



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. trial and/or appeal 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. 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.
e. 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 undertake that the digital recording will not be accessed by anyone except those individuals enumerated below in (i) or (ii), and further that where such individuals are accessing the digital recording, it will be under my personal direction and control:
i. Other lawyers, articling students or administrative staff 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 but I undertake that I will not provide my client 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. 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 other persons.
j. I will destroy the digital recording and render it inoperable when the purpose for which the digital recording was provided to me has concluded.

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