



COURT OF APPEAL OF QUEBEC

Issued: October 3, 2022
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CLERK'S PRACTICE DIRECTION NO. 3

DIGITAL OFFICE OF THE COURT OF APPEAL (DOCA): PILOT PROJECT RESPECTING THE ELECTRONIC FILING OF ORIGINATING APPELLATE PLEADINGS IN CIVIL, CRIMINAL, EXTRADITION AND PENAL MATTERS

The Digital Office of the Court of Appeal (hereinafter "DOCA") allows the e-filing of the following originating appellate pleadings:

<u>IN CIVIL MATTERS</u>	<u>IN CRIMINAL AND EXTRADITION MATTERS</u>	<u>IN PENAL MATTERS</u>
<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal• Application for leave to appeal after the expiry of the time limit	<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal• Application for judicial review in an extradition matter• Application to extend the time limit for an appeal	<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal

It can also be used to file proofs of service and notification and to make an online payment of the required judicial fees. **The paper versions of all the pleadings and documents** filed via DOCA must be filed with the Court office within five working days after the e-filing.

Within the scope of this pilot project, counsel, unrepresented parties or any person

mandated by a party or by the party’s counsel (hereinafter the “sender”) can make an e-filing.

DOCA can also be used to file, at the same time as the originating appellate pleading, other pleadings or documents, in particular the following:

<u>IN CIVIL MATTERS</u>	<u>IN CRIMINAL AND EXTRADITION MATTERS</u>	<u>IN PENAL MATTERS</u>
<ul style="list-style-type: none"> • Certificate concerning the transcription of depositions • Application to extend the time limit for filing an appeal (s. 21(4) <i>Divorce Act</i>) • Application to extend the time limit for filing an appeal (s. 31(1) <i>Bankruptcy and Insolvency General Rules</i>) • Application for provisional execution • Application for a safeguard order • Application for a publication ban • Application to stay the provisional execution • Other (the title of the pleading must be specified) 	<ul style="list-style-type: none"> • Application for the consolidation of files • Application for a publication ban • Application for release from custody pending the determination of the appeal • Application for leave to adduce fresh evidence • Application to suspend the sentence • Application to stay the driving prohibition • Legal aid mandate • Other (the title of the pleading must be specified) 	<ul style="list-style-type: none"> • Application for the consolidation of files • Application for a publication ban • Application for release from custody pending the determination of the appeal • Application for leave to adduce fresh evidence • Application to extend the time limit for an appeal • Other application (the title of the pleading must be specified) • Other document (the title of the document must be specified)

All subsequent filings must be made on paper at the Court office.

Before making an e-filing

(1) The party, the party’s counsel or the sender, in addition to having a valid credit card in order to pay the judicial fees, if applicable, must ensure they have the following documents on hand:

- The originating appellate pleading and its schedules;
- All other pleadings or documents intended to be filed at the same time as the originating appellate pleading;
- Proofs of service for each of the respondents, where applicable;

- Proofs of notification, if available;
- The legal aid mandate, where applicable.

(2) The following requirements apply to all the documents listed under item 1 above:

- They must be in PDF format;
- They must be prepared in accordance with the rules set out in the Chief Justice's Directive entitled "*Rules Respecting the Preparation of the PDF Version of Pleadings, Briefs, Memoranda, Books of Authorities or Any Other Document*";
- The PDF files of all other pleadings must be "searchable", that is, they must allow keyword searches (consequently, digitized documents must not be in the format of a "PDF Image"). If these files are in the format of a "PDF Image", the system will display an error message preventing completion of the e-filing;
- Each proof of service and each proof of notification must be digitized in a separate file because each of these proofs must be associated with the proper party.

(3) Each PDF file must not exceed 100 MB.

(4) When counsel create an account, they will be asked for a permanent code (firm or lawyer (e.g.: AC1234)), but a permanent code is not mandatory. Counsel without a permanent code may request one from the Ministère de la Justice by completing the form available online at: <https://www.justice.gouv.qc.ca/espace-professionnel/juristes/sj-1149/>.

