



**PRACTICE DIRECTION No. 5 OF 2020**

**THE USE OF E-MAILS FOR FILING AND ELECTRONIC SIGNATURES,  
COURT SEALS AND STAMPS**

In order to continue to provide access to justice while operating during the Covid-19 crisis, the Courts must use technology as much as possible.

While seeking to comply with Court Rules for the filing of documents and the creation of Court files, in particular Grand Court Rules (GCR) Order 63 Rules 2 and 3, already the Courts have introduced a form of e-filing by way of e-mails.

While the Administration works towards the introduction of the permanent e-filing and e-service platforms, many documents or categories of documents must now be received, by e-mail, processed and authenticated electronically by the use of e-signatures, e-seals and e-stamps.

To this end the administration has acquired a software called **Digicert-Quovadis** which will be used to compile a database of authorised signatures, the Court seals and date stamps, for application to documents which must be authenticated by signature, seal or stamp.

The software will be run on a dedicated on-site Court server where the documents will be kept after signing, sealing or stamping before filing and uploading to the Courts' **JEMS or Criminal Registry** platforms.

The original code or "hash" for each signature, seal or stamp will be stored for security purposes, with **Digicert-Quovadis** for such time as deemed necessary, anticipated now to be six months.

Authorised signatures, seals and stamps must not be misapplied and so must be used only by those who are respectively authorised. To ensure this, access to the database will be encrypted and password-protected.

It follows that specimen signatures will be required from each authorised signatory for the creation of individual hashes. Once this database of signatures, seals and stamps is compiled

and secured they may then be used for the authentication of documents as the case or situation may require.

The overarching purpose is to administer the authentication and record keeping processes electronically without the need to print documents for the purpose of signing, sealing or stamping.

Following are the Practice Directions for the Application of Authorised Signatures, Seals and Stamps.

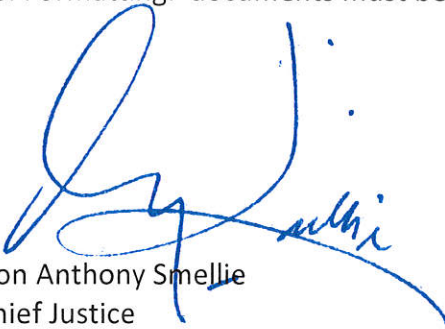
1. Upon receipt of a document as an attachment to an email, the document will be downloaded to the dedicated server by the staff of the Registry to which it is directed.
2. The payment of fees contingent upon the filing of the document must be verified.
3. The document will then be forwarded to the authorised officer or signatory for processing.
4. For instance, if the document is a writ, plaint or other originating process required to be filed with the Courts, it will be initially reviewed and processed by Registry staff and should the signature of the Clerk of Courts be required, then the document would be referred to the Clerk or Deputy Clerk of Court who will apply the e-signature as necessary. The Registry staff will affix the appropriate Court seal and date stamp, evidencing the official receipt of the document as a record of the Court.
5. Practice Direction 1 of 1999 deals comprehensively with the filing of documents and should be cross-referenced for use with these directions. A copy of PD 1 of 1999 is enclosed as Attachment 5.
6. In keeping with GCR Order 63, Rule 2, the Clerk of Court [or designate] shall create an electronic Court file of every proceeding by assigning the Cause Number and by placing the writ, plaint or other originating pleading on the file immediately prior to issuing the pleading by which the proceeding is commenced.
7. An electronic copy of the authenticated pleading will then be issued by return to the filer who will then be able to serve it on a respondent, with proof of service to come in the first instance electronically by affidavit.
8. Acknowledgements of service will also be accepted electronically, sealed and date stamped and placed upon the respective Court file.
9. In keeping with GCR Order 41 Rule 9 every affidavit used in a cause or matter proceeding in the Court must be filed. This must also be done electronically in the first instance.

