015/03/EB-Brochure-2015-2.pdf>
- Foxit: <http://www.foxitsoftware.com/>
- GoodReader: <https://itunes.apple.com/ca/app/goodreader/id777310222?mt=8>
- iPro: <https://iprotech.com/>
- Microsoft Excel
- Microsoft PowerPoint
- Nitro: <https://www.gonitro.com/>
- Notability: <https://itunes.apple.com/ca/app/notability/id360593530?mt=8>

- Relativity: <https://www.kcura.com/relativity/>
- Ringtail: <http://www.ftitechnology.com/Products-Services/Software-and-Services/Ringtail/Ringtail.aspx>
- Sanction: <http://www.lexisnexis.ca/en-ca/products/sanction.page>
- Summation: <http://accessdata.com/solutions/e-discovery/summation>
- The Tribunal Toolkit: [http://www.redianalysis.com/Tribunal\\_ToolKit.html](http://www.redianalysis.com/Tribunal_ToolKit.html)
- TrialDirector: <http://www.indatacorp.com/TrialDirector.html>
- TrialPad: <https://itunes.apple.com/ca/app/trialpad-organize-present/id828542236?mt=8>

### *Consultants*

- Arbitration Place (<http://www.arbitrationplace.com/>)
- Commonwealth Legal (<http://www.commonwealthlegal.com/>)
- FTI Consulting (<http://www.fticonsulting.com/services/forensic-litigation-consulting/trial-services.aspx>)
- Indicium Legal
- Neesons (<http://www.neesonsreporting.com/>)
- Network Reporting & Mediation (<http://www.networkcourt.ca/>)
- PricewaterhouseCoopers Forensic Technology Services (<http://www.pwc.com/ca/fts>)
- REDI Analysis (<http://www.redianalysis.com/Home.html>)