

UNDERTAKING OF COUNSEL

(Copy of a Digital Audio Recording)

Court File Number: _____

Style of Cause: _____

Court Location: _____

Date of Proceedings: _____

- In the Supreme Court of Yukon
 In the Territorial Court of Yukon

1. I, _____, a lawyer in good standing with the Law Society of Yukon, acknowledge that a copy of the digital audio recording (the "Recording") for the above proceedings heard on _____, before _____ is being provided to me solely for the purpose of, (describe the specific activity that release of the copy is intended to facilitate – e.g. "to review the evidence of the witness in the case of R. v X.; or in order to prepare the claimant's case in the proceeding Y. v Z." etc.)

_____ and that any other use of the Recording is prohibited.

2. I undertake that I will not:

- a) copy, store or transfer the Recording or any portion of it to any device except as may be done by the software or operating system incidental to reviewing the contents, and such review shall only be carried out on computer equipment and peripheral devices belonging to my firm or employer, to me or to a person identified in paragraph 3 of this undertaking;
- b) upload the Recording or any portion of it to the Internet or otherwise make the Recording or any portion of it available through any medium;
- c) distribute, broadcast or transmit the Recording in any way;
- d) use the Recording for the preparation of unofficial transcripts of the proceedings;
- e) allow any of these things to be done by anyone else.

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

- a) other lawyers, articled students or administrative staff members within my law firm who are assisting me in this matter;
- b) _____ an expert witness or, _____, a lawyer from outside my law firm whom I have retained to assist me in this matter; or
- c) _____ a witness (eg. a police or civilian witness who is listening to their own evidence).

4. If it is not feasible for the witness or counsel described in paragraph 3(b) or (c) to listen to the Recording while it is under my personal direction and control, I acknowledge that I must apply to the court for an order allowing such individuals to receive the Recording directly. I understand that in that event, the witness or counsel must appear before the court and will be made subject to the same conditions to which I am subject in this undertaking.

5. I acknowledge that I may allow my client to listen to the Recording in my presence but I undertake that I will not provide my client with a copy of the Recording.

6. I undertake that I will keep the Recording in a secure place where it cannot be accessed by persons other than those who are authorized pursuant to the terms of this undertaking.

7. I undertake to delete the Recording from all devices and/or destroy the Recording on or before the earliest of the following:

- a) once the purpose for which the Recording was provided to me has concluded; or

- b) _____
(insert the last currently scheduled court or chambers date for the proceeding, or an earlier specified date)

8. If I require the Recording beyond the date specified above, I will provide a new undertaking to the registry before expiry of the date here specified.

Business Address:

Signature:

Print Name:

Telephone Number:

Date: