

ECSC E-Litigation Portal FAQs - TVI

Question #1: Has “*the feature to file ‘Ex parte’ applications been reflected in the system*”, to allow the filing of documents without other parties on the same case seeing them?

Response #1: The “Exparte” application feature is functional for new matters which will initiate a case and will be fully functional during the latter part of the week of November 12, 2018.

Questions #2: Will our secretaries be able to register on the portal (they do not have practising certificate numbers or admission orders)?

Response #2: The mandatory requirement for Legal Secretaries to have a certificate number or admission order will be disabled in the latter part of the week of November 12, 2018.

Question #3: Will we still send correspondence to the Court via hard copy and e-mail, or should this be done through the portal?

Response #3: As indicated in the Guidelines and “The Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) Rules, 2018, the E-Litigation Portal will be available to manage only New Commercial Matters for the TVI. All other existing commercial matters already filed prior to 12th November, 2018 will continue to be managed manually until the data for those matters is migrated from JEMS into the ECSC E-Litigation Portal. Parties to the matter will be notified when the old matters are available on the portal.

Questions #4: Will there be an online statement option that shows running deposits, deductions and balances on the escrow account?

Response #4: Law Firm Administrators have the capability to view the balance and all the transactions pertaining to their Firm’s Escrow Account through the E-Litigation Portal.

Question #5: From Monday, 12th November 2018 - What is the feature or process for carrying out court searches? I understand there will be an online search system for High Court searches, but is this a feature that will be introduced sometime in the future?

Response #5: Online search facility will be available in the future. Until such time, the practice of going to the Court Office to carry out a search should continue.

Question #6: Will we receive original hard stamped copies of filed documents?

Response #6: Documents for cases filed on the Portal will be electronically stamped and will be available on the Portal. Law Firms can then print a hard copy of the filed documents if they need to do so.

Question #7: How does this affect the procedure for getting orders approved and sealed?

Response #7: As indicated in the Guidelines document, Orders are managed as follows:

- [1] Draft orders must be filed electronically on the Portal preferably in MS Word Format.
- [2] The electronically filed draft order would be modified by the Legal Practitioner as directed by the Court.
- [3] Where necessary the Court may direct that the Draft Orders be resubmitted electronically.
- [4] Once the Order has been finalized by the Judge, it will made available to the Registrar in its electronic form for signing, sealing and filing electronically on the System.
- [5] All parties will receive notifications when the Order is filed on the Portal.

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Question #8: Is the procedure the same for obtaining original court certified documents for use overseas? – some jurisdictions are likely to want to see original stamped ‘wet ink’ copies.

Response #8: No, the Procedure outlined at Question #7 above is not the same for getting an original Court Certified document. Where, an original hard copy Court Certified document is required the requesting party will have to make such a request to the Court Office, where the order or other document can be prepared and printed.

Question #9: Bundling - Are hard copy hearing bundles still required to be sent to the Judges?

Response #9: No. Hard copy hearing bundles are not required to be filed manually or sent to the Judges for new matters filed on the ECSC E-Litigation Portal. All documents to be filed for cases which are available through the ECSC E-Litigation Portal must be filed electronically.

Question #10: Is it possible to upload our own electronic bundle if we would rather make it on our system instead of creating it on the e-litigation portal (for example, for extremely large trial bundles where exhibited documents are all split out individually this will be more easily done on our own systems).

Response #10: Yes, it is possible for a Firm to upload its own electronic Bundle as long as it does not exceed the maximum file size permitted and it is scanned using a resolution of 100 dpi.

Question #11: Will the current Commercial Court requirement of filing a listing request in respect of applications be amended/changed?

Response #11: No. If any changes are made to the Commercial Court requirements, then Legal Practitioners will be notified.

Question #12: How are payments for Hearings made?

Response #12: The arrangement for Hearings remains the same and is NOT made through the Portal.