

Federal Court



Cour fédérale

e-Filing in Federal Court
Practical Tips and Best Practices

Presented via Zoom Webinar
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IMPORTANT NOTE:

This presentation is to be read in conjunction with the “e-Filing Toolkit” prepared and distributed by the Federal Court. This presentation is intended to supplement the “e-Filing Toolkit” by providing practical tips and best practices. It is not intended as an exhaustive resource on e-Filing.



Overview

- 1. Overview of e-Filing and FAQ**
- 2. Hardware and Software Requirements**
- 3. Document Formatting Rules and Standards**
- 4. Collecting and Formatting Your Documents**
- 5. Compiling your Submission (e.g. Applicant's Record in an IMM Judicial Review)**



1. Overview of e-Filing and FAQ



➤ **Benefits of e-Filing**

- ✓ Increased practice efficiency
- ✓ Reduction of overhead costs
- ✓ Enhanced ability to provide legal services to under-represented communities (by reducing time and overhead costs)
- ✓ Enhanced work/life balance opportunities (ability to file Court materials remotely; enhanced ability to telecommute for litigation counsel)
- ✓ Reduced environmental footprint



- **Brief demonstration of e-Filing Portal (<https://www.fct-cf.gc.ca/en/pages/online-access/e-filing>)**



➤ Overview of e-Filing

(i) General reminders

- ✓ You can e-File any document (except documents subject to confidentiality orders)
- ✓ Call the Registry before e-Filing an urgent document (and mark the filing as “urgent” in the online e-Filing portal when prompted)
- ✓ The *Rules* still apply – the *Rules* are ‘format neutral’
- ✓ Electronic service requires consent
- ✓ Uploading to e-Filing portal means the document is submitted for filing; Registry Officer must review and accept it



➤ Overview of e-Filing

(ii) Filing Deadlines

- ✓ All filing deadlines apply to e-Filing
- ✓ When a document is submitted and accepted by a Registry Officer, the document is deemed filed at the date/time it was submitted (EST)
- ✓ A document uploaded to the portal on a holiday is deemed filed the next day that is not a holiday



➤ Overview of e-Filing

(iii) What Happens After I Submit (Upload)?

- ✓ A Registry Officer reviews your materials
- ✓ If the materials comply with the *Rules* they will be accepted for filing
- ✓ If the materials do not comply with the *Rules* they will be refused for filing (as with any paper filing)
- ✓ If your materials do not comply with the formatting standards, you may be asked to re-submit in the proper format



➤ Frequently Asked Questions (FAQ)

(i) What is the difference between e-Filing and the e-Process Pilot (Toronto Office)?

- ✓ e-Filing is a process whereby any party can submit any document for filing via an Internet-based portal (subject to certain exceptions). Using e-Filing does not create a different process. It merely replaces paper filing with electronic filing for that specific document.
- ✓ The e-Process Pilot is a limited pilot program (Toronto office IMM files only) where a party can opt-in to a fully electronic proceeding if the file meets certain criteria.



➤ **Frequently Asked Questions (FAQ)**

(ii) **What can I do if my submission is over the 100MB size limit?**

- ✓ You can use several techniques to ‘compress’ your .pdf (see “e-Filing Toolkit”)
- ✓ You can try re-scanning at a lower resolution
- ✓ You can divide your submissions into multiple ‘volumes’ (following the guidance in the “e-Filing Toolkit”)



2. Hardware and Software Requirements



Hardware Requirements for e-Filing

- You do not require any particular hardware platform to use the e-Filing system
- You will need:
 - A computer (PC or Mac)
 - A scanner (unless all your materials are already digitized)



Software Requirements for e-Filing

- You do not require any particular software platform to use the e-Filing system
- You may be able to meet the basic formatting requirements (OCR and bookmarks) with free software
- To maximize efficiency and user-friendliness, you will likely require a software suite that allows you to edit .pdf files (see examples in “e-Filing Toolkit”)



3. Document Formatting Rules and Standards



➤ Rules vs Standards vs Best Practices

(i) Formatting Rules

- ✓ The *Rules* contain requirements that must be met
- ✓ If you do not follow the *Rules*, your filing may be refused
- ✓ See especially *Rules* 65-66 (including rules on legibility, font size and type, margins, maximum number of lines, etc.)
- ✓ Documents must be legible
- ✓ See “e-Filing Toolkit” for guidance on electronic signatures and pagination in e-Filed documents