10. The foregoing must be in keeping with GCR Order 63, Rule 3(1), which directs that every document required to be filed in any proceeding must be placed on the Court file relating to such proceeding and sealed with a seal showing the date upon which the document was filed.
11. In keeping with GCR Order 63 Rules 7 and 8, the Clerk of Courts shall place [or caused to be placed] a copy of every judgment, order, writ or other originating process upon the registers of judgments, orders, writs and other originating process (unless otherwise ordered by the Court).
12. If the document is a charge or indictment, it will be received by the Criminal Registry, sealed and stamped and a copy returned to the office of the DPP (ODPP). The criminal case file will be opened with the official document and where appropriate in the case of a charge, summons, issued accordingly. See attached draft protocol to be agreed with the ODPP.
13. In keeping with GCR Order 42 if the document is a draft order or default judgment, it will be sealed and date stamped upon receipt electronically and sent to the respective Judge, Magistrate or to the Clerk of Court (as the case might be) for e-signing and return to the Registry. The date of the order or default judgment will then be inserted and the order placed on the respective Court file and register of orders and judgments. An electronic copy will then be returned to the filer (for service if necessary with the leave of the Court pursuant to GCR Order 65).
14. When finally approved and signed for issuance and publication, original judgments will, in keeping with GCR Order 42 rule 7(1) be placed upon the respective Court file. Electronic copies will be uploaded to the register of judgments and orders before being issued. When issued they will also be uploaded to the website (unless publication is embargoed by order of the Judge).
15. GCR Order 63 does require the creation and maintenance of hard copy files and registers. Accordingly, until such time as the permanent e-filing and e-service platforms become operational, and although documents received and processed in keeping with this Practice Direction will become records of the Court, the original hard copies are required to be filed with the Registry as soon as business returns to normal on a date to be announced.
16. Protocols have for some time been in place for the e-filing of social inquiry reports and related documents by the Department of Community Rehabilitation and for the e-filing of tickets issued by the Department of Commerce and Investment. These are also attached. A new protocol for e-filing of reports by the Department of Children and Family Services will now be issued in the form also attached.



17. In relation to admissions pursuant to Legal Practitioners Law, section 3(1) and s.4(1) and Practice Direction 4 of 2012, affidavits that are to be sworn before the Clerk of Court will be taken by Zoom appearance and thereafter the Court seal and e-signature of the Clerk of Court can be affixed to the affidavit and provided to the filer electronically, and uploading to the Courts' **JEMS or Civil Registry** platform.

18. Formatting: documents must be formatted as they would for conventional filing.



Hon Anthony Smellie  
Chief Justice

6 April 2020

(5 enclosures – Practice Directions 5A, 5B, 5C, 5D of 2020 and 1 of 1999)



## **PRACTICE DIRECTION No. 5A OF 2020**

### **CAYMAN JUDICIAL ADMINISTRATION CASE MANAGEMENT SYSTEM (JEMS)**

#### **FAMILY REGISTRY**

#### **ELECTRONIC FILING OF COURT REPORTS**

#### **FROM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)**

##### **OBJECTIVE:**

To deliver reports, electronically to the Courts in respect of Summary and Grand Courts in order to facilitate timely receipt and accessibility by the judiciary, attorneys, parties and relevant agencies.

JEMS is the Judicial Administration's Electronic Management System; it allows for electronic filing and viewing of documents stored in the system to authorized users.

##### **BENEFITS:**

- To provide reports to the judiciary in advance of hearing.
- To allow image to be viewed conveniently on JEMS by those with authorized access only.
- To ensure faster response time in processing reports.
- Reduce attendance of DCFS personnel at front counter filing reports.
- Allow PA to print reports for judges or magistrates in advance of hearing.

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1. Authority
2. Effective Date
3. Electronic Filing Case Types
4. Definitions
5. Method of Filing
6. Privacy Issues
7. Format of Documents
8. System or User Errors

## **1. AUTHORITY**

Electronic filing of court reports is achieved by lodging reports electronically to the Family Proceedings Unit of Judicial Administration in accordance with Standards and Principles established by the Clerk of Court with the approval of the Chief Justice.

