

TAX COURT OF CANADA

Undertaking to the Court for access to digital court recordings

APPENDIX A - UNDERTAKING OF COUNSEL OF RECORD

1. I, _____ (insert counsel's name) acknowledge that:

(a) the DARS disk is being provided to me solely for the purpose of advancing the litigation of the appeal file for which the digital recording is being requested before the Tax Court of Canada, the Federal Court of Appeal or the Supreme Court of Canada;

(b) any other use of the disk is prohibited;

(c) the digital recording on the DARS disk shall not constitute an official version of the transcript of the hearing; and

(d) I bear the legal responsibility for the proper use of this information, including ensuring whether a court order exists regarding the use of the information. Inappropriate use of this information may constitute contempt of court.

2. I undertake that I will not:

(a) copy or save the disk;

(b) store its digital contents on, or transfer those contents to, any other device;

(c) upload or download the disk or any of its content to the Internet or otherwise make the disk or any of its content available through any medium;

(d) distribute, publish, broadcast, reproduce or otherwise disseminate the disk or any of its content, including any annotations, in any way;

(e) tamper with or modify the disk, including any annotations, in whole or in part, in any manner;

(f) use the disk for the preparation of transcripts of the proceedings to be filed in the Tax Court of Canada or to be filed in an appeal before the Federal Court of Appeal or the Supreme Court of Canada ; or

(g) allow any of (a) to (f) to be done by anyone else.

3. I undertake that the disk will not be accessed by anyone except those individuals enumerated below in (a) to (c), and further that where such individuals are accessing the disk, it will be under my personal direction and control:

(a) other lawyers, articling students or administrative staff members within my law firm or the Department of Justice who are assisting me in this matter;

(b) _____, an expert witness whom I have retained to assist me in this matter;

(c) _____, an employee of the Canada Revenue Agency (CRA) who has been designated by the CRA to work on the appeal file for which the digital recording is being requested.

4. When the disk is not being used for the purpose permitted by this undertaking, I undertake that I will keep the disk in a secure place where it cannot be accessed by persons other than those who are authorized pursuant to the terms of this undertaking.

5. I undertake to destroy the DARS disk and render it inoperable when the purpose for which the disk was provided to me as described in paragraph 1 has concluded.

Signature

Date