

ECSC E-Litigation Portal Guidelines Document

Guidelines to Law Firms and Legal Practitioners for the E-Filing Matters in Anguilla, Saint Lucia and Territory of Virgin Islands using the ECSC E-Litigation Portal

Document Version 2.0: Revised October 1, 2019

Revision Notes

October 1, 2019

Revised Section 7.0	Electronic Filing and Management of Orders
Revised Section 10.0	Recommended Document Format

April 4, 2019

Added Sub-Section 6.7	US Cash Conversion Rate
Added Sub-Section 6.8	Deposits made at Local Banks in Saint Lucia

March 14, 2019

Revised Section 7.0	Electronic Filing and Management of Orders
Revised Section 10.0	Recommended Document Format
Revised Section 15.0	Browser Preference

March 11, 2019

Added Section 12.4	Filing of Submissions and Authorities
Added Section 17.0	Service of Self-represented Litigants

1.0 This Guideline Document provides instructions for the e-filing of the following:

Country	Case Type	Commence Date
Anguilla	High Court Civil proceedings (not including Non-Contentious Probate and Administration of Estates, Family and Admiralty)	March 11, 2019
	Court of Appeal matters	
Saint Lucia	Commercial matters	November 26, 2018
	Court of Appeal matters	
	Civil matters	July 1, 2019
Territory of the Virgin Islands	Commercial matters	November 12, 2018
	Court of Appeal matters	August 1, 2019
St. Kitts -Nevis	Civil Matters	September 20, 2019
	Court of Appeal matters	

2.0 URL to E-Litigation Portal

The web link to the Portal is <https://elp.eccourts.org/chrysalis/login>.

3.0 Legal Practitioners are required to be familiar with the following documents:

3.1 ECSC Electronic Litigation Filing and Service Procedure Rules

3.2 ECSC E-Litigation User Guides for Legal Practitioners

3.3 Terms and Conditions for Use of ECSC E-Litigation Portal.

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4.0 Registration of Legal Practitioners and Secretaries/Clerks

- 4.1 Law Firms and sole Legal Practitioners must submit the following information to the ECSC Technical Team (elp@eccourts.org) and Registrar to facilitate the creation of their firm's account within the portal:
- (a) Name of Law Firm
 - (b) Senior managing partner's name, email address and telephone number
 - (c) Business Registration or Trade License number (where available)
 - (d) Business Address
 - (e) Electronic copy of Business Certificate or Trade License (where applicable).
- 4.2 Firms must also inform the IT Department of the individual(s) who will serve as the administrator for their Law Firm account.
- 4.3 Legal Practitioners must use the "Create Account" function on the Portal in order to register following the creation of their Firm's account in the Portal. Information required includes the following:
- (a) Law Firm Name
 - (b) Your position in the Law Firm
 - (c) National ID #, Passport # or Driver's License #
 - (d) Electronic copy of National ID or Passport or Driver's License
 - (e) Nationality
 - (f) Electronic copy of Practicing Certificate (where applicable)
- 4.4 Legal Secretaries/Clerks must also register using the "Create Account" Link on the Portal and the process follows similar steps as that of Legal Practitioners, save for the submission of an electronic copy of Practicing Certificate.
- 4.5 Approvals will be granted by the Registrar with the assistance of the ECSC Technical Team, where necessary.
- 4.6 Before a new user can access the Portal as a member of a Law Firm, a second level of approval will be required from the Administrator or Senior Managing partner of the Law Firm, who will receive notifications following the first level approval.

5.0 Use of the Portal

- 5.1 The Portal is available to manage all eligible new matters (see section 1.0) filed in Anguilla, Saint Lucia, TVI and St. Kitts- Nevis
- 5.2 All other existing matters already filed (via hard copy) prior to the commencement date will continue to be managed manually until the data is migrated into the ECSC E-Litigation Portal and users will be notified when this change is undertaken.

6.0 Payment of Filing Fees and Bank Account Details

- 6.1 Each Law Firm/Legal Practitioner must establish an Escrow Account with the Accounts Department of the ECSC Headquarters against which drawdowns will be made for filings.
- 6.2 The Escrow Account should be maintained by the Law Firms making payments using a **Manager's Cheque or Bank Draft** made payable to the "Eastern Caribbean Supreme Court" and sent to the ECSC Headquarters in Saint Lucia or by making **Wire Transfers** to the "ECSC E-Filing Project" bank account using the information in section 6.5 below.
- 6.3 The Court will not accept any personal cheques for "topping-up."