## **2. EFFECTIVE DATE**

The electronic filing of the reports described below is effective as of the 6<sup>th</sup> April 2020 until further notice.

## **3. ELECTRONIC FILING REPORT TYPES**

A. The Clerk of Court with the approval of the Chief Justice hereby authorizes the filing electronically of the reports described in B below. From time-to-time, additional documents may be authorized to be processed in this way. Documents filed previously in the conventional manner will be scanned and included in the electronic case file.

B. The following documents may be filed electronically:

1. Case Status Reports
2. Other reports from DCFS in relation to Care Matters;
3. Domestic Violence cases, Family Cases, Divorces Matters, Adoption matters and Welfare Reports that relate to Summary Court, Civil Maintenance and Grand Court Civil matters.

that relate to:

- (a) Summary Court (Civil)
- (b) Grand Court (civil – indictment)
- (c) Youth Court (civil)
- (d) Drug Court

## **4. DEFINITIONS**

The following terms are defined as follows:

- A. Conventional manner of filing - The filing of paper documents with the Civil/Family Registry.
- B. Electronic Document ("e-document") - An electronic file containing informational text.
- C. Electronic Filing ("e-file") - An electronic transmission of information between the Department and Judicial Administration
- D. Electronic Image ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.
- E. Portable Document Format (PDF) - A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.

- F. Subscriber - One contracting to use the E-Filing system. For the reports covered by this authority, this will be staff of the Civil Registry and Family Proceedings Unit ("FPU") of the Judicial Administration, DCFS, the parties, the attorney acting in an individual case to which the report relates and any other relevant external agency. Other subscribers may be added by the Clerk of Court (after consultation with the DCFS) having regard for the protection of confidential information.

## **5. METHOD OF FILING**

- DCFS to e-file report to Judicial Administration through FTP Server by scanning the report to a folder identified on the judicial administration system (this should be at least 36 working hours before the court hearing date).
- In sending the scan, DCFS **must** include the proper case number (e.g. FAM 0001/2014 or (for Summary Court) SMA0198/2014 (preceded by BC or BT for Brac Courts)) as part of the scanning reference entered into the machine from which the document is scanned:
  - Reports transmitted without a case number as the reference will be rejected.
  - Reports that do not contain on the first page clear reference to the case number **and** the hearing date will be rejected.
- Civil Registry or Family Proceedings Unit staff will check the folder each working day before 9:00 am. and upload any report to JEMS with the e-sealing certification and date stamp (there is an accompanying "how to" document for Registry staff);
- Civil Registry/Family Proceedings Unit staff will forward the report to the Judge/Magistrate, any attorney identified in the JEMs records and/or the parties themselves
- Civil Registry and Family Proceedings staff will create an e-record of the report, date stamp and e-seal and upload in JEMs, and place it in the court file.
- Once in JEMS, reports can be viewed and printed (if needed) by PA to the Judge or Magistrate (or the Judge or Magistrate themselves).
- The PAs to Judges and Magistrates will also be able to access the folder into which the report will be scanned in order to view reports not yet uploaded into JEMS (i.e. on the day sent to the court where it is sent after 9:00am) and to print them but must not delete the report from the folder.

## **6. PRIVACY ISSUES**

Since these reports contain personal information, they will be set up within JEMS so that they can be viewed only by subscribers (i.e. authorized personnel) (see 4G above).

## **7. FORMAT OF DOCUMENTS**

All uploaded reports created by word processing programs must be formatted as follows:

- (a) the size of the type in the body of the text must be no less than 11 point font ideally Calibri or Arial as these are widely recognized as the clearest fonts – clarity will be particularly important for those viewing the reports within JEMS)
- (b) where footnotes are used, these should be no less than 8 point font;
- (c) the size of the page must be 8-1/2 by 11 inches (i.e. letter);



- (d) the margins on each side of the page should be 1 inch (2.4cm);
- (e) the top right 2" x 2" corner of the first page of each Report must be left blank – this will allow the Clerk of the Court's date stamp to be applied without concealing text;
- (f) each report must include:
  - a. the hearing date,
  - b. the parties' name,
  - c. the case number,
  - d. the name, physical and e-mail address and telephone number of the person filing the report.

