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ELECTRONIC DOCUMENTS Bryan Finlay, K.C. Marie-Andrée Vermette Michael Statham Release No. 2, October 2025

Electronic data is modifying how lawyers interact, changing how information is collected and used, and transforming our courtrooms. This in-depth resource examines and analyzes the issues relating to electronic documents, including: the sources and types of electronic documents, records management policies, the legal framework governing e-discovery in Canada, the preservation, collection, processing, review and production of electronic documents, and the use of electronic evidence at trial. This dynamic and burgeoning aspect of legal practice is clarified and explained with extensive reference to relevant Canadian and U.S. authorities.

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What's New in this Update:

This release features updates to Chapter 7 - Production of Electronic Documents and Use of Electronic Evidence at Trial.

Highlights

This chapter addresses the format in which electronic documents are produced, the extent of production required to be made in electronic format, and the use of electronic evidence at trial. This has become all the more prevalent since the COVID-19 pandemic, which necessitated the widespread use of electronic court filing, electronic discovery, and electronic evidence in light of temporary closures and physical distancing measures. This chapter has been updated to reflect updates to court practices and guidance.