



COURT OF APPEAL OF QUEBEC

Issued: October 3, 2022

Revised: March 11, 2024; February 20, 2025

CLERK'S PRACTICE DIRECTION NO. 3

DIGITAL OFFICE OF THE COURT OF APPEAL (DOCA) – ELECTRONIC FILING OF ORIGINATING APPELLATE PLEADINGS

The Digital Office of the Court of Appeal (hereinafter “DOCA”) allows for the e-filing of the following originating appellate pleadings:

<u>IN CIVIL MATTERS</u>	<u>IN CRIMINAL AND EXTRADITION MATTERS</u>	<u>IN PENAL MATTERS</u>
<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal• Application for leave to appeal after the expiry of the time limit	<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal• Application for judicial review in an extradition matter• Application to extend the time limit for an appeal	<ul style="list-style-type: none">• Notice of appeal• Application for leave to appeal

It can also be used to file proofs of service and notification and to make an online payment of the required judicial fees. **Paper copies of all pleadings and documents** filed via DOCA must be submitted to the Court office within five working days after the e-filing.

Counsel, self-represented parties or any person mandated by a party or by the party's counsel (hereinafter the “sender”) can make an e-filing.

DOCA can also be used to file, at the same time as the originating appellate pleading, other pleadings or documents, such as an application or the certificate concerning the transcription of depositions.

All subsequent filings must be made on paper at the Court office.

Before Making an E-filing

- (1) The party, the party's counsel or the sender, in addition to having a valid credit card in order to pay the judicial fees, if applicable, must ensure they have the following documents on hand:
 - The originating appellate pleading and its schedules;
 - All other pleadings or documents intended to be filed at the same time as the originating appellate pleading;
 - Proofs of service on each of the respondents, where applicable;
 - Proofs of notification, if available;
 - The legal aid mandate, where applicable.
- (2) The following requirements apply to all the documents listed under item 1 above:
 - They must be in PDF format;
 - They must be prepared in accordance with the rules set out in the Chief Justice's Directive entitled *Rules Respecting the Preparation of PDF Files Filed with or Transmitted to the Court*;
 - The PDF files of all pleadings must be "searchable", that is, they must allow keyword searches (consequently, digitized documents must not be in the format of a "PDF Image"). If these files are in the format of a "PDF Image", the system will display an error message preventing completion of the e-filing;
 - Each proof of service and each proof of notification must be saved as a separate PDF file, so that it can be associated with the party in question.
- (3) Each PDF file must not exceed 100 MB.
- (4) When counsel create an account, they will be asked for a permanent code (firm or lawyer (e.g., AC1234)), but a permanent code is not mandatory. Counsel without a permanent code may request one from the Ministère de la Justice by completing the form available online at: <https://www.justice.gouv.qc.ca/espace-professionnel/juristes/sj-1149/>

Rules for E-filings

- (1) Complete contact information (including a functioning email address) for counsel, the party and the sender, as the case may be, must be provided.

- (2) Although DOCA is available 24 hours a day, 7 days a week, a filing made outside Court office hours will be deemed to have been made at the moment indicated in the table below:

<u>IN CIVIL MATTERS</u>	<u>IN CRIMINAL AND EXTRADITION MATTERS</u>	<u>IN PENAL MATTERS</u>
A pleading filed electronically outside Court office hours is deemed to have been filed when the Court office next opens.	A pleading filed electronically is deemed to have been filed on the date and at the time of the electronic filing , even outside Court office hours.	A pleading filed electronically is deemed to have been filed on the date and at the time of payment , even outside Court office hours.

(3) In civil matters

In accordance with art. 107 para. 5 *C.C.P.*, in order to be validly made, every e-filing must be made with the judicial fees prescribed by the *Tariff of judicial fees in civil matters*, CQLR, c. T-16, r.10. There is no additional fee for using DOCA.

In penal matters

In order to be validly made, every e-filing must be made with the judicial fees prescribed by the *Tariff of court costs in penal matters*, CQLR, c. C-25.1, r.6. There is no additional fee for using DOCA.

In criminal matters

No fees are payable for an e-filing.

- (4) Every filing made via DOCA is subject to the same rules as filings made on paper, which rules are set out in the laws and regulations, the Chief Justice's directives and the clerk's practice directions.
- (5) The clerk will review e-filed documents in order to determine whether they are admissible for filing purposes. The clerk may then make one of the following decisions:
- Accept the filing: If the e-filing complies with the applicable requirements, the clerk will email the party, the party's counsel or the sender to confirm that the filing has been accepted.
 - Accept the filing with an exemption: If the e-filing is accepted with an exemption, the clerk will email the party, the party's counsel or the sender to set out the deficiencies noted.
 - Accept the filing subject to conditions: If the e-filing is accepted subject to conditions, the clerk will email the party, the party's

counsel or the sender to set out the deficiencies that must be remedied as well as the time limit for doing so. If the deficiencies are not remedied within the specified time limit, the filing will be refused and the file closed.

- Refuse the filing: If the filing is refused, the file will be closed. The clerk will email the party, the party's counsel or the sender to inform them that the filing has been refused, indicating the reasons for the refusal and stating that the file has been closed.
- (6) Every filing made via DOCA automatically generates a file number. Notwithstanding the attribution of a file number and even if the judicial fees were paid at the time of filing, the clerk, a judge or the Court retains the right to make any of the decisions mentioned in item 5 above, including the decision to refuse the filing.
- (7) A filing made via DOCA does not have any effect on the statutory and regulatory requirements for service and notification.
- (8) A pleading filed via DOCA must be signed (art. 99 para. 3 C.C.P.; s. 24 para. 4 R.C.A.Q.Civ.M.; s. 20 para. 4 R.C.A.Q.C.M.; s. 19 para. 4 R.C.A.Q.P.M.).
- (9) Every e-filing that has been accepted must be completed by submitting to the Court office the number of paper copies, as required by the applicable rules, of each of the e-filed documents. These paper copies must be received at the Court office within five (5) working days after the e-filing. These paper copies may be either:
- The source documents (originals) used to create the PDF files that were e-filed; or
 - Reproductions of the source documents (originals). In such a case, the reproductions must be identical to the technological versions filed, including the page numbering. The party must keep the source documents (originals) throughout the entire duration of the appeal and for a further period of 60 days following the expiry of all time limits for appealing to the Supreme Court of Canada, as the case may be. At the clerk's request, the party must provide the source documents (originals) to the Court office.

The paper copies submitted to the Court office must indicate the file number attributed by the system at the time of the e-filing. The clerk must be informed that the originating appellate pleading and its schedules were filed via DOCA.

- (10) All pleadings filed after the originating appellate pleading must be filed at the Court office on paper, in accordance with the usual rules. If a pleading

other than the originating appellate pleading is filed via DOCA at a later date, it will be deemed nonexistent and will not be processed.

- (11) No person declared to be a party subject to prior authorization may use DOCA. Any pleading filed by such person via DOCA will be deemed nonexistent and will not be processed.
- (12) Any improper or inappropriate use of DOCA may result in the person being prohibited by a judge of the Court from using DOCA.

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