The maximum file size for the submission of electronically filed documents is currently 8 MB; this is likely to be more than sufficient for almost all reports.

If a report is too large to transmit, the person seeking to file the report should contact the Supervisor of the Civil Registry or the Family Unit to decide how to proceed. If necessary a facility such as *WeTransfer* ([wetransfer.com](http://wetransfer.com)) may need to be used.

#### **8. SYSTEM OR USER ERRORS**

Inevitably problems will arise in using this system. Judicial Administration is committed to working with other subscribers to maximize the benefits of electronic filing and will do all that it can to support subscribers in implementing this procedure.

If a problem appears to arise from the technical operation of the JEMS system or the scanning process, it will be referred initially to the Clerk of Court for onward transmission to the Judicial Administration Network and IT Department. Unless exceptionally urgent, this should be a written description of the problem.

If a problem arises from the receipt or management of documents filed under this procedure, the primary point of contact for Judicial Administration will be the Supervisor of the Civil Registry/Family Proceedings Unit or, in their absence, the Senior Deputy Clerk of Court, Ms. Jenesha Simpson and for DCFS it will be the Senior DCFS Social Case Manager.



**Shiona Allenger**  
**Clerk of Court**

Issued by approval of the Chief Justice on 6 April 2020.





## **PRACTICE DIRECTION No. 5B OF 2020**

### **CAYMAN JUDICIAL ADMINISTRATION CASE MANAGEMENT SYSTEM (JEMS) CRIMINAL REGISTRY**

#### **ELECTRONIC FILING OF COURT REPORTS FROM THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)**

##### **OBJECTIVE:**

To deliver documents for the Grand and Summary Courts (Criminal) electronically in a way that makes them quickly accessible to judiciary.

JEMS is the Judicial Administration's Electronic Management System; it allows for electronic filing and viewing of documents stored in the system to authorized users.

##### **BENEFITS:**

- To provide electronic documents to the judiciary in advance of hearing.
- To allow image to be viewed conveniently on JEMS by those with authorised access only.
- To ensure bundles are not misplaced and are always available.
- Allow PA to print documents for judges in advance of hearing.

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## **1 AUTHORITY**

Electronic filing of Court documents is conducted by lodging documents with the Criminal Registry of Judicial Administration in accordance with Standards and Principles established by the Court Administrator with the approval of the Chief Justice.

## **2 EFFECTIVE DATE**

The Electronic filing of the documents described below is effective from the 1<sup>st</sup> May 2018 until further notice.

## **3 ELECTRONIC FILING DOCUMENT TYPES**

A. The Court Administrator hereby authorises the filing electronically of the documents described in B below. From time-to-time, additional documents may be authorized to be processed in this way.

B. The following documents may be filed electronically:

1. Indictments
2. Charges
3. Trial Bundles (and NAEs)
4. Sentencing Bundles
5. Submissions Bundles
6. Other documents, as required.

that relate to:

- a. Grand Court (Criminal)
- b. Summary Courts (Criminal)

## **4 DEFINITIONS**

The following terms are defined as follows:

- A. Conventional manner of filing - The filing of paper documents with the Criminal Registry.
- B. Electronic Document ("e-document") - An electronic file containing informational text.
- C. Electronic Filing ("e-file") - An electronic transmission of information between the Department and Judicial Administration

- D. Electronic Image ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.
- E. Portable Document Format (PDF) - A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.
- F. Subscriber - One contracting to use the E-Filing system. For the reports covered by this authority, this will be staff of the Criminal Registry of the Judicial Administration and the Office of the Director of Public Prosecution (ODPP). Other subscribers may be added by the Court Administrator (after consultation with the ODPP) having regard for the protection of confidential information.

