

Eastern Caribbean Supreme Court

Guidelines for the Filing and Management of Cases on the ECSC E-Litigation Portal

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ECSC E-Litigation Portal Guidelines Document

1.0 REVISION

| Section/Sub-Section | Description |
|-----------------------------|--|
| Appendix 2 (Updated) | Option #1 - Instructions to Remit Funds to Republic Bank Limited |

2.0 APPLICABILITY OF GUIDELINES DOCUMENT

This Guideline Document provides instructions for the e-filing in the following MSTs:

| Country | Case Type |
|--|---|
| [1] Anguilla | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals and Magisterial Criminal & Civil Appeals) |
| [2] Antigua & Barbuda | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals and Magisterial Criminal & Civil Appeals) |
| [3] Montserrat | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals and Magisterial Criminal & Civil Appeals) |
| [4] St. Kitts - Nevis | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals, Magisterial Criminal & Civil Appeals and Commercial Appeals) |
| [5] Saint Lucia | Commercial matters |
| | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals, Magisterial Criminal & Civil Appeals and Commercial Appeals) |
| [6] Territory of the Virgin Islands | Commercial matters |
| | ALL High Court Civil proceedings (including - Non-Contentious Probate and Administration of Estates, Matrimonial, Adoption and Admiralty) |
| | ALL Court of Appeal matters (including High Court Criminal & Civil Appeals, Magisterial Criminal & Civil Appeals and Commercial Appeals) |

3.0 URL FOR ECSC E-LITIGATION PORTAL

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

4.0 IMPORTANT DOCUMENTS

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

ECSC E-Litigation Portal Guidelines Document

- 4.1 ECSC Electronic Litigation Filing and Service Procedure Rules and Amendments.
- 4.2 ECSC E-Litigation User Guides for Legal Practitioners
- 4.3 Terms and Conditions for Use of ECSC E-Litigation Portal.

5.0 REGISTRATION OF LEGAL PRACTITIONERS AND SECRETARIES/CLERKS

- 5.1 Law Firms and sole Legal Practitioners **must** submit the following information to the ECSC Technical Team (elp@eccourts.org) and copied to their local High Court 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).
- 5.2 Firms must also inform the ECSC Technical Team (elp@eccourts.org) of the individual(s) who will serve as the administrator for their Law Firm account.
- 5.3 Legal Practitioners must use the "Create Account" function on the Portal in order to register following the creation of their Law 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)
- 5.4 Legal Secretaries/Clerks must also register using the "Create Account" function 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. Instead the Legal Secretaries / Clerks must upload a scanned copy of a letter prepared on the Law Firm's letterhead identifying and approving the addition of the Law Firm Secretary / Clerk to the portal.
- 5.5 All approvals will be granted by the Registrar of the High Court in your Member State or Territory with the assistance of the ECSC Technical Team, where necessary.
- 5.6 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 Law Firm Administrator (who may or may not be the Senior Managing Partner of the Law Firm), who will be the individual receiving the notifications following the first level approval which is performed by the Registrar of the High Court in your Member State or Territory.

6.0 PURPOSE OF THE ECSC E-LITIGATION PORTAL

- 6.1 The Portal is available to manage all eligible matters (see Section 2.0) filed in Anguilla, Antigua & Barbuda, Montserrat, St. Kitts-Nevis, Saint Lucia and Territories of the Virgin Islands.
- 6.2 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. Please note Section 31 which outlines a procedure for this.