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- 6.4** Law Firms must allow up to two (2) business days for the processing of Bank Drafts and Managers Cheques once they are received at the Courts' Headquarters and for payments which are made by Wire Transfer.
- 6.5** The Wire Transfer information is as follows:
- | | |
|---------------|--|
| Account Name: | ECSC E-filing Project |
| Account #: | 2007908 |
| Bank Name: | Bank of Nova Scotia |
| Address: | William Peter Boulevard, Castries, Saint Lucia |
| Transit #: | 60475 |
| Swift Code: | NOSCLCLC |
- 6.6** The conversion of USD to XCD will be US \$1.00 to EC \$2.68820 for any payments made using US currency for Bank Drafts, Managers Cheques, or Wire Transfer.
- 6.7** The Conversion rate for a payment made by way of US Cash is US \$1 to EC \$2.67.
- 6.8** In the case of Saint Lucia cash deposits can be made directly to the Court's account using the account number which is provided in 6.5 above and the depositor must ensure that the bank places the name of the Law Firm on their banking system. This information on the name of the firm making the deposit should be visible via the online portal of the Bank of Nova Scotia. This will facilitate making the funds available to the correct Law Firm in a timely manner.

7.0 Electronic Filing and Management of Orders

- 7.1** Draft Orders must be uploaded (as Document Type – Draft Order) on the Portal by a Legal Practitioner or a Legal Secretary as an MS-Word “.docx” or “.doc” file (**not as a pdf**). This will more easily permit the “Draft Order” to be edited and perfected by the Judge. Please note that a draft order will not be charged a filing fee, but it will incur a facilitation fee.
- 7.2** When the draft order is filed in MS-Word the Judge may edit and finalize it in Court. Where the Judge directs, a Legal Practitioner may be required to return to their Chambers to make changes to the draft order. Once this is completed, the Legal Practitioner must upload the revised Draft Order on the Portal as an MS-Word “.docx” or “.doc” file. The Judge can then make any further changes to the document which was uploaded via the portal.
- 7.3** Once the Draft Order is finalized and approved by the Judge, the final Microsoft Word version of the document will be sent by the Judge or Court Clerk to the Registrar for printing, dating, signing, and placement of the Courts' Seal.
- 7.4** When the Order is dated, signed and sealed the Court Office shall scan and e-mail it to the Legal Practitioner as a “.pdf” document.
- 7.5** The Legal Practitioner must then file the Order on the Portal as “Court Order” and not “Draft Order”, at which point the Order will be stamped and the necessary fees will be deducted from the Legal Practitioner's Escrow Account.
- 7.6** Please note that the Order will not be deemed to be validly filed without the necessary stamps from the E-Litigation Portal and the payment of the fees for filing.
- 7.7** The ECSC is currently in the process of upgrading the E-Litigation Portal to allow for a more streamlined workflow to process and manage court orders. The foregoing will

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only be utilized until the full features are available on the portal at which time Legal Practitioners will be notified accordingly.

8.0 Documents with Zero Filing Fees

Some documents such as Draft Orders carry zero filing fees.

9.0 Facilitation Fee

Every document filed through the Portal carries a Facilitation Fee of \$2.

10.0 Recommended Document Format

All filings must be in portable document format (.pdf) except Draft Orders which must be filed as a Microsoft Word document (.doc, .docx)

11.0 Management of Portal by Legal Secretaries/Clerks

11.1 It is suggested that Legal Secretaries/Clerks prepare/ "Create Case" on the Portal, and then "Save" the filing on the System for final review and submission by the Legal Practitioner.

11.2 Legal Secretaries/Clerks are not allowed to submit filings to create a case in the Portal.

11.3 Legal Secretaries/Clerks can upload documents into an existing case and the system will stamp, deduct the applicable fees and generate a receipt.

12.0 Submission of Documents for filing

12.1 Prior to submitting a document for filing, Legal Practitioners must ensure that the correct documents are being uploaded, with all the necessary attachments for that filing. Once submitted, all the filing fees and facilitation fee will be deducted. Additionally, after submission the entry cannot be withdrawn.

12.2 Users are required to check every document uploaded to ensure that the stamps and fees are reflected on the first page of the filing and that the appropriate receipt is generated and reflected on the case file in the system. If a receipt is not generated or the first page of the document does not contain the Court Office stamps, this should immediately be brought to the attention of the ECSC Technical Support Team as indicated in Section 18 below.

