



COURT OF APPEAL OF QUEBEC

Issued: October 3, 2022

Revised: October 3, 2023, February 5, 2024; March 11, 2024

CLERK'S PRACTICE DIRECTION NO. 7

TRANSMISSION OF THE PDF FILE OF CERTAIN PLEADINGS, BRIEFS, MEMORANDA AND OTHER DOCUMENTS BY MEANS OF THE DIGITAL OFFICE OF THE COURT OF APPEAL (DOCA)

The Digital Office of the Court of Appeal (DOCA) allows parties and counsel to **transmit** to the Court office the PDF file of certain pleadings, briefs, memoranda and other documents **already filed** on paper.

All other types of files (e.g.: audio and video) must be filed at the Court office on USB key. For further details, see section 5 below.

With the exception of pleadings and documents filed through DOCA (for more information, see 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 paper version filed at the Court office is considered the official version of a document.

1. Pleadings and Documents Subject to the PDF Requirement in Civil and Criminal Matters

In civil and criminal matters, transmission of the PDF file of the pleadings, briefs, memoranda and other documents listed below is mandatory (s. 13 of the *Regulation of the Court of Appeal of Quebec in Civil Matters* ("R.C.A.Q.Civ.M.") and s. 13 of the *Rules of the Court of Appeal of Quebec in Criminal Matters* ("R.C.A.Q.C.M.")):

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| <ul style="list-style-type: none">• Originating appellate pleadings (notice of appeal and/or application for leave to appeal, etc.); |
| <ul style="list-style-type: none">• Applications and motions presentable before the clerk, the |

judge or the Court;
• Exhibits in support of a pleading;
• Briefs and memoranda;
• Outlines of oral arguments and/or condensed books.

2. Pleadings and Documents Subject to the PDF Requirement in Penal Matters

In penal matters, transmission of the PDF file of the pleadings and documents listed below is strongly encouraged:

• Originating appellate pleadings (notice of appeal, application/motion for leave to appeal, etc.);
• Applications/motions presentable before the judge or the Court;
• Exhibits in support of a pleading;
• Outlines of oral arguments and/or condensed books.

For briefs and documents in lieu of briefs, although the *Regulation of the Court of Appeal of Quebec in Penal Matters (R.C.A.Q.P.M.)* provides that parties must attach a technological version as a USB key to each copy of these documents (s. 11 *R.C.A.Q.P.M.*), parties may fulfil this obligation by transmitting the PDF file using DOCA.

3. Books of Authorities

With regard to books of authorities, parties must consult the Clerk’s Practice Direction No. 8 entitled “*Filing of the PDF File of Books of Authorities*”, which specifies the applicable procedure.

4. Confidential Pleadings and Documents

The PDF file of a confidential document transmitted to the Court office using DOCA must have the designation “CONF” in its name, as provided for in the Chief Justice’s Directive entitled “*Rules Respecting the Preparation of the PDF Files of Pleadings, Briefs, Memoranda, Books of Authorities or Any Other Document.*”

In addition having the designation “CONF” in its name, the PDF file containing documents filed in a sealed container or envelope must also be protected by a password. The password must be communicated to the clerk by email to the Court

office at the address of the seat of the Court where the file was opened:

- Quebec City seat: depotelectronique.caqc@judex.qc.ca;
- Montreal seat: depotelectronique.camtl@judex.qc.ca.

5. Other types of files

Only PDF files may be transmitted using DOCA. All other types of files (e.g.: audio or video) must be filed at the Court office on one or several USB keys, as follows:

- If the total size of the files is under 3 GB, a single USB key may be submitted to the Court office;
- If the total size of the files is over 3 GB, one USB key must be attached to each copy of the application or motion, brief, or memorandum.

Each USB key must be identified with the following information: file number, style of cause, nature of the documents and, if applicable, indication of their confidentiality. Reminder: A confidential file's name must include the designation "CONF", in accordance with the Chief Justice's Directive entitled *Rules Respecting the Preparation of the PDF Files of Pleadings, Briefs, Memoranda, Books of Authorities or Any Other Document*.

6. Transmission Deadline

The PDF file of the pleadings and other documents mentioned above must be transmitted via DOCA **on the day** the paper version is filed.

For briefs, memoranda and documents in lieu of briefs, the PDF file must be transmitted no later than **five working days** following the filing of the paper version.

7. Rules Respecting the Preparation of the PDF File

The PDF file of a pleading, brief, memorandum or any other document must be prepared in accordance with the rules set out in the Chief Justice's Directive entitled "*Rules Respecting the Preparation of the PDF Files of Pleadings, Briefs, Memoranda, Books of Authorities or Any Other Document*".

8. Sanction for failing to transmit the PDF File of an application addressed to a judge in a civil matter

In civil matters, for an application presentable before a judge to be placed on the roll on the date indicated in the notice of presentation, the PDF file of the application and its schedules must have been transmitted within the prescribed time limit. Failing that, the hearing of the application is postponed to a date determined by the clerk, who so informs the parties. If the date thus determined is not suitable, the applicant must notify a new notice of presentation, failing which the application will be heard on that date provided the PDF file has been received.

9. Exemption from Application

Unrepresented parties who are detained or hospitalized are not required to transmit a PDF file of pleadings, briefs, memoranda or any other document filed on paper. Any other unrepresented party who is unable to comply with this requirement may obtain a written exemption from the clerk (s. 89 *R.C.A.Q.Civ.M.*, s. 83 *R.C.A.Q.C.M.* and s. 11 *R.C.A.Q.P.M.*). To do so, the party must complete the form annexed to this practice direction and send it to the Court office at the seat where the file was opened:

- Quebec City seat:
 - Fax: 418-646-6961 / courdappelqc@judex.qc.ca / Quebec City Courthouse, 300, Jean-Lesage Blvd., Suite 4.27, Quebec City, Quebec G1K 8K6;
- Montreal seat:
 - Fax: 514-864-7270 / courdappelmtl@judex.qc.ca / Ernest-Cormier Building, 100 Notre-Dame St. East, Montreal, Quebec H2Y 4B6.

The clerk's decision will then be communicated to the parties.

PIERRE-OLIVIER LACROIX, lawyer
Clerk of Appeals in Quebec City

BERTRAND GERVAIS, lawyer
Clerk of Appeals in Montreal



COURT OF APPEAL OF QUEBEC

Request to Obtain an Exemption from the Requirement to Transmit the PDF File of Certain Pleadings, Briefs, Memoranda and Other Documents

- 1. Name of the party: _____
- 2. Appeal file number(s) (if known): _____
- 3. File number(s) in first instance: _____
- 4. Nature of the appeal: (e.g., divorce, order for care, etc.):

- 5. Pleading or document in question: _____

- 6. Explain why you are unable to transmit the PDF file of the pleading or document in question:

I understand that, if my request for an exemption is granted, I will still have to comply with the rules set out in the *Regulation of the Court of Appeal of Quebec in Civil Matters*, the *Rules of the Court of Appeal of Quebec in Criminal Matters* and the *Regulation of the Court of Appeal of Quebec in Penal Matters*, as the case may be, for all pleadings, briefs, memoranda and other documents.

Signature: _____ Date: _____

Section to be completed by the clerk:

The request is:

- Refused
- Granted
- Granted subject to the following conditions:

_____ Date: _____

Assistant Clerk