

Action No.

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

Judicial District of _____

Between:

and

[TITLE OF DOCUMENT - DRAFT PROTOCOLS]

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

LEGAL REPRESENTATIVES

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

PROTOCOL INTRODUCTION:

1. The protocols set out below conform to the Court of Queen's Bench of Alberta Practice Note No. 14 dated 2007 May 30, effective 2007 September 1. They are designed to minimise the document management and technology costs. This document, therefore, specifies protocols for electronic exchange between the abovementioned parties with respect to discovery in this matter.

2. The protocols ensure that each party can use their own software to view its own and other parties' documents. It is proposed that parties be responsible for providing their own systems for viewing the documents, database and images.
3. It is proposed that hard copy discovery lists will be exchanged in addition to the electronic data provided in accordance with these protocols. These protocols do not go beyond electronic discovery.
4. If these matters are not resolved before the next case management meeting or pre-trial conference the parties will review and submit any proposals they wish to make regarding the treatment of Witness Statements, Court Documents, providing documents for inclusion in the Agreed Exhibit Book electronically in the format required by the Court. The court's technology requirements can be found on the Court website, <http://www.albertacourts.ab.ca>
5. The protocols outlined in this protocol document cover the following aspects:
 - 5.1 Exchange regime
 - 5.2 Proposed Party Codes
 - 5.3 Document numbering
 - 5.4 Imaging standards
 - 5.5 Updating or adding additional data/images
 - 5.6 Tables to be exchanged
 - 5.7 General Provision of data

5.1 EXCHANGE REGIME

5.1.1	Document Exchange of Court Documents, Record of Pleadings, Witness Statements or any other document held in these formats, be provided as such	PDF (Image only format)
5.1.2	Data File Format	Tab Delimited ASCII file. There should be 1 file per table. Zipped files are acceptable or

		as agreed between the parties.
5.1.3	Disk Medium	CD-R
5.1.4	Disk Contents	2 Files – One items table and one image table. A header record should be included for each file.
5.1.5	Disk Label	Name of proceedings, disk number, filename(s), date, description of data and where it is additional or replacement data.

5.2 PROPOSED PARTY CODES:

PARTY	PARTY CODE (AAA)
Plaintiff	
Defendant	

5.3 DOCUMENT NUMBERING:

5.3.1 The following document numbering regime will be used as the unique document ID for all documents. The Document ID will appear in human readable format (e.g. as a batestamp or barcode) or as agreed between the parties. The numbering regime will also appear on the images. This regime has two levels, AAAPPPPPP where –

AAA is the “Party” code, which identifies the party in the proceedings. Padded characters will not be used; and

PPPPPP is the unique “page” identifier within the document. Padded with zeros, maximum value of 999,999 (eg 000099). It should be noted that the first page number in each document will become the Document ID.

5.3.2 Where pages have been inserted, the following convention will be used to accommodate a suffix -

Third level where a suffix (two numerals, padded zero, preceded with an underscore) will be inserted. For example AAA000001_01; a page has been inserted after AAA000001 yet before AAA000002.

5.4 IMAGING STANDARDS:

5.4.1 Discovered documents will be scanned except when the document is larger than A3 size. These documents will not be scanned but will be available for hardcopy inspection upon request. Information about these documents will appear in the database and discovery list when appropriate.

5.4.2. Any other format than black and white documents up to A3 size require consideration as to how they should be managed and agreement reached between the parties as suggested in 5.7.3.3 of this document.

5.4.3. The image file formats and exchange should be set out as follows –

ITEM:	DESCRIPTION:
CD Volume Name	Each CD-ROM to have a unique volume name consisting of the party ID and a 3 digit, padded zero, sequentially in file number order (i.e.: AAA001)
Disk Format	ISO-6990
Composition of File	Single page Tiff files (i.e. a four page document will have four distinct images).
Resolution of Image	Black and White Images – 300 dpi sub-type CCITT group 4 compressed, 1 bit (bi-tonal)
Image Directory Structure	Images must reside in directories and sub directories. The sub directory structure must reflect the levels in the numbering style (i.e.: AAA000003.tif where AAA is the party code; 000003 is the page number)
Suffix Page Numbering	In the event that additional pages are required to be inserted after barcoding (or labelling) and imaging, the suffix pages convention will be applied to images as per 5.3.2

5.5 UPDATING OR ADDING ADDITIONAL DATA/IMAGES:

5.5.1 After the initial data and images have been exchanged between the parties, if errors are found in the data or images, then the responsible party should re-issue the entire record that has been changed including table references. For images, only the single Tiff file or the affected page(s) should be re-issued in the appropriate directory structure named herein. Any updates should be accompanied with a letter outlining the Document ID and the information that has been changed. If documents provided in PDF form are updated then the whole document, in PDF format, shall be provided as a replacement.

5.5.2 If additional data or images are found after the initial data and images have been exchanged, they should be issued in the format outlined in these protocols.

