

INSTRUCTIONS FOR ELECTRONICALLY FILING DOCUMENTS WITH THE NOVA SCOTIA COURT OF APPEAL (E-FILING)

**Tuesday, June 16, 2020
UPDATED: Nov. 4, 2021**

Documents that are required to be filed electronically (factum and transcript) and any other documents permitted to be filed electronically with the Nova Scotia Court of Appeal must meet the following requirements before they will be accepted by the Court:

The Registrar may refuse to accept an electronic filing that does not comply with this practice direction, or is otherwise unsuitable, and may require that a document be unfiled, resubmitted or refiled.

Formatting

- Electronic documents must be formatted in such a way that if printed, they print on letter size (8.5 x 11) paper.
- Electronic documents must be formatted in a manner that complies with the Nova Scotia Civil Procedure Rules (See Rules 90.30 – 90.33 for civil matters and Rules 91.15 – 91.19 for criminal matters).
- Electronic documents must be filed in word-processing format and/or text searchable PDF format. For scanned PDF documents, an Optical Character Recognition (OCR) format must be used to make the documents text searchable. If filing materials in text searchable PDF format, all attachments must also be text searchable.
- Except for a transcript filed separately, for each document filed electronically:
 - i. The pages must be numbered consecutively using standard numerals (e.g. 1, 2, 3) starting with numeral 1 on the front page; and
 - ii. The Adobe page counter for each document must match the consecutive page numbering in the document.
- For every document, the page numbers of the document filed electronically must match the page numbers of the hard copy version.
- Submission of a document created by the scanning of paper documents is strongly discouraged, but not prohibited. Because of image quality, a document originating from a word-processing software (e.g. Word) is preferred. Where possible, only documents that exist *only* in paper format should be scanned.

Filing

- Electronic documents may be filed one of two ways:
 - i) **Email** – Files that are 25 megabytes in size or smaller can be emailed to appealcourt@courts.ns.ca with the court file number in the subject line.
 - ii) **USB Flash Drive** – Files of any size can be submitted on a USB flash drive delivered to the courthouse. The USB must be labelled with the court file number.
- In addition to the court file number on the email or USB, all documents filed electronically must be individually named in a manner that identifies their contents. For example: “Factum of the Appellant”; “Factum of the Respondent”; “Appeal Book Part I”; “Trial Transcript [DATE]”.
- Prior to being submitted to the Court, each document must be scanned for viruses using updated commercial scanning technology and confirmed to be free of viruses.
- Appeal Books should be filed as a single electronic Word or PDF document, rather than a series of separate attachments. Trial transcripts and other similar documents should be merged into one single document (rather than separate files for different trial dates, etc.). Please see the instructions on Page 3 on how to merge electronic documents. If the size of the document is too large to send as an email attachment, documents may be divided into smaller parts and labelled accordingly (e.g. Appeal Book Vol. I, Appeal Book Vol. II, etc.). Alternatively, they may be submitted as one document on a USB flash drive.

Hyperlinks

- A hyperlink is a reference to another location, file, or document, that a user can follow by clicking or tapping.
- Rather than e-filing books of authorities, the preference is for parties to hyperlink their factums to the judgment databases found on the websites of Canadian Courts or www.canlii.org/en/index.html, and where not available on either, to LexisNexis Quicklaw or WestlawNext Canada. However, if this is not possible or feasible, then books of authorities are to be filed electronically in accordance with the e-filing protocols described herein. If books of authorities are filed electronically, then electronic highlighting of the relevant passages is requested.

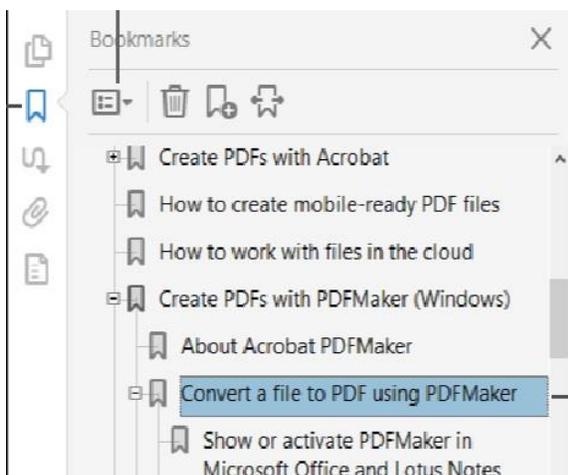
Bookmarks

- An electronic bookmark is a shortcut to specific sections of a document. It is a link that, when clicked, will take the reader directly to that section.
- Appeal documents filed electronically must include an electronic bookmark:
 - i) to the cover page listing the name of the document, the name of the party filing the document, the appeal number and a brief style of cause
 - ii) to each heading and subheading of the document as listed in the Table of Contents, and
 - iii) to the first page of each tab, exhibit or attachment of the document.
- Additionally, transcripts filed electronically must include an electronic bookmark to the testimony of each witness.
- The bookmark for each tab, exhibit or attachment to a document must include the letter or number of the tab, exhibit or attachment and a description of the tab, exhibit or attachment.
- Any document filed electronically that contains a bookmark must be formatted so that it automatically displays the bookmark panel when opened.

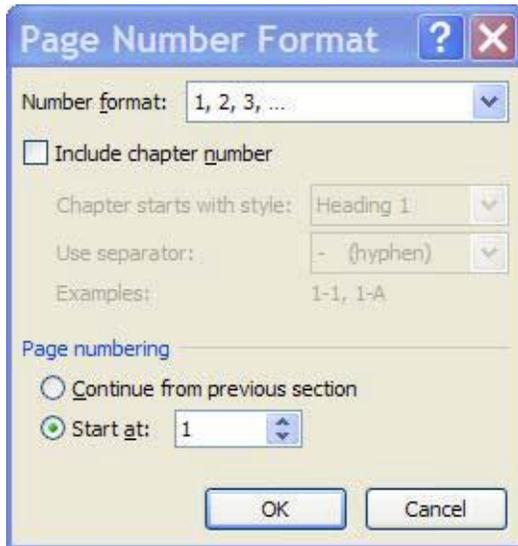
Instructions for Merging Electronic Documents

If you have created your document in multiple sections, please merge those sections into a single document. To do that, follow the steps below for merging documents in Microsoft Word or Adobe programs.

If merging documents in Adobe, the program will automatically create a tabbed index that you can view by clicking on the “Bookmark” image along the left margin:



In the dropdown menu, click on “Next Page” and go to “Insert” – “Page Numbering” – “Format Page Numbers”:



You can start your document at any page number you choose. To do that, click on “Page Numbering” – “Start At”. Change the number in that box. If the page numbers do not appear, go to Insert – “Page Numbering” – “Top of Page” and choose a style (i.e. Plain Number 1).