12.3 All documents related to "Return of Service" (e.g. Affidavit of Service and Acknowledgment of Service) must be filed in the usual "File Documents" screen. The "Return of Service" tab on the Portal can only be used to record information on attempts to serve documents which were unsuccessful and / or when the documents were successfully served.

12.4 When filing written submissions and authorities, legal practitioners should file the written submissions as one document as the filing fee will be determined by the number of pages in the document, as per the ECSC (Court Proceedings Filing Fees) Rules. The authorities which accompany these written submissions must then be filed at the same time as an "Additional Volume", to which no filing fees shall be applied. Please note that the "Additional Volume" feature should not be used unless accompanied by a filing for which there will be a charge.

13.0 Uploading Documents on the Portal over the maximum size allowed

13.1 A special document filing type (called "Additional Volume") has been added to the list of documents available for filing on the Portal.

13.2 Persons filing documents, in excess of the maximum file size allowed, are advised to subdivide and scan their documents into individual "pdf" volumes; each of which must still be within the maximum file size allowed, with the document name and cover sheet

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appropriately named - e.g. “Additional Volume #6 – Exhibit” or “Additional Volume #2 – Witness Statement” as the case may be.

13.3 The main document (e.g. Certificate of Exhibit or Witness Statement or Affidavit) should be filed and uploaded first and the type of filing selected so that the appropriate filing fee is charged by the system. The “Additional Volume” documents filed will not be charged an additional filing fee, but they will carry the usual Facilitation Fee which is associated with any document being filed.

14.0 Password Management

14.1 Password Structure: Passwords must be created on the Portal using at least 6 alphanumeric characters and symbols as follows:

- (i) at least one uppercase letter;
- (ii) one numeral;
- (iii) and one symbols such as: @, #, \$, %.

14.2 Logging in Issues: Issues with your password when attempting to logon to the Portal could be addressed by clearing the Cookies on the Browser and then closing and relaunching the Browser.

14.3 Password Reset & Request for Username

14.3.1 When users have forgotten their username and/or password to the Portal they must submit an e-mail to elp@eccounts.org from their e-mail account which is registered on the system, indicating their full name and the nature of the problem being experienced.

14.3.2 IT Support personnel will obtain Username from the portal and reset the password.

14.3.3 IT Support personnel will respond to the message received in Step 14.3.1 to provide the Username and the Password to the user.

14.3.4 User should be reminded to reset their password immediately after it has been provided and to store both their username and password in a secure place.

15.0 Browser Preference

15.1 The preferred Browser for use of the Portal is Google Chrome (updated to the most current version).

15.2 Internet Explorer is no longer supported by Microsoft and hence it should **NOT** be used for accessing the Portal.

15.3 Latest versions of Browsers such as Mozilla Firefox, Safari, etc. could be used to access the Portal.

16.0 Approach to Initial Service using the Portal

16.1 Initial service of a document for new matters filed on the Portal must be done manually.

16.2 Claimant/Applicant Attorneys, or a pro se litigant filing their own matter, must provide both the **Case Number** and **Authorization Code** of the Defendant/Respondent to the Defendant to permit them to represent their case or to provide to their Attorney to represent them in a matter on the portal as part of the documentation being served on the defendant. The Case Number and Authorization Code can be provided in a letter addressed to the Defendant which will be given to the Defendant/Respondent when the Claim Form or other Case Initiating Document is being served.

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16.3 Where the Authorization Code is not provided, the Defendant/Respondent Attorney should first contact the Claimant/Applicant Attorney to obtain the code. This contact may be in writing.

16.4 If the Authorization Code is not provided within 24 hours, then the Defendant/Respondent Attorney should write to the Registrar of the High Court to request the code and provide evidence that they have attempted to get this information from the Claimant/Applicant Attorney. Once the Registrar is satisfied that the code should be provided to the legal practitioner then arrangements will be made to provide it to the requesting party.

17.0 Management of Service for Pro Se Litigant

17.1 All self-represented Litigants must be served manually by Law Firms or the Court.

17.2 Self-represented Litigants must use “Service Bureau” arrangements at the Court Office to obtain assistance with filing of their documents.

18.0 Requirement for Computation of Time

18.1 Currently, the system should not be relied upon for the computation of time as required by CPR 2000 and other relevant rules.

18.2 Computation of time is not reflected on the system as yet so practitioners should continue to compute time in accordance with the relevant rules.

18.3 Users will be notified once this feature is operational on the system.

19.0 Contact Email Address for Technical Support

All enquires and requests for assistance should be emailed to elp@eccourts.org .

End of Guidelines Document