5.6 TABLES TO BE EXCHANGED:

5.6.1. The following two tables should be exchanged for all imaged documents required for the exchange of discovery between the parties

MAIN TABLE

FIELD NAME:	DATA TYPE:	EXPLANATION	EXAMPLE
Record ID	Text & Number	The unique identifier for each record in the database	AAAPPPPPP
Record Date	Date Field	<p>The date of the document as it appears on the document in the format YYYY-MM-DD</p> <p>If there is no way of ascertaining the date of the document or it is illegible – leave <i>field</i> blank</p> <p><i>Discoverable documents</i> with no discernible date will be coded as “Undated” by leaving the date <i>field</i> blank.</p> <p>It should be noted that in a true date <i>field</i> “00” is not an acceptable value and <i>Discoverable documents</i> with only the month and year (e.g. August 1997) will be coded as undated unless otherwise agreed</p> <p><i>Discoverable documents</i> with the day and month but no year are considered undated.</p> <p><i>Discoverable documents</i> with a date range will be coded with the earliest date unless otherwise agreed.</p>	1997-03-21

Document Type	Text	<p>A simple classification of a document such as a letter, agreement, minutes of meeting – to be agreed by the parties. Attached to these protocols and set out in Attachment A is a draft list of suggested document types – this list may need to be extended depending on the document types of the discoverable documents</p> <p>If the document is an eDoc then parties should agree on appropriate types such as XLS, DOC, or MSG, or agree to populate with traditional document types such as document, letter, fax, etc.</p>	Agreement
Author/[Author Organisation]	Text	<p>Person or persons who authored the document. To be completed using information on the face of the document. Last name First name or if it is an email address it should be captured as it is written, E.g. tom.parker@acme.com</p> <p>Author Organization should not be derived from the email address.</p> <p>Semi colons must separate multiple entries.</p>	Smith, Bill [Wonder Windows Inc]
Recipient/[Recipient Organisation]	Text	<p>Person or persons who received the document. To be completed using information on the face of the document. Last name First name or if it is an email address it should be captured as it is written, E.g. bsmith@hotmail.com.</p> <p>Recipient Organization should not be derived from the email address.</p> <p>Semi colons must separate multiple entries.</p>	Smith, Bill [Wonder Windows Inc]

5.6.2 The image table lists and the filename for every page is every imaged document.

This table should not contain any entries for privileged documents

5.6.3 In order to derive the correct order of pages to a document, the database query should select the images matching the Item ID, ordered by the path.

IMAGE TABLE:

FIELD NAME	DATA TYPE	EXPLANATION	EXAMPLE
*item ID	Text and Number	Document ID	AAA000001
*Path	Text (100 character)	File name of the image file. There will be a single file for each page of each document. The format is AAAPPPPPP.tif or AAAPPPPPP_01.tif (suffix page)	AAA000001.tif

5.7 GENERAL

5.7.1 MALICIOUS CODE RESPONSIBILITY

It shall be the responsibility of the recipient of the electronic data to test for malicious code. The sender should take all reasonable precautions to ensure that their data is malicious code free.

5.7.2 RESPONSIBILITY FOR COSTS

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

5.7.3 CONSULTATIVE COMMITTEE

Representatives from all parties on the matter will form a consultative committee to:

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

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

5.7.3.3 Give sufficient thought to the following special considerations as they apply to their particular matter:

- Management of Redacted Documents
- Image Resolution

- Colour Images (Compression)
- Unique Image Name (Referenced by Doc ID)
- Management of Host/Attachment relationships
- Oversized Documents
- Management of Unprintable Information (Databases)
- Management of Confidential Documents
- Management if Multi-Media Files (Audio/Visual files)
- Management of Forensically Gathered Information

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

5.7.3.5 Each party will submit the name of the representative (and an alternative representative) to the parties to create a committee.

