Federal Court of Appeal   **Cour d'appel fédérale**

NOTICE TO THE PROFESSION

TO: Parties and Members of the Legal Profession
FROM: The Honourable Marc Noël, Chief Justice
DATE: December 21, 2016
RE: Access to Digital Audio Recordings of Federal Court of Appeal Proceedings

As of January 9, 2017, the Federal Court of Appeal will create and keep an audio recording of all hearings using a digital audio recording system (DARS). This does not apply to hearings by teleconference, which may be recorded in the Court's discretion.

Copies of the audio recording of a proceeding will be made available to the parties upon request. Media organizations and members of the public will be authorized, upon request, to listen to an audio recording, if they were entitled to be present in the courtroom for that proceeding. A court order is required before media organizations and members of the public are able to obtain a copy of an audio recording.

In the case of oral reasons for judgment, the reasons will be redacted from the audio recording.

Where there are access restrictions applicable during the hearing (e.g., as a result of a confidentiality Order), the protected information will, where practicable, be redacted from the audio recording so as to allow for access. The audio recording will not be released if it is impracticable to redact the protected information.

Exceptionally, there may also be situations where protected communications (e.g., between solicitor and client) are inadvertently recorded. Parties and their legal counsel should exercise prudence when such discussions close to the hearing room microphones, which are sensitive. Any concerns with respect to a recording should be brought as soon as possible to the attention of the Court.

Request Process – Complete the form in the Annex and submit it to the Registry (in person or by fax). See the *Contact Us* page of the Court web site (www.fca-caf.gc.ca) to find your local Registry office. The Registry will contact you once the audio recording is available.

Amendments to the *Federal Courts Rules* provide, under new subsection 1(4) of Tariff A, that a person requesting a copy of a digital recording of all or part of any day of a proceeding from the Registry shall pay $15 per recording. No payment is required to listen to an audio recording.

Restrictions on Use of Audio Recordings of Federal Court of Appeal Proceedings – Copyright in audio recordings shall vest in and remain the property of *Her Majesty the Queen in Right of Canada*. Reproduction, broadcast or distribution of any audio recording of Federal Court of Appeal proceedings is prohibited.

Federal Court of Appeal / Cour d'appel fédérale

Annex – Access to an Audio Recording of a Federal Court of Appeal Hearing

REQUESTER INFORMATION		
Please check the appropriate box:		
☐ Party/Solicitor of Record		
☐ Member of the public		
☐ Member of Media		
☐ Request to listen to an audio recording	☐ Request for copy of an audio recording (Court order required for Member of the public, Member of Media)	
Surname:	Given name:	Title:
Organization (if applicable):		
Street Address:		
City:	Province:	Postal Code:
Telephone Number:	E-mail Address:	
CASE INFORMATION		
Court File Number:		
Case Name:		
Date(s) of Hearing:		
FEES PAYABLE FOR DIGITAL RECORDING		
A person requesting a digital recording of all or part of any day of a proceeding from the Registry shall pay $15 per recording. No fee is required to listen to an audio recording.		
UNDERTAKING TO THE FEDERAL COURT OF APPEAL FOR ACCESS TO AN AUDIO RECORDING		

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The Requester undertakes not to reproduce, broadcast or distribute the copy of the audio recording provided in accordance with this request.

Signature _____ Date _____