➤ **Rules vs Standards vs Best Practices**

(ii) **Formatting Standards**

- ✓ A set of formatting guidelines set out by the Court
- ✓ Failure to follow the formatting standards will not result in a refusal of your filing
- ✓ However, the Court expects these formatting standards to be followed



➤ **Rules vs Standards vs Best Practices**

(ii) **Formatting Standards (cont'd)**

✓ There are only 3 basic formatting standards:

1. Documents must be in .pdf format
2. All typed documents must be searchable (using Optical Character Recognition, or 'OCR') technology
3. You must insert digital "Bookmarks" wherever you would insert a physical 'tab' if filing on paper



➤ Rules vs Standards vs Best Practices

(iii) Best Practices

- ✓ Additional features that make your documents more user-friendly and easy to navigate (e.g. hyperlinks)
- ✓ The ‘best practices’ listed in the “e-Filing Toolkit” are not required, but highly recommended
- ✓ It is to your advantage to make your document as easy to navigate as possible



4. Collecting and Formatting Your Documents



➤ **Creating a Searchable .pdf**

- ✓ This is done through a technology called Optical Character Recognition ('OCR')
- ✓ There are two ways to use OCR to create a searchable .pdf:
 1. Using the OCR features of your physical scanner
 2. Using the OCR features of your .pdf software



➤ **Creating a Searchable .pdf (cont'd)**

- ✓ The quality of OCR solutions can vary – take time to test the quality of your OCR
- ✓ When scanning a physical document, try to keep the number of ‘reproductions’ as low as possible
- ✓ Wherever possible, convert typewritten documents directly to .pdf using software solutions
- ✓ OCR scans are generally not very effective in converting handwritten text (quality varies)



IMPORTANT NOTE:

Software suites provide powerful tools for editing documents after they are scanned. It is very important that you ensure that the document is not altered in any way either during the process of creating the .pdf; or after the .pdf is created.



➤ **Scanning a Physical Document**

- ✓ Take time to find the optimal resolution (balancing file size and quality)
- ✓ Text can be scanned at relatively low resolutions



➤ **Reducing Your File Size**

- ✓ Recall: the maximum upload size is 100MB
- ✓ Consider whether colour is necessary (B&W leads to much smaller file sizes)
- ✓ Try re-scanning the documents at a lower resolution (as long as they are still clear and legible)
- ✓ Use your .pdf software to compress the digital file (see tips in “e-Filing Toolkit”)



➤ **What If My File is Still Too Large?**

- ✓ Consider submitting in multiple 'volumes' (as you would with large paper records)
- ✓ Be sure to clearly label all volumes and include a full Table of Contents/Index in each volume
- ✓ Be sure to include a cover letter clearly indicating that the submissions are being uploaded in volumes
- ✓ Contact the Registry for further guidance if necessary



➤ **Converting Existing Digital Files to .pdf**

(i) Image Files (e.g. .png, .jpg)

- ✓ Be cautious when using the “create .pdf” function using an image file → this creates a .pdf with the same dimensions as the image
- ✓ We recommend you use the “print to .pdf” function (uses a virtual ‘printer’ to ensure that the resulting .pdf is a regular 8 ½ x 11 size to match the rest of the pages in a record)
- ✓ See demonstration



➤ **Converting Existing Digital Files to .pdf**

(ii) **Typewritten document (e.g. Microsoft Word)**

- ✓ Whenever possible convert directly from your word processing software (e.g. MS Word) to .pdf
- ✓ Tip: when using Microsoft Styles headings you can instruct MS Word to convert your headings into bookmarks in the .pdf (Windows only) – see demonstration



➤ **Demonstrations**

- ✓ Running an OCR scan
- ✓ Combining multiple files into a .pdf
- ✓ Paginating your .pdf files
- ✓ Inserting bookmarks
- ✓ Inserting hyperlinks



5. Compiling your Submission (e.g. Applicant's Record in an IMM Judicial Review)



➤ **Demonstrations**

- ✓ Compiling individual 'tabs'
- ✓ Compiling 'tabs' into record
- ✓ Setting and formatting bookmarks
- ✓ Testing OCR scan
- ✓ Using digital signatures
- ✓ Paginating your record
- ✓ Inserting hyperlinks
 - ✓ Table of contents
 - ✓ Footnotes
 - ✓ Case law