7.0 PAYMENT OF FILING FEES AND BANK ACCOUNT DETAILS

- 7.1 An escrow account will automatically be established on the portal for each Law Firm/Legal Practitioner when their Law Firm is created (in Section 5.1 and 5.2 above) against which drawdowns will be made for filings. The escrow account will be topped up when your funds are received by the Accounts Department at the ECSC Headquarters.
- 7.2 The Escrow Account will be topped up by the Law Firms making payments using either of the following:
- 7.2.1 **Manager's Cheque or Bank Draft** made payable to the "Eastern Caribbean Supreme Court" and sent to the ECSC Headquarters in Saint Lucia.
 - 7.2.2 **Wire Transfers or Direct Deposits** to the "ECSC E-Filing Project" bank account using the information in Section 7.6 below. **The New Wire Transfer information is as follows** Option #1: Instructions to Remit Funds to Republic Bank Limited (See Appendix 2). Option #2 – Instructions to Remit Funds to 1st National Bank Limited (See Appendix 3)
 - 7.2.3 A copy of the transaction slip should be immediately sent by e-mail to elp@eccourts.org and accounts@eccourts.org so that the transaction can be identified once the funds are received.
 - 7.2.4 **Fund transfer (between accounts)** within one of the Financial institutions that the ECSC is associated with. The depositor must ensure that the bank places the name of the Law Firm on their banking system. This will facilitate making the funds available to the correct Law Firm in a timely manner.
 - 7.2.5 Submission of the completed **Credit Authorization Form** (see Appendix 1) via e-mail to both accounts@eccourts.org and elp@eccourts.org.
- 7.3 When your transfer instructions are being provided to your bank please ask them to include only the following information on the remittance line of your transfer / deposit transaction: "[Name of your law firm] BY [Name of persons instructing your Bank]," e.g. John Doe Chambers (ANU) by John Doe."
This is the most important information which we require in order to process your transaction to your escrow account in a prompt and efficient manner.
- 7.4 The Court will not accept any personal cheques for "topping-up."
- 7.5 Law Firms must allow up to two (2) business days for the processing of payments made by Bank Drafts, Managers Cheques, Direct Deposits, and Wire Transfers **after the funds are received at the ECSC Headquarters or on the ECSC Bank Account**. Also, please email a copy of wire transfer remittance advice from your bank, or the deposit slip for direct deposits, to elp@eccourts.org and accounts@eccourts.org so that the funds can be traced in the event of a delay in the funds being received.
- 7.6 The conversion of USD to XCD for bank drafts and wire transfers will be US \$1.00 to EC \$2.68820 for any payments made using US currency for Bank Drafts, Managers Cheques, or Wire Transfer.
- 7.7 The Conversion rate for a payment made by way of US Cash is US \$1 to EC \$2.67.
- 7.8 In the case of Saint Lucia, cash deposits (or Account Transfers) can be made directly to the Court's account using the account number which is provided 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. This will facilitate making the funds available to the

ECSC E-Litigation Portal Guidelines Document

correct Law Firm in a timely manner. A copy of the deposit slip should be sent by e-mail to elp@eccourts.org and accounts@eccourts.org.

7.9 Implications of the Holidays in Saint Lucia when Law Firms make payments on their Accounts

7.9.1 LPs should take note of the holidays in Saint Lucia when making payments on their escrow accounts.

7.9.2 These public holidays in Saint Lucia should be factored into the timelines for funds to be made available on the Law Firm's escrow accounts.

7.9.3 The List of Holidays in Saint Lucia is available on the E-Litigation tab on the ECSC website.

7.10 Topping of Escrow Accounts in the Federation of St. Kitts & Nevis

7.10.1 When funds are being transferred for top-up by Law Firms in the Federation of St. Kitts and Nevis, an email must be sent to elp@eccourts.org and accounts@eccourts.org reflecting the amount to be apportioned separately to each of the Circuits, as necessary.

7.10.2 This information will be used by the ECSC Accounts Department for processing.

7.11 Topping of Escrow Accounts of Firms operating in Multiple MSTs

7.11.1 When funds are being transferred for top-up by Law Firms with offices in multiple MSTs, an email must be sent to elp@eccourts.org and accounts@eccourts.org reflecting the amount to be apportioned separately to each of the member states (or Circuits), as necessary.

7.11.2 This information will be used by the ECSC Accounts Department for processing where necessary.

8.0 ELECTRONIC FILING AND MANAGEMENT OF ORDERS (TEMPORARY PROCESS)

8.1 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.

8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 Please note that the Order will not be deemed to be validly filed without the

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necessary stamps from the E-Litigation Portal and the payment of the fees for filing.

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

9.0 DOCUMENTS WITH ZERO FILING FEES

Some documents such as Draft Orders carry zero filing fees.

10.0 FACILITATION FEE

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

11.0 RECOMMENDED DOCUMENT FORMAT

- 11.1** All filings must be in portable document format (.pdf) except Draft Orders which must be filed as a Microsoft Word document (.doc, .docx).
- 11.2** The E-Litigation Portal has now been configured to allow for the filing of documents of much greater file-size. The maximum file size allowed for documents being filed on the portal is now increased from 10 MB to 100 MB.
- 11.3** Document file names should NOT exceed 100 characters in length.

12.0 MANAGEMENT OF PORTAL BY LEGAL SECRETARIES/CLERKS

- 12.1** It is suggested that Legal Secretaries/Clerks prepare / “Create Case” on the Portal, and then “Save” the filing on the System as a draft for final review and submission by the Legal Practitioner.
- 12.2** Legal Secretaries/Clerks are not allowed to submit filings to create a case in the Portal.
- 12.3** Legal Secretaries/Clerks can upload and file documents into an existing case on the portal and the system will stamp, deduct the applicable fees and generate a receipt.

13.0 SUBMISSION OF DOCUMENTS FOR FILING

- 13.1** 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 deleted, withdrawn, or modified.
- 13.2** 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 if 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 35.0 below.
- 13.3** 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.
- 13.4** 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 a separate .pdf document as an “Additional Volume” (see Section

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14 below), 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 the applicable filing fees will be charged and paid.

