

ANNOUNCEMENT

Policy on Access to Transcripts of Oral Proceedings

1. The Court of Appeal of Alberta will adopt the following policy on access to transcripts of oral argument for proceedings that take place on or after January 1, 2019 only.
2. Transcripts of oral argument before the Court of Appeal of Alberta are made available in furtherance of the open court policy followed in Canada. The official decision, however, is found in the Reasons for Decision that are issued and the formal judgment or order of the Court. Questions asked and comments made by a judge during oral argument are not judicial pronouncements. They are only one part of the process of oral argument that is designed to clarify the positions, define the exact questions or to indicate the matters that the judge or panel thought needed to be investigated.
3. Unless the proceeding was heard in a private hearing or is subject to a restriction on access to records by statute, court order or court policy, transcripts of oral argument before a single appeal judge or panel of the Court that took place on or after January 1, 2019 may be obtained from [Transcript Management Services](#) upon payment of the applicable fees and execution of the Undertaking to the Court of Appeal for Access to Court Transcript.
4. A transcript may be subject to a statutory or common law publication ban prohibiting the publication of certain information (e.g., the identity of the parties, children or witnesses involved in the proceeding) or to a court order or direction that restricts its use. Persons ordering transcripts are responsible for knowing of and complying with any such publication ban or restriction. Moreover, misuse of the contents of any transcript may involve civil or criminal liability in addition to liability arising from the commission or attempted commission of any intentional or unintentional violation of any publication restrictions or bans.
5. All access to transcripts is subject to any express order made by a single appeal judge or panel of the Court, who may expand or restrict access to the transcript in any proceeding before them.
6. Transcripts are not certified by the Court. The accuracy and completeness of the transcripts depends on the sensitivity of the digital recording system and the transcription process.
7. The policy will operate as a two-year pilot project and may be amended, extended or terminated once its effectiveness has been evaluated.

Undertaking to the Court of Appeal for Access to Court Transcript

Unless a proceeding was heard in a private hearing or is subject to a restriction on access to records by statute, court order or court policy, transcripts of oral argument before a single appeal judge or panel of the Court that took place on or after January 1, 2019 only may be obtained from [Transcript Management Services](#) upon payment of the applicable fees and execution of the Undertaking to the Court of Appeal for Access to Court Transcript.

Appeal Name _____ Appeal Number: _____

My name is: _____

A. I am a:

- | | |
|--|--|
| <input type="checkbox"/> Member of the Law Society of Alberta | <input type="checkbox"/> Litigant or Accused |
| <input type="checkbox"/> Member of Accredited Media ¹ | <input type="checkbox"/> Member of the Public |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Member of Media, non-accredited |

B. Anyone requesting a transcript on behalf of an organization must read and complete this section:

1. I am a representative of _____ (name of organization), and I **acknowledge that:**

- a) I am authorized to sign this undertaking on behalf of the company or organization named above.
- b) I understand that this undertaking is binding upon me personally and upon that corporation or organization.

C. All parts of this section must be read and completed:

1. I acknowledge

a) **the transcript is being provided to me solely for the purpose of:**

- supplementing or replacing handwritten notes of the court proceeding, or
- enabling me to review a proceeding in the above noted appeal that I was unable to attend in person, or
- preparation in connection with the legal proceedings with respect to this case, or
- Accredited media only:** in support of my role as a member of accredited media¹ in connection with this case.

b) **Any other use of the transcript is prohibited without an order from the Court.**

2. A transcript may be subject to a court-ordered or statutory restriction on publication or access. I understand and agree that I must comply with any court-ordered or statutory restriction on publication or access that applies to the transcript.

- a) I will obtain current information about the publication and access status of the case from the Court of Appeal Registry, and will provide that information to Transcript Management Services when ordering the transcript.
- b) I understand and agree that I must keep the transcript in a secure place where it cannot be accessed by other persons.

3. For members of [accredited media](#):

I understand and agree that use of the transcript is subject to the following terms and conditions:

- a) I will not provide the transcript or copies of it, in any format, to any third party, except as necessary to my practice of professional journalism.

4. For persons other than members of [accredited media](#):

¹ Accredited media are those individuals whose [Application and Undertaking](#) have been accepted by the Court and whose name appears on the [Media Undertakings List](#).

I understand and agree that use of the transcript is subject to the following terms and conditions:

- a) I will not publish, broadcast, reproduce or otherwise disseminate the transcript or any part of the transcript, in any way.
- b) I will not authorize, assist or permit anyone to publish, broadcast, reproduce or otherwise disseminate the transcript or the contents of the transcript in any way.
- c) I will not provide the transcript or copies of it, in any format, to any third party.

5. I understand and acknowledge that if I fail to comply with my undertaking, I am liable for punishment for contempt of court or other sanctions.

Signature

Date

NOTE: You will be required to upload an electronic copy of this signed Undertaking when you place the transcript order with [Transcript Management Services](#). The original signed undertaking must be retained and produced to the Court upon request.