## **5 METHOD OF FILING**

- ODPP to e-file report to Judicial Administration through FTP Server by scanning the report to a folder identified on the judicial administration system.
- In sending the scan, ODPP **must** include the proper case number (e.g. IND 0013/2014) as part of the scanning reference entered into the machine from which the document is scanned;
  - Documents transmitted without a case number as the reference will be rejected.
- Criminal Registry staff will check the folder each working day before 9am and upload any documents to JEMS (there is an accompanying "how to" document for Registry staff;
- If a document is urgent the document should be scanned in the normal manner and an email should be sent to the Deputy Clerk of Court and the Supervisor of the Criminal Registry as well as the PA to the Judge to ensure the document is accessed by the court.
- Criminal Registry staff will print the documents, date stamp it and place it in the Court file
- Once in JEMS, documents can be viewed and printed by PA to the Judge or Magistrate (or the Judge or Magistrate themselves).
- The PAs to Judges and Magistrates will also be able to access the folder into which the report will be scanned in order to view documents not yet uploaded into JEMS (i.e. on the day sent to the Court where it is sent after 9am) and to print them but must not delete the report from the folder.
- Documents will be 'filed' at Court at the date and time the documents were sent to the FTP Server.

## **6 PRIVACY ISSUES**

Since these reports contain personal information, they will be set up within JEMS so that they can be viewed only by subscribers (i.e. authorized personnel) (see 4G above).



## **7 FORMAT OF DOCUMENTS**

All uploaded reports created by word processing programs must be formatted as follows:

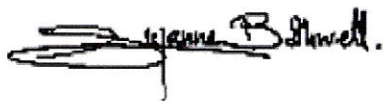
- (a) the size of the type in the body of the text must be no less than 11 point font ideally Calibri or Arial as these are widely recognized as the clearest fonts – clarity will be particularly important for those viewing the reports within JEMS)
- (b) where footnotes are used, these should be no less than 8 point font;
- (c) the size of the page must be 8-1/2 by 11 inches (i.e. letter);
- (d) the margins on each side of the page should be 1 inch (2.4cm);
- (e) the top right 2" x 2" corner of the first page of each Report must be left blank – this will allow the Clerk of the Court's date stamp to be applied without concealing text;
- (f) each report must include:
  - a. the hearing date,
  - b. the defendant's name,
  - c. the case number ,
  - d. the name, physical and e-mail address and telephone number of the person filing the report.

## **8 SYSTEM OR USER ERRORS**

Inevitably problems will arise in using this system. Judicial Administration is committed to working with other subscribers to maximize the benefits of electronic filing and will do all that it can to support subscribers in implementing this procedure.

If a problem appears to arise from the technical operation of the JEMS system or the scanning process, it will be referred initially to the Court Administrator for onward transmission to the Judicial Administration Network and IT Manager (Andrew Doussept). Unless exceptionally urgent, this should be a written description of the problem.

If a problem arises from the receipt or management of documents filed under this procedure, the primary point of contact for Judicial Administration will be the Supervisor of the Criminal registry or, in their absence, the Deputy Clerk of Court, Ms. Cecile Collins and for ODPP it will be the Case Manager.



**Suzanne Bothwell**  
**Court Administrator**

**Issued on 6 April 2020 with the approval of the Chief Justice**



## **PRACTICE DIRECTION No. 5C OF 2020**

### **CAYMAN JUDICIAL ADMINISTRATION CASE MANAGEMENT SYSTEM (JEMS) CRIMINAL REGISTRY**

#### **ELECTRONIC FILING OF COURT REPORTS FROM THE DEPARTMENT OF COMMUNITY REHABILITATION (DCR)**

##### **OBJECTIVE:**

To deliver reports for the Summary and Grand Courts (Criminal) electronically in a way that makes them quickly accessible to judiciary, prosecuting and defence attorneys and to staff of the relevant agencies.

JEMS is the Judicial Administration's Electronic Management System; it allows for electronic filing and viewing of documents stored in the system to authorized users.

##### **BENEFITS:**

- To provide reports to the judiciary in advance of hearing.
- To allow image to be viewed conveniently on JEMS by those with authorized access only.
- To ensure faster response time in processing reports.
- Reduce attendance of DCR personnel at front counter filing reports.
- Allow PA to print reports for judges or magistrates in advance of hearing.

