



December 7, 2016

Via email: mcu@justice.gc.ca

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister:

Re: Court and Registry Management System

We write on behalf of the Canadian Bar Association members of the Federal Courts Bench and Bar Committee and the Tax Court of Canada Bench and Bar Committee (CBA Committees) to express our support for the Courts Administration Service (CAS) initiative to modernize its technological infrastructure to create a fully electronic-based system for the Federal Court, Tax Court and Federal Court of Appeal.

The CBA Committees consist of CBA members representing areas of law in the core jurisdiction of the Federal Courts and Tax Court.¹ They provide a forum to discuss issues of court practice amongst the judges, the CAS, Justice Canada and lawyers that are of mutual concern to the bar and the bench.

We understand that the CAS is seeking to modernize and upgrade its electronic registry system, to include a new Court and Registry Management System (e-court system). This would allow for electronic filing and more efficient access to court-filed documents, and would support other technology tools of the Federal Courts and Tax Court. While these courts have a system for electronically maintaining documents filed with them, the system's capacity is limited and labour intensive.

Access to court records is usually limited by the number of copies of the record that are filed and the physical location of the records. This presents many challenges and can be costly for individuals residing outside cities where registries are located, especially those living in more remote areas of our country.

¹ While Justice Canada is represented on the CBA Committees, those representatives are not involved in any public statement on behalf of the Committees, including this letter.

An updated e-court system would enhance access to justice and open courts by making court records electronically accessible anywhere in Canada, to the judges on the courts, counsel, litigants and the public. Counsel and litigants would also have greater flexibility to file documents and access the registry.

Greater access to court records would improve transparency for litigants, many of whom represent themselves, and would facilitate access to a wider range of information for counsel, allowing for more informed action. In areas such as intellectual property where there may be multiple proceedings involving the same intellectual property right, electronic access to records can provide additional information for litigants and support broader statistical information.

The proposed e-court system would modernize the existing system for maintaining and processing documents internally. Electronic court records would permit more efficient records management, leading to cost savings and faster processing. These efficiencies would be an advantage particularly in those areas of law where the quantity of documents filed are voluminous.

Electronic court records would make court records more secure, reducing the risk of paper documents being misplaced, files being taken and archives inadvertently destroyed. Security could be further enhanced through file encryption, giving additional protection for confidential documents.

The Federal Court Strategic Plan for 2014-2019 included discussion of the e-court system and the benefits of improving and modernizing the available technologies. Your government has undertaken to modernize and improve the efficiency and effectiveness of the criminal justice system, including improved use of information technology to make the system more efficient and timely. The same benefits would accrue in the Federal Courts and Tax Court, and we encourage you to extend the modernization accordingly.

We support this initiative and consider it to be worthwhile and necessary to modernize the courts and improve their ability to serve their users.

Yours truly,

(original letter signed by Gaylene Schellenberg for Alexandra K. Brown and J. Paul M. Harquail)

Alexandra K. Brown
Chair, CBA Tax Court Bench and Bar Committee

J. Paul M. Harquail
Chair, CBA Federal Courts Bench and Bar Committee