5.7.3.6 Meetings will be convened as required.

ATTACHMENT A

DOCUMENT TYPES LIST

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

DOCUMENT TYPE	DESCRIPTION/EXAMPLE
Agreements	Includes Contracts, Deeds etc
Agenda	<ul style="list-style-type: none"> Outline of meeting, business, seminar, or conference events scheduled to take place. They may be handwritten. DO NOT use for corporate Closing Agenda – it is Corporate Document, or for Schedule – it is Appendix.
Appendix	<u>Includes</u> appendices, schedules, annexes that were original part of a larger document, usually a report or contract, but have become separated from the body of the larger document.
Budget	Material giving financial details or breakdowns of projects, staffing, statement of resources, allocation of resources, etc. Usually called a budget. See also Financial Documents.
Business Card	Code the personal name in the author field and the company name in the Document Title.
Certificate	<ul style="list-style-type: none"> Use for actual certificates such as birth or marriage certificates. DO NOT use for Share Certificates – they are Corporate Documents. DO NOT use for Notarial Certificates – they are Legal Documents.
Chart/Table	Any document in chart or table form separated from a larger report.
Court Documents	Includes Statements of Agreed Facts, Affidavits of parties admitting liability.
Electronic Document	Documents culled from an electronic source such as backup files, hard-drives, etc. Usually will be a computer directory list and may have a path name: c:\my documents\work file.
Email	<ul style="list-style-type: none"> Code from the first message at the top of the page when there is a chain of emails. Email attachments are coded to the appropriate document type (letter, report, etc.)
Exhibit	Use only for documents labelled Exhibit A, etc.
Financial Document	<ul style="list-style-type: none"> Use for individual reports containing financial information – the information must be financial and not simply a list of numbers such as 234, 456, 147. Examples: balance sheets, operating costs, A/P, A/R, reconciliation records, income statements, all banking documents, exchange rates, consolidated statements. This document type may also be used for single page documents that primarily contain financial information. DO NOT use for Audits, Budgets, Cheques.
Graphics	Documents that are primarily visual, not textual. <u>Includes</u> illustrations, photographs and diagrams. DO NOT include engineer plans (document type Plan), charts or tables.
Invoice	<ul style="list-style-type: none"> Any bill or receipt. <u>Includes</u> Purchase Orders, any record of goods or services sold or ordered. Document Titles: for true invoices, enter the invoice number in the title: 234. DO NOT include the word Number or No. or the #. DO

DOCUMENT TYPE	DESCRIPTION/EXAMPLE
	<p>NOT include the word Invoice.</p> <ul style="list-style-type: none"> If both Sold To: and Ship To: is indicated on the document, code the company it was sold to as the recipient.
Legal Document	Litigation pleadings, affidavits, etc. <u>Includes</u> all documents filed in court or that have a case name on them. DO NOT include legislation.
Letter	Must have an addressee and a signature line, and usually has an address block. Letter of Agreement = Contract. Letter of Credit = Contract.
Manual	<u>Includes</u> procedural manuals, service manual, maintenance manual, user guide, operating instructions, guidelines, specifications. DO NOT include Standard Operating Procedures.
Map	<u>Includes</u> geographical directions, may be hand drawn.
Media	<ul style="list-style-type: none"> Internal government documents - <u>includes</u> Media Analysis, Media Backgrounder, Media Report, Media Call, Media Options, Media Inquiry. Document Title will be the Media _____ and the subject or re: line. Example: Media Report – Environment Ministry announces reorganization. See also Media Line.
Memo to File	Titled as such.
Memorandum	<ul style="list-style-type: none"> Usually formatted To: From: Re: Date: Does not have an address block, but it may be signed. <u>Includes</u> Inter-office memos, Inter-department memo, handwritten forms with Send To, From, and Reply sections. Handwritten notes that are dated and indicate they are TO and FROM someone are coded as Memorandum. Telephone messages are document type Action Request.
Note	Brief, informal comments or notations – can be typed or handwritten.
Organizational Chart	Describes the hierarchy of an organization – usually in “tree” form.
Presentation	Materials used for presentations, such as Power Point deck, overheads, etc. DO NOT include speeches or speaking notes.
Plan	Engineer’s, architect’s, or builder’s drawings, plans, blueprints. <u>Include</u> aerial photographs of buildings or land.
Report	<ul style="list-style-type: none"> Usually has a formal title and indicates who prepared it (the author) and when: <ul style="list-style-type: none"> Productivity of the Coding Department in 1998 and 1999. Prepared by PFA February 2000 It may be a document that is not as formal in appearance, but it reports on certain findings or events, including project timelines. For example, a two-page report on the findings of a certain study: Recent scanning statistics. Note that financial reports of any length are coded to Financial Document. May also be titled Study, Summary, Results, or Presentation. DO NOT use for corporate documents such as Closing Reports or Annual Reports.
Transcript	Verbatim report of hearings or legal proceedings. <u>Includes</u> transcriptions of media programs, such as radio interviews.
Web page	Use primarily for website or www informational or marketing material. DO NOT include articles downloaded from the internet – see Abstract, Publication, Scientific Study.

ATTACHMENT B

1.1 DOCUMENT DELIMITING

- 1.1. Annexures, attachments and schedules, which form part of an agreement, will not be coded as separate documents, but will be considered part of the agreement.
- 1.2. Annexures, attachments and schedules, which form part of a report, financial report or annual report, will not be coded as separate documents, but will be considered part of the report.
- 1.3. Annexures attachments and schedules, which form part of legal documents, including affidavits, witness statements, pleadings etc will not be coded as separate documents, but will be considered part of the legal document.
- 1.4. Annexures, attachments and schedules, which form part of the minutes of meetings or meeting agenda, will not be coded as separate documents, but will be considered part of the minutes or agenda.
- 1.5. The back of pages with any text or markings will not be delimited as separate documents.