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## **1. AUTHORITY**

Electronic filing of court reports is conducted by lodging reports with the Criminal Registry of Judicial Administration in accordance with Standards and Principles established by the Court Administrator with the approval of the Chief Justice.

## **2. EFFECTIVE DATE**

The Electronic filing of the reports described below is effective from the 1<sup>st</sup> July 2015 until further order.

## **3. ELECTRONIC FILING REPORT TYPES**

A. The Court Administrator with the approval of the Chief Justice hereby authorizes the filing electronically of the reports described in B below. From time to time, additional documents may be authorized to be processed in this way. Documents filed previously in the conventional manner will be scanned and included in the electronic case file.

B. The following documents may be filed electronically:

1. Social Inquiry Reports (SIRs)
2. Case Status Reports (i.e. reports indicating that an SIR will not be available as ordered)
3. Other reports from DCR relating to those appearing in the Drug Rehabilitation Court.

that relate to:

- (a) Summary Court (Criminal)
- (b) Grand Court (criminal – indictment)
- (c) Youth Court (criminal)
- (d) Drug Court

## **4. DEFINITIONS**

The following terms are defined as follows:

- A. Conventional manner of filing - The filing of paper documents with the Criminal Registry.
- B. Electronic Document ("e-document") - An electronic file containing informational text.



- C. Electronic Filing ("e-file") - An electronic transmission of information between the Department and Judicial Administration
- D. Electronic Image ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.
- E. Portable Document Format (PDF) - A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.
- F. Subscriber - One contracting to use the E-Filing system. For the reports covered by this authority, this will be staff of the Criminal Registry of the Judicial Administration, the defence attorney acting in an individual case to which the report relates and the Office of the Director of Public Prosecution (ODPP). Other subscribers may be added by the Court Administrator (after consultation with the DCR) having regard for the protection of confidential information.

## 5. METHOD OF FILING

- DCR to e-file report to Judicial Administration through FTP Server by scanning the report to a folder identified on the judicial administration system (this should be at least 36 working hours before the court hearing date).
- In sending the scan, DCR **must** include the proper case number (e.g. IND 0013/2014 or (for summary court) 0198/2014 (preceded by BC or BT for Brac Courts)) as part of the scanning reference entered into the machine from which the document is scanned:
  - Reports transmitted without a case number as the reference will be rejected.
  - Reports that do not contain on the first page clear reference to the case number **and** the hearing date will be rejected.
- Criminal Registry staff will check the folder each working day before 9am and upload any report to JEMS (there is an accompanying "how to" document for Registry staff);
- Criminal Registry staff will forward the report to the ODPP and to any defence attorney identified in the JEMS record
- Criminal Registry staff will seal and date stamp the Report electronically and place it in the JEMS court file.
- Once in JEMS, Reports can be viewed and printed (if needed) by PA to the Judge or Magistrate (or the Judge or Magistrate themselves).
- The PAs to Judges and Magistrates will also be able to access the folder into which the Report will be scanned in order to view reports not yet uploaded into JEMS (i.e. on the day sent to the court where it is sent after 9am) and to print them but must not delete the Report from the folder.

## **6. PRIVACY ISSUES**

Since these Reports contain personal information, they will be set up within JEMS so that they can be viewed only by subscribers (i.e. authorized personnel) (see 4G above).

## **7. FORMAT OF DOCUMENTS**

All uploaded Reports created by word processing programs must be formatted as follows:

- (a) the size of the type in the body of the text must be no less than 11 point font ideally Calibri or Arial as these are widely recognized as the clearest fonts – clarity will be particularly important for those viewing the reports within JEMS)
- (b) where footnotes are used, these should be no less than 8 point font;
- (c) the size of the page must be 8-1/2 by 11 inches (i.e. letter);
- (d) the margins on each side of the page should be 1 inch (2.4cm);
- (e) the top right 2" x 2" corner of the first page of each Report must be left blank – this will allow the Clerk of the Court's date stamp to be applied without concealing text;
- (f) each Report must include:
  - a. the hearing date,
  - b. the defendant's name,
  - c. the case number,
  - d. the name, physical and e-mail address and telephone number of the person filing the Report.