14.0 UPLOADING DOCUMENTS OVER THE MAXIMUM SIZE ALLOWED

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

14.2 Persons filing documents, in excess of the **maximum file size allowed (100 MB)**, 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.

14.3 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 on the portal.

15.0 PASSWORD MANAGEMENT

15.1 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; and (iii) one symbols such as: @, #, \$, %.

15.2 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.

15.3 Password Reset & Request for Username

15.3.1 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.

15.3.2 IT Support personnel will obtain Username from the portal and reset the password if necessary.

15.3.3 IT Support personnel will respond to the message received in Step 15.3.1 to provide the Username and the Password to the user.

15.3.4 Users are advised to reset their password immediately after it has been provided and to store both their username and password in a secure place.

16.0 BROWSER PREFERENCE

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

16.2 Internet Explorer is no longer supported by Microsoft and hence it should **NOT** be used for accessing the Portal. Internet Explorer does not work properly with the portal.

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

17.0 APPROACH TO INITIAL SERVICE USING THE PORTAL

- 17.1 Initial service of a document for new matters filed on the Portal must be done manually.
- 17.2 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 each 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 must be provided on the Authorization Code Form, addressed to the Defendant which will be given to the Defendant/Respondent when the Claim Form or other Case Initiating Document is being served. The Authorization Code Form (Form 1) is contained in the E-Litigation Filing and Service Procedure Rules which has been passed in your respective Member State or Territory.
- 17.3 Where the authorization code generated by the Electronic Litigation Portal is not served on a party in accordance with the rules or an invalid authorization code is provided, service is deemed not to have been effected. The party may inform the serving party, or the local Registrar of the issue so that appropriate action could be taken for the provision the correct authorization code.
- 17.4 Following the manual service of initiating case documents a copy of the completed Authorization Code Form (Form 1) must be uploaded as the last page of the affidavit of service.
- 17.5 Please note that ONLY one “.pdf” document needs to be filed.

18.0 SERVICE FOR PRO SE LITIGANTS

- 18.1 All self-represented Litigants must always be served manually by Law Firms or the Court.
- 18.2 Self-represented Litigants must use the “Service Bureau” arrangements at the Court Office to obtain assistance with filing of their documents on the portal.

19.0 REQUIREMENT FOR COMPUTATION OF TIME

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

20.0 HANDLING OF NOTICE OF PROCEEDINGS IN MATRIMONIAL MATTERS

- 20.1 The **Notice of Proceedings** should be attached to the Petition when it is being filed so that it does not attract any filing fees at this point.
- 20.2 The Registrar will sign the **Notice of Proceedings** and prepare it for filing by the Legal Practitioner.
- 20.3 Once the Registrar has completed his/her role and the document is ready to be filed, it will then be scanned and emailed as a “.pdf” to the Legal Practitioner so that it can be filed electronically as a Notice on the Portal at which time it will be stamped and the applicable fees will be paid.

21.0 E-FILING OF SPECIAL COURT DOCUMENTS

The following should be done for documents which must be first signed or seen by the Registrar, or which are to be sworn before the Commissioner for Oaths, of the High Court before they are filed:

- 21.1 The Document should be brought into the Court Office so that the Registrar or Commissioner for Oaths could review it and perform all preliminary steps prior to the filing of the Document.
- 21.2 The Document will be processed so that it can be filed within the Portal, if there are no queries.
- 21.3 If there are queries these will be brought to the attention of the Legal Practitioner.
- 21.4 Once it is ready for processing the court officer will complete all necessary tasks and return it to Legal Practitioner for filing.
- 21.5 The Legal Practitioner would then perform any necessary tasks and then scan and upload it to the Portal in accordance with the Rules.
- 21.6 Some of these documents include, but are not limited to the Certificate of Search, Registrar's Certificate, Certificate of Divorce and a Will.

22.0 HANDLING SEALED CASES ON THE PORTAL

- 22.1 The Legal Practitioner must contact the Registrar to determine the acronyms to be used on the case for the names of the actual case parties.
- 22.2 In preparing the documents for filing the Legal Practitioner must use the acronyms on the documents which are being filed.
- 22.3 In the Case being created on the Portal the acronyms should also be used to reference the parties and at no time should the actual party names be used.
- 22.4 Hereafter, all documents filed in that case should use the agreed acronyms; this should also include the "Filename" of documents.

