

## **NOTICES**

*High Court Notice*

**EASTERN CARIBBEAN SUPREME COURT**  
**(ELECTRONIC LITIGATION FILING AND SERVICE PROCEDURE) RULES 2019**  
**PRACTICE GUIDE**  
**NO. 1 OF 2019**

**Guidelines for Electronic Filing**

**Using the ECSC Electronic Litigation Portal**

This Practice Guide is made pursuant to rule 16(1) of the **Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) Rules, Statutory Instrument No. 44 of 2019** and supplements these Rules.

### **1.0 Introduction**

**1.1** This Practice Guide provides instructions for electronic filing and is applicable to proceedings filed in Antigua and Barbuda, which have been made available on the Electronic Litigation Portal (“the Portal”), for which notice has been provided by the Chief Registrar as directed by the Chief Justice under rule 3(3).

**1.2** All matters filed (via hard copy) prior to the commencement date referred to in 1.1 will continue to be managed manually until made available on the Portal.

### **2.0 URL to Electronic Litigation Portal**

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

### **3.0 Additional Applicable Documents**

Legal Practitioners are required to be familiar with the [Terms and Conditions for Use of ECSC Electronic Litigation Portal](#), found on the court’s website

### **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](mailto:elp@eccourts.org)) and Registrar of the High Court 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 at the ECSC Headquarters 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 a 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 Payment of Filing Fees and Bank Account Details

- 5.1 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.
- 5.2 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.
- 5.3 The Court will not accept any personal cheques for "topping-up."
- 5.4 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.
- 5.5 The Wire Transfer information is as follows:

<i>Account Name:</i>	<i>ECSC E-filing Project</i>
<i>Account #:</i>	<i>2007908</i>
<i>Bank Name:</i>	<i>Bank of Nova Scotia</i>
<i>Address:</i>	<i>William Peter Boulevard, Castries, Saint Lucia</i>
<i>Transit #:</i>	<i>60475</i>
<i>Swift Code:</i>	<i>NOSCLCLC</i>

- 5.6 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.
- 5.7 The Conversion rate for a payment made by way of US Cash is US \$1 to EC \$2.67.
- 5.8 In Saint Lucia, cash deposits can be made directly to the Court's account using the account number which is provided in 5.5 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.

## 6.0 Temporary Arrangement for Electronic Filing and Management of Orders

- 6.1 Draft Orders must be uploaded (as Document Type – Draft Order) on the Portal by a Legal Practitioner or a Legal Secretary and will be stamped automatically. Additionally, a Microsoft Word version of the Draft Order must be emailed, to the Court Office for editing and perfecting. Please note that a draft order will not be charged a filing fee but will incur a facilitation fee.

- 6.2 Where the Judge directs, a Legal Practitioner may be required to make changes to the draft order. Once this is completed, a Legal Practitioner will upload the revised Draft Order on the Portal. Additionally, a Microsoft Word version of the revised draft order must be emailed, simultaneously to the Court Office.
- 6.3 Once the Draft Order is approved by the Judge, the final Microsoft Word version of the document should be sent by the Court Clerk to the Registrar via email for printing, dating, signing, and placement of the Courts' Seal.
- 6.4 When the Order is dated, signed and sealed it should be scanned and emailed to the Legal Practitioner.
- 6.5 The Legal Practitioner must then file the Order on the Portal (as Document Type – Order), at which point the Order will be stamped with the Courts' "Filed Stamp" and the necessary fees will be deducted from the Legal Practitioner's Escrow Account.
- 6.6 An order processed in the above manner will not be deemed to be validly filed until the legal practitioner uploads it on to the portal as indicated in step 6.5.

#### **7.0 Documents with Zero Filing Fees**

Some documents such as Draft Orders carry zero filing fees.

#### **8.0 Facilitation Fee**

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

#### **9.0 Recommended Document Format**

All filings must be in portable document format (.pdf).

#### **10.0 Management of Portal by Legal Secretaries/Clerks**

- 10.1 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.
- 10.2 Legal Secretaries/Clerks are not allowed to submit filings to create a case in the Portal.
- 10.3 Legal Secretaries/Clerks can upload documents into an existing case and the system will stamp the document, deduct the applicable fees and generate a receipt.

#### **11.0 Submission of Documents for filing**

- 11.1 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.
- 11.2 Users are required to check every document after it has been 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, fees paid, and date and time of the filing, this should immediately be brought to the attention of the ECSC Technical Support Team as indicated in Section 18 below.
- 11.3 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.

- 11.4** 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.

## **12.0 Uploading Documents on the Portal over the maximum size allowed**

- 12.1** A special document filing type (called “Additional Volume”) has been added to the list of documents available for filing on the Portal.
- 12.2** 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 appropriately named - e.g. “*Additional Volume #6 – Exhibit*” or “*Additional Volume #2 – Witness Statement*” as the case may be.
- 12.3** 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.

## **13.0 Password Management**

- 13.1** Password Structure: Passwords must be created on the Portal using at least 6 alpha-numeric characters and symbols as follows:
- (i) at least one uppercase letter;
  - (ii) one numeral;
  - (iii) and one symbols such as: @, #, \$, %.
- 13.2** 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.
- 13.3** Password Reset & Request for Username
- 13.3.1** When users have forgotten their username and/or password to the Portal they must submit an e-mail to [elp@eccounts.org](mailto: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.
- 13.3.2** IT Support personnel will obtain the Username from the portal and reset the password.
- 13.3.3** IT Support personnel will respond to the message received in Step 13.3.1 to provide the Username and the Password to the user.
- 13.3.4** Users are encouraged to reset their password immediately after it has been provided and to store both their username and password in a secure place.

## **14.0 Browser Preference**

- 14.1** The preferred Browser for use of the Portal is Google Chrome (updated to the most current version).
- 14.2** Internet Explorer is no longer supported by Microsoft and hence it should **NOT** be used for accessing the Portal.
- 14.3** Latest versions of Browsers such as Mozilla Firefox, Safari, etc. could be used to access the Portal.

**15.0 Approach to Initial Service using the Portal**

- 15.1** Initial service of a document for new matters filed on the Portal must be done manually.
- 15.2** 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 who is being served in order 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 must be provided in the Form stipulated under the rule 13.
- 15.3** 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.

**16.0 Management of Service for Pro Se Litigant**

- 16.1** All documents filed against self-represented Litigants must be served manually by Law Firms or the Court.
- 16.2** Self-represented Litigants must use “Service Bureau” arrangements at the Court Office to obtain assistance with the filing of their documents.

**17.0 Requirement for Computation of Time**

- 17.1** Currently, the system should not be relied upon for the computation of time as required by CPR 2000 and other relevant rules.
- 17.2** Computation of time is not reflected on the system as yet so practitioners should continue to compute time in accordance with the relevant rules.
- 17.3** Users will be notified once this feature is operational on the system.

**18.0 Contact Email Address for Technical Support**

All enquires and requests for assistance should be emailed to [elp@eccourts.org](mailto:elp@eccourts.org).

**19.0 Effective Date**

This Practice Guide will come into effect on the 15<sup>th</sup> day of October, 2019 and will be applicable to all proceedings filed in Antigua and Barbuda which are available on the Electronic Litigation Portal.

**Made this 19th day of September, 2019.**

**Dame Janice M. Pereira  
Chief Justice**