The maximum file size for the submission of electronically filed documents is currently 8 MB; this is likely to be more than sufficient for almost all reports.

If a Report is too large to transmit, the person seeking to file the Report should contact the Deputy Clerk of Court or the Supervisor of the Criminal Registry to decide how to proceed. If necessary a facility such as *WeTransfer* ([wetransfer.com](http://wetransfer.com)) may need to be used.

## **8. SYSTEM OR USER ERRORS**

Inevitably problems will arise in using this system. Judicial Administration is committed to working with other subscribers to maximize the benefits of electronic filing and will do all that it can to support subscribers in implementing this procedure.

If a problem appears to arise from the technical operation of the JEMS system or the scanning process, it will be referred initially to the Court Administrator for onward transmission to the Judicial Administration Network and IT Manager (Andrew Doussept). Unless exceptionally urgent, this should be a written description of the problem.

If a problem arises from the receipt or management of documents filed under this procedure, the primary point of contact for Judicial Administration will be the Supervisor

of the Criminal registry or, in their absence, the Deputy Clerk of Court, Ms. Cecile Collins and for DCR it will be .....

**Kevin McCormac**  
**Court Administrator**

**June 2015**

**Reissued on 6 April 2020 on direction of the Chief Justice**





## **PRACTICE DIRECTION No. 5D OF 2020**

### **CAYMAN JUDICIAL ADMINISTRATION CASE MANAGEMENT SYSTEM (JEMS) CRIMINAL REGISTRY**

#### **ELECTRONIC FILING OF TICKETS FROM THE DEPARTMENT OF COMMERCE AND INVESTMENT**

##### **OBJECTIVE:**

To receive and register electronically delinquent ticketable offences from the Department of Commerce and Investment (DCI) within (48) forty-eight hours of every ticket that remains unpaid.

JEMS is the Judicial Administration's Electronic Management System; it allows for electronic filing and viewing of documents stored in the system to authorised users.

##### **BENEFITS:**

- Allow ticket to be viewed conveniently on JEMS.
- To ensure timely receipt of tickets.
- Reduce attendance of Field officers from DCI at front counter filing tickets.

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1. Authority
2. Effective Date
3. Electronic Filing
4. Method of Filing
5. System or User Errors

## **1 AUTHORITY**

Electronic filing of DCI tickets is conducted by lodging tickets with the Criminal Registry of Judicial Administration in accordance with templates established by the Clerk of Courts with the approval of the Chief Justice and the DCI.

## **2 EFFECTIVE DATE**

The Electronic filing of the DCI tickets described below has been effective from the 1<sup>st</sup> September 2015 until further order.

## **3 ELECTRONIC FILING**

A. The Clerk of Courts hereby authorizes the filing electronically of tickets described in B below. From time to time, additional documents may be authorised to be processed in this way. Documents filed previously in the conventional manner will be scanned and included in the electronic case file.

B. The following may be filed electronically:

1. Fixed penalties tickets
2. Summonses

**that relate to:**

- (a) Summary Court

## **4 METHOD OF FILING**

### **Method 1 – Delinquent tickets**

- DCI to scan delinquent ticket and summons to Judicial Administration in accordance with the template through FTP Server by scanning the items in B above to a folder identified on the judicial administration system within (48) forty-eight hours.
  - The court has responsibility to schedule the tickets for mention on the following first available mention Tuesday.)
- Criminal Registry staff will check ticket folder each working day before 9am and print ticket for registration.
- DCI ticket must include the date of birth (only if the ticket is in the name of a business, the date of birth will not be required).
- As soon as practicable after receipt of a Delinquent ticket and summons, documents are to be registered into JEMS.
- Upon registration a court date will be fixed and copy of ticket and summons will be provided to the Office of Public Prosecution.
- A copy of the summons will also be issued to RCIPS for service on the company/defendant.