23.0 REVISED PROCEDURE FOR MANAGEMENT OF COURT FORMS

- 23.1 For matters filed on the Electronic Litigation Portal where Forms 1 and 2 of the Forms in the Schedule to the Civil Procedure Rules, 2000 are being used, the latter part of the Forms should be adjusted to only provide the following:

*This claim form has no validity if it is not served within 6 months of **the date of filing**, unless it is accompanied by an order extending that time.*

The court office is at [xxx-xxx-xxxx] telephone number xxx-xxx-xxxx, FAX xxx-xxx-xxxx. The office is open between [..... a.m.] and [..... p.m.] to except public holidays.

The claimant's address for service is:

- 23.2 Please note that it is no longer required that the document be dated and sealed at the end of this page.
- 23.3 For matters filed on the Electronic Litigation Portal where the Authorization Code Form is used, the seal of the court **at the end of the form** is not required.

24.0 MANAGEMENT OF PROBATES ON THE PORTAL

- 24.1 When a Form P15 or an application is filed for a Probate matter, a claim number is issued via the Portal.
- 24.2 After the documents are filed into the Portal, the Probate's Case Manager is to review the application and other documents submitted for compliance with: (i)

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Relevant filing fees, (ii) Submission of relevant forms, and (iii) Submission of relevant supporting documents.

- 24.3** Once all the required documents have been filed and the matter is ready for the Registrar to hear the matter, the Probate's Case Manager will bring the matter to the attention of the Registrar / Judicial Officer.
- 24.4** After the matter is brought to the attention of the Registrar / Judicial Officer, the Probate's Case Manager then sets a date for the hearing of the application which is in keeping with the timelines which are established by the Registrar / Judicial Officer in their Member State or Territory.
- 24.5** If upon hearing the matter the Registrar or Judicial Officer raises any queries these will be brought to the attention of the Probate's Case Manager so they can be dealt with appropriately.
- 24.6** Upon satisfaction of all queries, the matter is then set for another hearing, and once the Registrar / Judicial Officer is satisfied that all the requirements have been complied with, the parties would be instructed to advertise.
- 24.7** The **Advertisement for Application of Grant, Form P7**, must be filed as "Other Document" with the filing fees of \$50 and facilitation fee of \$2 to be paid. This form must not be filed as "Newspaper Advertisements on filing" which will only attract the filing fees of \$10 and facilitation fee of \$2.
- 24.8** After the parties are instructed to advertise, the time required by law for the advertisement will be allowed to elapse, and then the Grant (Jacket) and Order or Grant (Jacket) and Will are approved by the Registry and uploaded onto the Portal. The legal practitioner will then perfect the documents for filing.
- 24.9** Once perfected, the approved Grant (Jacket) and Order or Grant (Jacket) and Will are then filed on the portal by the legal practitioner who will also provide to the Registry the relevant copies which are sought by Counsel. These will be signed and embossed by the Registrar and a copy uploaded onto the portal.

25.0 MANAGEMENT OF CERTIFICATES OF SEARCH AND NO-OBJECTION

- 25.1** The "Certificate of Search" paid to the High Court Registry (where applicable), should be uploaded on the Portal as part of the Petition, so that it will not be stamped or incur a filing fee.
- 25.2** The same procedure should be followed for "Certificate of Non-objection" issued from the Inland Revenue Department. It should not be stamped nor incur a filing fee and should not be filed separately.

26.0 NOTE ON CASE CREATION ON THE PORTAL

- 26.1** When creating a case on the Portal, at Step 1 case sub-type, the filing party should select the sub-type which best represents the nature of the matter being filed.
- 26.2** When creating a case or representing a case party on the Portal, the name of Legal Practitioner, associated with the case being filed, does not appear on the drop-down list in Step #4 of that Process. The System automatically assigns to the case the name of the legal practitioner who is creating the case on the portal. The person creating the case may include additional legal Practitioners to the case at step 4 or simply move to Step #5 in the process.

27.0 MANAGEMENT OF ADOPTION CASES ON THE PORTAL

When creating an adoption case on the Portal, a third party such as “Attorney General’s Chambers” who has “Watching Brief” in the matter should be added as a party to the case and served with their authorization code to enable them to access the case.

28.0 E-FILING OF AN APPLICATION BY AN LP WHOSE CLIENT IS NOT A PARTY TO A CASE

28.1 Practitioners wishing to file a document in a case for which their client is not a party to the case and therefore does not have an authorization code, can do so by utilizing the “File Documents” option which appears under “Case Management” and then inputting the case number of the case in which they wish to file the document.

28.2 The Court Office, upon receipt of such a filing MUST email the filing party a copy of the filed document for service, as the filing party will not have access to the filed document on the case before a decision is made by a judicial officer to have the party added to the case.

29.0 MANAGEMENT OF CERTIFICATES OF TITLES (APPLICABLE TO ST. KITTS – NEVIS) ON THE PORTAL

29.1 The Request for First Certificate of Title must first be sent to the Inland Revenue Department by the attorney before it is filed on to the portal.

