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Your Guide to Depositions in Canada

Canada is a very popular locale for deposing witnesses in U.S. court cases. As a signatory to the Hague Evidence Convention, in general, you can depose willing witnesses in Canada without any special formalities or involvement of foreign courts. Here is the official statement from the U.S. Department of State website about taking voluntary depositions of willing witnesses in Canada:

<http://travel.state.gov/content/travel/english/legal-considerations/judicial/country/canada.html>

There are no rules in Canada which prohibit foreign tribunals or litigants from taking evidence from a willing witness in private civil matters. Therefore, parties in a private civil case in the United States may arrange to depose a willing witness in Canada without prior consultation with or permission from Canadian federal or provincial authorities. The party seeking to take the deposition must arrange for a court reporter/stenographer and facilities in which to take the deposition; the U.S. Consulates in Canada do not have information on these matters, nor do they have space in which to hold the deposition. If the

parties involved in the deposition wish to have the witness take an oath before the U.S. Consul at any point in the proceedings, they should contact the American Citizens Services Section of the nearest U.S. Consulate prior to the date of the deposition and ask for an appointment to have the oath administered at the Consulate. Fees associated with consular depositions are at 22 CFR 22.1. Canada does require prior permission for depositions conducted by prosecutors in criminal matters.

Compulsion of Testimony/Production of Documents: When a witness is unwilling to testify or when production of documents is required, litigants may petition a Canadian court directly to compel testimony or production of documents. In these circumstances, the services of a Canadian lawyer will be necessary.

Even though it is just over the border, U.S. depositions in Canada are still international depositions and should be planned as far in advance as possible. The further you plan ahead, the more likely it is that you'll be able to locate and book the right, Canada-based professional for your deposition.

Have any questions?

With over 15 years of experience covering depositions in Canada, Optima Juris is proud to be the -first and only U.S. -firm exclusively dedicated to depositions abroad. We do not cover depositions in the States, and never compete with our domestic agency partners. Agencies love working with us because we make it easy to handle those rare requests for international depositions. Clients love us because we give valued advice and save them money by minimizing travel costs.

Optima Juris is the leading provider of U.S. depositions in Canada and we are happy to assist you in any way possible. Please feel free to contact us at any time at: depos@optimajuris.com, or visit our informational quote request page for Canada at: <http://optimajuris.com/court-reporter-canada/>

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