

Superior Court of Justice/Ontario Court of Justice

Undertaking of Counsel/Licensed Paralegal of Record to the Court for Access to Digital Court Recordings

1. I, _____ (please print legibly), acknowledge that:
- a. The digital recording is being provided to me for the purpose of:
 - i. preparation in connection with the legal proceedings with respect to this case; and/or,
 - ii. replacing or supplementing notes of the legal proceedings with respect to this case.
 - b. Any other use of the digital recording is prohibited without an order from the presiding judicial officer or a judicial officer of the Court.
2. I understand and agree that the digital recording to be provided pursuant to this request will be provided subject to the following terms and conditions:
- a. I am legal counsel/licensed paralegal of record and I am a member in good standing of the Law Society of Upper Canada.
 - b. I have read and understand [s.136 of the Courts of Justice Act, R.S.O. 1990, c.C.43](#), including that every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than six months, or to both.
 - c. Subject to section (f) below, I will not publish, broadcast, reproduce or otherwise disseminate the digital recording, including any annotation in the audio file, in any way.
 - d. I will not copy, save, upload or download the digital recording, except:
 - i. onto one or more computers under my direction and control, for my own use in this case; or
 - ii. for the purpose of sharing an electronic copy of the file in accordance with section (f) below.
 - e. Subject to section (f) below, I will not authorize, assist or permit anyone to publish, broadcast, reproduce or otherwise disseminate the digital recording, including any annotation in the audio file, in any way.
 - f. I acknowledge that I may share an electronic copy of the digital recording with only those individuals enumerated below in (i) or (ii), and further that where such individuals are accessing the digital recording, it will be only for the purposes listed in section 1(a) and that I will ensure that those individuals are aware of, and comply with, all of the conditions set out within this undertaking:
 - i. other lawyers, articling students or administrative support persons who are assisting me in this matter;
 - ii. an expert witness whom I have retained to assist me in this matter.
 - g. I acknowledge that I may allow my client to listen to the digital recording in my presence or in the presence of someone from my firm, but my client will not be provided with the digital recording or a copy of the digital recording.
 - h. If a witness exclusion order has been made in the proceeding, I will not disclose the contents of the digital recording to any prospective witness who has not given evidence.
 - i. I acknowledge that any notes, transcription or similar document that I produce (or direct to be produced) using the digital recording is not a court transcript or a court record, and I will not purport that it is a court transcript or a court record.
 - j. When the digital recording is not being used for the purpose permitted by the undertaking, I will keep the digital recording in a secure place where it cannot be accessed by persons other than those persons listed in section (f) above.
 - k. I will safeguard the digital recording in accordance with my professional obligations regarding client files.

Signature

Firm Name & Address

Law Society of Upper Canada Number: _____

Date (mm-dd-yyyy)

To be completed by persons attending on behalf of counsel/licensed paralegal of record - agent authorized to receive the digital recording on behalf of counsel/licensed paralegal of record:

Name of Authorized Agent

Signature of Authorized Agent

Date (mm-dd-yyyy)

Firm Name & Address:
(If different from above)

Firm Name

Firm Address



Request Form/Undertaking of Counsel/Licensed Paralegal of Record to the Court for Access to Digital Court Recordings

Case Information

Order Date: _____
(mm/dd/yyyy)

Name of Case: _____ Court File/Info/Indictment#: _____

Presiding Judicial Official: _____

Court Address: _____

Date(s) of Proceeding: _____
(mm/dd/yyyy)

Proceedings from: Ontario Court of Justice Superior Court of Justice

Type of Proceeding: Civil Criminal Family Intake Court
 YCJA POA Other: _____
(legal counsel only) (Please specify)

Ordering Party Information

Please check the appropriate box:

Legal counsel of record licensed by the LSUC: Counsel representing a party to the proceeding
 Provincial Crown Attorney
 Federal Crown Attorney

Paralegal of record licensed by the LSUC
(Non-YCJA matters only; Court order required for SCJ matters)

Name: _____ (Last Name, First Name) Organization/Firm: _____ (If applicable)

Address: _____ City: _____ Postal Code: _____

E-Mail: _____ Phone Number(s): _____ (Include all contact numbers)

Date Required (mm/dd/yyyy): _____ Cost Centre Code: _____ (Only required for Provincial Crown Attorneys)

Law Society of Upper Canada Number: _____

Digital Recording Fee Schedule

1. **Single Day's Recording Per Case:** For a request for a single day's recording, per case:
 - \$22.00 (regardless of the length of the day's proceeding)
2. **Multiple Day Recordings Per Case:** For a request for multiple day recordings, per case:
 - \$22.00 for the first day requested (regardless of the length of the day's proceeding)
 - \$10.50 for each additional day ordered of the same case (regardless of the length of each day's proceeding)*

* In order for the \$10.50 fee to apply, the order for multiple days must be received at the same time and all proceedings ordered must have taken place so that the request can be processed as a single transaction.