29.2 Once the attorney has paid the necessary fees to the Inland Revenue Department, the attorney will scan the request together with the unsigned schedule as a single “.pdf” document. This “.pdf” document will then be filed on the portal in order for the unsigned schedule not to attract any fees at this stage and permit it to be reviewed by the Court Office / Registrar.

29.3 All of the other documents which are to be filed in the High Court for the First Certificate of Title before they are sent to the Registrar of Titles for review must be uploaded via the portal, including affidavits, notices, and any applications.

29.4 Once the case for the First Certificate of title is submitted on the portal a copy of the filed documents should be printed by the attorney and they must be brought to the Registrar of Titles for their review and signing of the Schedule.

29.5 After the schedule is signed by the Registrar of Titles and it is returned to the attorney, it must be filed via the portal so that the required filing fees are paid.

29.6 All documents including Affidavits of Service, Newspaper clippings and Final schedule must be filed via the portal.

29.7 The Court Office will process the Request for First Certificate of Title so that the application is heard by the judge and the necessary order is prepared.

30.0 PREPARATION OF HEARING / TRIAL BUNDLES

The following instructions have been developed to ensure that Hearing / Trial Bundles are prepared in a standard format to facilitate quick access to the relevant information by judges of the High Court and the Court of Appeal during the conduct of the hearing or trial.

30.1 A suitably labelled cover page should be prepared and printed which provides the case number, country, and other general information associated with a filing being uploaded to the portal. This cover page is necessary to ensure that the system generated filed stamp can be clearly placed on the filing which is being submitted.

30.2 The documents to be placed in the bundle should all be printed and placed in the order in which they are to be submitted to the Court. The size of a volume should

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not exceed the 100 MB file size limit of the portal for uploading as a “.pdf” document. Therefore, only in cases where the volume size exceeds the maximum allowed size on the portal should additional volumes be prepared and filed.

- 30.3** Where the bundle is being submitted in multiple volumes, each volume should have a suitable worded cover page clearly indicating Volume 1, Volume 2, etc. in order to comply with Step 30.1.
- 30.4** The cover page together with the documents which are part of the volume should then be scanned and saved as a “.pdf”. This should be repeated for each volume to be uploaded to the portal. At the end of this step there should be an individual “.pdf” file for each volume which is to be submitted and filed on to the portal.
- 30.5** A document index (or table of contents) must then be created prior to submission of the bundle on the portal. In order to create the index, the legal practitioner should open the respective “.pdf” volume and identify the submissions with the “.pdf” **page numbers as it appears within the “.pdf” document volume**. Once this information is obtained please include it in the MS Word version of the index which is being prepared. For example, the Notice of Appeal which is in Volume 1 starts on page 4 so the index should state this. If the Transcript in Volume 1 starts on page 18 in the “.pdf” file, then this should be so stated in the index document.
- 30.6** Once the index is completed in MS Word where it clearly specifies the volume, name of the submission, and the page number where each submission starts in the “.pdf” volume, it should then be printed and scanned as a separate “.pdf” document. Please note that the index should be prepared chronologically starting with Volume 1, page 1 to 100 for a 100-page “.pdf” document volume. Then it would provide Volume 2, if a 2nd volume exists, commencing from page 1 to 300 for a 300-page document, and so on. Also, please note that the first page of a “.pdf” Hearing Bundle or Trial Bundle volume will always be the cover page which was referred to in Steps 30.1 and 30.3 above.
- 30.7** Once the index is accurately created and you have completed step 30.6 you are now ready to file the Hearing Bundle or Trial Bundle on the portal. There will be one “.pdf” file for the index and a separate individual “.pdf” file for each volume which is being submitted.
- 30.8** The first volume of the Hearing Bundle or Trial Bundle can be submitted as the first filing which will attract the full filing fee and the \$2 Facilitation Fee. Each subsequent volume should be filed as “Additional Volume” so that only the \$2 Facilitation Fee has to be paid.
- 30.9** The last document to be filed should be the index which should also be filed as an “Additional Volume” so that only the \$2 Facilitation Fee is paid.
- 30.10** During the conduct of the trial / hearing the judge/judges will then be able to open the index and the volume being referred to by counsel directly from the portal. Once referred to the volume and page number on the index this will allow the judge/judges to quickly navigate to the correct document in the volume.
- 30.11** Legal practitioners should always refer to their index and the actual “.pdf” page numbers in the “.pdf” document during the course of their presentation to the Court. It would therefore be useful to have a laptop or other smart device with the “.pdf” file open so that the legal practitioner can direct the court to specific pages in the file to which they wish to refer. Where necessary legal practitioners may use the pack and

go feature to download all the documents filed from the portal so that they can access it during the actual hearing or trial if there is no internet or a slow connection for directly accessing the portal.

