

GUIDE TO THE PRODUCTION OF DOCUMENTS

The Rules of Court provide a number of ways that each party to a lawsuit can learn something about the other side's case prior to trial. These procedures are very useful. They save time, avoid surprises, and often contribute to settlement.

What are Documents?

The Rules of Court define documents as “letter, notes, books, accounting records, cheques, and other papers, and also photographs, tapes, charts, graphs and all other methods of recording information”

What should you do?

1. Soon after retaining us, we will provide you with a list of the documents we require. These will be documents that are relevant to determining your income and the value of your properties.
2. You should make a thorough search and assemble all of the documents of any kind which you have and which in any way relate to this lawsuit-even if you think they may not be important (in addition to the documents we have already requested from you). All of the documents should then be sent to us in a safe and secure manner. If the documents are very numerous, or bulky or unmanageable in any way, please speak to us about it and we will give you additional help and guidance about assembling your documents.
3. Originals should be given to us whenever they are available.
4. When all you have is a copy of a document, the Rules of Court require that you tell us, *in every case*, whether:
 - (a) You have ever had the original;
 - (b) If so, where it is now; and
 - (c) When you last had the original in your possession.
5. In some instances, you will no longer have a document which you previously had a copy of. In such a case the Rules require you to:
 - (a) Provide a list of such documents;
 - (b) Indicate on the list when you last had each document; and
 - (c) Indicate on the list what happened to each document.
6. All of the information you give us about your documents must be put in an Affidavit which you must swear under oath. It is therefore very important that the information you give us is accurate as you can make it. If you have any doubts about any of these steps, or about any document, please discuss it with us.

What do we do with the Documents?

Once we have reviewed all of your documents, we will read them and decide which of them we think are irrelevant and do not have to be produced in the lawsuit. The law also provides that some documents which are relevant do not have to be shown to the other side. We will identify which of your documents fall into this category. The rest of the documents, including those which you once had but no longer have, must then be disclosed to the other side in an Affidavit.

While preparing the Affidavit of Documents we will review all of the documents which you have given us, very carefully. In many cases, documents have given us great assistance in preparing for and conducting a lawsuit. This is another reason why the production of document is such an important step.

What will the other side do?

All of the parties in the lawsuit must produce their documents in the same way in which you must. When they had done so, we will have a chance to look at all of their producible documents.