Rules for e-filings

- (1) The address and contact information (including a functioning email address) of counsel, the party and the sender, as the case may be, must be provided.
- (2) Although DOCA is available 24 hours a day, 7 days a week, a filing made outside Court office hours will be deemed to have been made at the moment indicated in the table below:

<u>IN CIVIL MATTERS</u>	<u>IN CRIMINAL AND EXTRADITION MATTERS</u>	<u>IN PENAL MATTERS</u>
A pleading filed electronically outside Court office hours is deemed to have been filed when the Court office next opens.	A pleading filed electronically is deemed to have been filed on the date and at the time of the electronic filing, even outside Court office hours.	A pleading filed electronically is deemed to have been filed on the date and at the time of payment, even outside Court office hours.

(3) In civil matters

In accordance with article 107 para. 5 *C.C.P.*, in order to be validly made, every e-filing must be made with the judicial fees prescribed by the *Tariff of judicial fees in civil matters*, CQLR, c. T-16, r.10. There is no additional fee for using DOCA.

In penal matters

In order to be validly made, every e-filing must be made with the judicial fees prescribed by the *Tariff of court costs in penal matters*, CQLR, c. C-25.1, r.6. There is no additional fee for using DOCA.

(4) Every e-filing made via DOCA is subject to the same rules as filings made on paper, which rules are set out in the laws and regulations, the Chief Justice's directives and the clerk's practice directions.

(5) The clerk will review the e-filed documents in order to determine whether they are admissible for filing purposes. The clerk may then make one of the following decisions:

- Accept the filing: If the e-filing complies with the applicable requirements, the clerk will email the appellant, the appellant's counsel or the sender to confirm that the filing has been accepted.
- Accept the filing with an exemption: If the e-filing is accepted with an exemption, the clerk will email the appellant, the appellant's counsel or the sender to set out the deficiencies noted.
- Accept the filing subject to conditions: If the e-filing is accepted subject to conditions, the clerk will email the appellant, the appellant's counsel or the sender to set out the deficiencies that must be remedied as well as the time limit for doing so. If the deficiencies are not remedied within the specified time limit, the filing may be refused and the file closed.

- Refuse the filing: If the filing is refused, the file will be closed. The clerk will email the party, the party's counsel or the sender to inform them that the filing has been refused, indicating the reasons for the refusal and stating that the file has been closed.
- (6) Every filing made via DOCA automatically generates a file number. Notwithstanding the attribution of a file number and the payment of the judicial fees at the time of filing, the clerk or a judge of the Court retains the right to make any of the decisions mentioned in item 5 above, including the right to refuse the filing.
 - (7) A filing made via DOCA does not have any effect on the statutory and regulatory requirements for service and notification.
 - (8) A pleading filed using DOCA must be signed (art. 99 para. 3 *C.C.P.*; s. 24 para. 4 *R.C.A.Q.Civ.M.*; s. 20 *R.C.A.Q.C.M.*; s. 17 *R.C.A.Q.P.M.*)
 - (9) Every e-filing that has been accepted must be completed by transmitting to the Court office the number of paper versions, as required by the applicable rules, of each of the e-filed documents. These paper versions must be received at the Court office within five (5) working days after the e-filing. These paper versions may be either:
 - The source documents (originals) used to create the PDF files that were e-filed; or
 - Copies of the source documents (originals). In such a case, the copies must be identical to the technological versions filed, including the page numbering. The appellant must keep the source documents (originals) throughout the entire duration of the appeal and for a further period of 60 days following the expiry of all time limits for appealing to the Supreme Court of Canada, as the case may be. At the clerk's request, the party must provide the source documents (originals) to the Court office.

The paper versions transmitted to the Court office must indicate the file number attributed by the system at the time of the e-filing. The clerk must be informed that the originating appellate pleading and its schedules were filed via DOCA.

- (10) All pleadings that must be filed after the originating appellate pleading, must be filed at the Court office on paper, in accordance with the usual rules. If a pleading other than the originating appellate pleading is filed via DOCA at a later date, it will be deemed nonexistent and Court office staff will not process it.

(11) No person declared to be a party subject to prior authorization may use DOCA. Any pleading filed by such person via DOCA will be deemed nonexistent and Court office staff will not process it.

(12) Any improper or inappropriate use of DOCA may result in the person being prohibited by a judge of the Court from using DOCA.

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