31.0 MIGRATION OF COURT OF APPEAL, CIVIL AND COMMERCIAL MATTERS MANUALLY FILED PRIOR TO ELP GO-LIVE

- 31.1** To give effect to the migration of a file, the legal practitioner wishing to effect the migration must apply for a migration order by filing an Application on Notice on the E-Portal requesting that the matter be placed on the E-Portal and issued a new claim number.
- 31.2** This application must be made in Form 1 (See Appendix 4), to the Chief Registrar, for Court of Appeal matters or the Registrar of the High Court for High Court matters. The application and any subsequent documents submitted for filing on the E-Portal must reference both claim numbers, i.e. the new claim number assigned by the E-Portal and the old claim number which identified the claim in the manual filing.
- 31.3** After the case is created electronically on the E- Portal, where the legal practitioner or party who made the filing is not the claimant / appellant or their legal practitioner as the case may be –
- 31.3.1** the filing party must note and record the authorization codes for all the parties and withdraw the representation, as the E- Portal will record the filing party as the Claimant / Appellant attorney.
- 31.3.2** Having withdrawn representation for the Claimant / Appellant, the filing party must then perform the “Represent Case” function using the Authorization Code for their client.
- 31.4** The legal practitioner filing the initial Application must then send the relevant authorization code to each of the other parties in the matter so that each legal practitioner can perform the “Represent Case” function in order to be properly recorded in the case in respect of the client which he/she represents.
- 31.5** Pro se litigants must be served manually as stipulated in the ECSC E-Litigation Filing and Service Procedure Rules.
- 31.6** Where an application for migration is consented to by the parties or is made jointly by the parties, the application will be dealt with on the papers by the Chief Registrar or Registrar of the High Court, as the case may be. Where an application is opposed the hearing of the application may be placed before a judge or master of the court.
- 31.7** If the application is granted, an order shall be made as far as practicable in the terms of Form 2 (See Appendix 6). The legal practitioners will be ordered to agree a bundle of all previous manually filed documents and upload this bundle onto the E-Portal as an “Additional Volume” (thereby attracting no further filing fees for the documents already filed). Thereafter each legal practitioner shall continue any new filings in respect of that claim or appeal on the E-Portal.
- 31.8** Where the migration order is not granted, any document submitted to the Registry of the Supreme Court for filing must be submitted via email in accordance with the Emergency Measures COVID-19 Practice Direction (Re-Issue), No. 3 of 2020 or any other applicable Practice Direction.

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- 31.9** When migrated, all subsequent documents filed in the claim or appeal must state the new E-Portal number and also state the previous case number. E.g. XXXHCVAP2020/0018 formerly XXXHCVAP2018/0032.

32.0 PROCEDURE FOR FILING SMALL ESTATE PROBATE MATTERS

The following should be done when filing Probate matters which fall within the threshold to be classified as a Small Estate:

- 32.1** During case creation the filing party will select the “Case Type” as “Probate” and will enter all of the necessary information as would obtain with the entry of a normal Probate case.
- 32.2** At the “Document Upload” stage, the filing party will select the appropriate “Document Group”.
- 32.3** Once a “Document Group” is selected, the filing party will select a “Document Type” with the suffix of “(Small Estate)” based on the document which is being filed. E.g. Application for Grant of Probate (Small Estate)
- 32.4** **NOTE**, choosing a document with the suffix of “(Small Estate)” for regular Probate matters will result in your document **NOT** being properly filed.

33.0 PROCEDURE FOR LEGAL AID FILING AND PAYMENT (EXCEPT ST. LUCIA)

The following should be done for filing and payment of matters through the Legal Aid Office:

- 33.1** The client will go to the Legal Aid Office for their advice and to determine what filing fees must be paid to file their matter. (The Legal Aid Office must remember to include the \$2 administration fee in addition to the actual filing fee for each document being filed).
- 33.2** The client will then come into the High Court Registry and pay the amount which they have been told to pay by the Legal Aid Office to the Cashier at the High Court.
- 33.3** The High Court Registry will scan and email a copy of the receipt to the Eastern Caribbean Supreme Court Headquarters using the email address accounts@eccourts.org and copied to elp@eccourts.org to facilitate adding the funds to the Legal Aid Office’s escrow account, so the filing can be uploaded by the Legal Aid Clinic.
- 33.4** Once the scanned copy of the receipt is received from the High Court Office, the ECSC’s Accounts Department will post the amount paid to the escrow account of the Legal Aid Office.

34.0 PAYMENT OF SHERIFF FEES WHEN FILING WRIT

We have added two additional document types to facilitate the filing of a Writ where Sheriff fees **MUST** be paid:

- 34.1** “Writ - Sheriff Seizure of Immovables” - where the Writ **MUST** be filed with the payment of Sheriff fees for immovables.
- 34.2** “Writ - Sheriff Seizure of Movables” - where the Writ **MUST** be filed with the payment of Sheriff fees for movables.

35.0 CONTACT EMAIL ADDRESS FOR TECHNICAL SUPPORT

All errors which are encountered when using the Portal in addition to any inquiries and requests for assistance should be emailed to elp@eccourts.org.

End of Guidelines Document



Eastern Caribbean Supreme Court ECSC E-Litigation Portal

CREDIT /DEBIT CARD AUTHORIZATION FORM

Name of Law Firm/Chamber:

Country:

Card Number:

Name on Card:

Card Expiration Date: Card Start
Date (if available):

Email Address of Cardholder:

Statement Address of Cardholder:

Financial Institution Issuing Card:

Bank Phone number:

Total Amount to be Debited (EC\$):

Amount to be apportioned (Where applicable; Primarily for Law Firms in St. Kitts-Nevis):

| Country/Court | Amount |
|-----------------------------------|--------|
| Anguilla | |
| Antigua & Barbuda | |
| Dominica | |
| Grenada | |
| Montserrat | |
| Nevis | |
| St. Kitts | |
| St. Lucia | |
| St. Vincent and Grenadines | |
| Territories of the Virgin Islands | |
| TOTAL | |

By signing this document, I accept all claims and responsibilities for any applicable charges including a 3% bank charge and a \$5 charge, which is subject to change, for the provision of this service. I hereby authorize the Eastern Caribbean Supreme Court to charge my credit card listed above the amount specified above in order to make funds available on my escrow account for the payment of Filing Fees associated with the use of the ECSC E-Litigation Portal. My signature in the space provided below indicates my acceptance of all the foregoing charges.

Authorized Card Holder Signature:

Date & Time:

Please return the completed form via email to elp@eccourts.org and accounts@eccourts.org.

For Official Use:

APPENDIX 2: OPTION #1 - INSTRUCTIONS TO REMIT FUNDS TO REPUBLIC BANK LIMITED

E-Litigation Portal Wire Transfer Routing Instructions – EC\$

- Instructions to Remit Funds to Republic Bank Limited Via Swift MT103
- Republic Bank EC Limited (St. Lucia, Castries)
- Incoming Wire Transfer Instructions
- To RECEIVE an XCD wire transfer from another institution or another Eastern Caribbean country, the sender will require the following information:

| | | |
|----------|--|---|
| Field 56 | Send to Intermediary Bank (Pay Thru Bank) | Eastern Caribbean Central Bank Basseterre St. Kitts Swift Address: ECCBKNSK |
| Field 57 | Account with Institution | Account No. 505701001 Republic Bank (EC) Limited -St. Lucia Castries, St Lucia Swift Address: RBNKLCLC |
| Field 59 | Beneficiary Account No. | 2007908 |
| | Beneficiary Customer (Beneficiary Full Name and Address) | Eastern Caribbean Supreme Court 2 nd Floor Heraldine Rock Bldg., The Waterfront, Castries, St. Lucia |
| | Beneficiary Transit Number: | 60475 |
| Field 70 | Details of Payment: Provide Details e.g. Reference No. Invoice No. Etc. | |

E-Litigation Portal Wire Transfer Routing Instructions – US\$

- Instructions to remit funds to REPUBLIC BANK via Swift MT103
- Republic Bank EC Limited (St. Lucia)
- To transfer US\$ by wire transfer to Republic Bank St. Lucia from another institution or country, the sender will require the following information:

| | | |
|----------|---|--|
| Field 56 | Send to Intermediary Bank (Pay Through Your Bank) | Bank of America 701 Brickell Avenue Miami, FL, 33131 Fedwire ABA: 026009593 Swift Address: BOFAUS3M |
| Field 57 | Account with Institution | Account No. 1901-0-79008 Republic Bank (EC) Limited – St. Lucia, Castries, St. Lucia Swift Address: RBNKLCLC |
| Field 59 | Beneficiary Account No. | 2007908 |
| | Beneficiary Customer – (Full Name and Address) | Eastern Caribbean Supreme Court 2 nd Floor Heraldine Rock Bldg., The Waterfront, Castries, St. Lucia |
| | Beneficiary Transit Number | 60475 |
| Field 70 | Details of Payment Provide Details E.G Reference No. Invoice No. Etc. | |

APPENDIX 3: OPTION #2 - INSTRUCTIONS TO REMIT FUNDS TO FIRST NATIONAL BANK LIMITED

TRANSFERS IN ECD CURRENCY

Beneficiary Bank Information:

Bank Name: 1st National Bank St Lucia Limited
Bank Address: 21 Bridge Street
Transit #: 100000337
SWIFT Code: LUOBLCLC
City: Castries
Country: Saint Lucia

Beneficiary Customer Information:

Account #: 6003070
Name: Eastern Caribbean Supreme Court
Address: Waterfront
City: Castries
Country: Saint Lucia

TRANSFERS IN USD CURRENCY

Beneficiary Bank Information

SWIFT Code / ABA / Routing #: LUOBLCLC
Bank's Name: 1st National Bank St Lucia Limited
Address: 21 Bridge Street
City: Castries
Country: St Lucia
Account #: 8900067853

Beneficiary Customer Information:

Account #: 6003070
Name: Eastern Caribbean Supreme Court
Address: Waterfront
City: Castries
Country: Saint Lucia

Remittance Information:

Intermediary Bank Information

SWIFT Code: IRVTUS3N
Routing: 021000018
Name: Bank of New York
Address: 1 Wall Street
City: New York
Country: USA 10038

APPENDIX 4: FORM: 1 - NOTICE OF APPLICATION

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
(CIVIL)**

[Member State / Territory]

Formerly XXXHCV2007/1234

BETWEEN:

ABCD

Claimant

and

DEFJ

Defendant

TO: THE REGISTRAR/ CHIEF REGISTRAR

NOTICE OF APPLICATION

The Applicant _____ of _____, applies to the Court for an Order:-

(1) That the claim filed with the Registry of the Supreme Court ([Member State / Territory]) bearing the Claim No. XXXHCV0926/1997 be migrated to and filed on the E- Portal and issued a new claim number thereby.

(2) That all subsequent pleadings and other documents in this cause be filed at the Office of the Registrar of the Supreme Court via the E- Portal
(A draft of the order that I seek is attached.)

The grounds of the application are:-

1. By notice dated the ___ day of _____ 2020, the Registry of the Supreme Court ([Member State / Territory]) will no longer accept paper filings as part of its Covid-19 mitigation effort once ordered by the Court.
2. By said notice the legal practitioner was at liberty to file an application seeking an order that all subsequent pleadings and documents be filed at the Office of the Registrar of the Supreme Court / Chief Registrar of the Court of Appeal via the E- Portal.

3. The Applicant undertakes to upload all previously filed (paper) pleadings and documents filed in the claim/ appeal. *An Affidavit in Support does not need to accompany this application.*

Dated this day of 2020

CHAMBERS
PER:

.....
XXXXXXXX
Legal Practitioner for the Applicant

The Court Office is [Address]; Telephone _____; Fax: _____. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at _____

Presented for filing by

APPENDIX 5: NOTICE

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
(CIVIL)**

[Member State / Territory]

CLAIM NO. XXXHCV2020/____ formerly XXXHCV2007/0123

BETWEEN:

ABCD

Claimant

and

DEFJ

Defendant

NOTICE

This application will be heard by the [Judge in Chambers]/[Master]/[Chief Registrar]/[Registrar] on _____ day, the _____ day of _____ 2020 at _____ a.m./p.m. at the High Court of Justice, [Address].

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers]/[Masters]/[Chief Registrar]/[Registrar] will deal with this application by (state whether by video or teleconference)

OR-

Where the application is consented to by the parties or is made jointly by the parties the [Judge in Chambers]/[Masters]/[Chief Registrar]/[Registrar] will deal with this application on Paper.

NB This notice of application must be served as quickly as possible on the Respondent to the application.

The Court Office is [Address]; Telephone _____; Fax: _____. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at _____

Presented for filing by

APPENDIX 6: FORM: 2 - ORDER

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
(CIVIL)**

[Member State / Territory]

CLAIM NO. XXXHCV2020/____ formerly XXXHCV2007/0123

BETWEEN:

ABCD

Claimant

and

DEFJ

Defendant

BEFORE:

(Registrar)

APPEARANCES:

DATED: The day of 2020

ENTERED: The day of 2020

ORDER

UPON READING The Notice of Application to migrate the claim / appeal to the E- Portal-

AND UPON this matter being determined without a hearing/ on the papers.

IT IS HEREBY ORDERED

1. That the claim filed at the Registry of the Supreme Court ([Member State / Territory) bearing the Claim No. XXXHCV2007/0123 be migrated unto and filed on the E- Portal and issued a new claim number thereby.
2. That all subsequent pleadings and documents to be filed in this cause be filed at the Registry of the Supreme Court via the E-Portal.
3. The parties are to agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E- Portal within 14 days.
4. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-Portal then each party must proceed to file their previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E- Portal within 14 days.

5. The Court Office shall verify and reconcile the abovementioned “additional volume” with the Court’s record.
6. There be no order as to costs.

BY THE COURT

REGISTRAR

The Court Office is [Address]; Telephone _____; Fax: _____. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at _____

This Order is filed by