## **Method 2 – Not Guilty plea entered**

- Where a “not guilty” plea is entered, the company or individual within 28 days must notify the Summary Court.
  - Notification by company or individual of not guilty plea should be scheduled by the Registry for the first mention Tuesday.
- Ticket is registered and a Court date is provided to the Company or individual. Ticket and summons for Court date are sent to the Office of Public Prosecution.
- Criminal Registry staff will check ticket folder each working day before 9am and upload any tickets to JEMS (there is an accompanying “how to” document for Registry staff);
- In sending the ticket, DCI ticket must include the date of birth (except of course if the ticket is in the name of a business, date of birth will not be required). Tickets will be rejected without a date of birth.
- As soon as practicable after delinquent and “not guilty” tickets are e-filed, tickets are to be entered in JEMS.
- Delinquent tickets and “not guilty” tickets after registration will be returned to DCI and ODPP by e-filing.
- Criminal Registry staff will print the ticket, date stamp it and create a file for the Court.

## **5 SYSTEM OR USER ERRORS**

Inevitably problems will arise in using this system. Judicial Administration is committed to working with other subscribers to maximize the benefits of electronic filing and will do all that it can to support subscribers in implementing this procedure.

If a problem appears to arise from the technical operation of the JEMS system or the scanning process, it will be referred initially to the Court Administrator for onward transmission to the Judicial Administration Network and IT Manager. Unless exceptionally urgent, there should be a written description of the problem.

If a problem arises from the receipt or management of documents filed under this procedure, the primary point of contact for Judicial Administration will be the Supervisor of the Criminal Registry or, in their absence, the Deputy Clerk of Court.

In the event that a problem arises that cannot be resolved immediately for a ticket to be e-filed, the DCI will revert to the submission of tickets by hand to the criminal registry but must call the criminal registry beforehand for an appointment.

**Kevin McCormac**  
**Court Administrator**

July 2015

Reissued as updated on 6 April 2020.





## **GRAND COURT PRACTICE DIRECTION NO. 1/99**

**(GCR 0.1, r.12)**

### **Filing Documents in Court**

#### **1 Application and Commencement**

- 1.1 This practice direction applies to all proceedings to which the Grand Court Rules have general application by virtue of 0.1, r.2 and to all winding up proceedings.
- 1.2 It does not apply to-
  - 1.2.1 proceedings governed by the Matrimonial Causes Rules 1986 as amended;
  - 1.2.2 proceedings governed by the Grand Court (Bankruptcy) Rules 1977 as amended; and
  - 1.2.3 appeals from civil proceedings in the Summary Court.
- 1.3 This practice direction shall come into force on 1<sup>st</sup> March, 1999 ("the Commencement Date").

#### **2 Introduction**

- 2.1 The Grand Court (Civil Procedure) Rules 1976 specifically required that all pleadings be filed. Although there was no similar requirement for affidavits and other documents to be filed, it became the established practice for all pleadings, affidavits, notices, lists and other documents to be filed whether or not they were actually used by the Court.
- 2.2 The rules relating to filing were materially changed with effect from 1<sup>st</sup> June, 1995, but the pre-existing practice has continued with the result that the Court office is accumulating a large volume of documents unnecessarily. The Grand Court Rules 1995 required that the following documents shall be issued by or filed with the Court-

- 2.2.1 writs, originating summonses, originating motions and petitions (0.5, r.1);
  - 2.2.2 third party notices (0.5, r.1 and 0.16, r.3);
  - 2.2.3 acknowledgements of service (0.12, r.4);
  - 2.2.4 interlocutory summonses and notices of motion (0.32, r.2);
  - 2.2.5 affidavits (including the exhibits) which are actually used in court (0.41, r.9);
  - 2.2.6 judgements and orders (0.42, r.5);
  - 2.2.7 applications for default judgements (0.42, r.6);
  - 2.2.8 writs of execution (0.46, r.6);
  - 2.2.9 notices of change, appointment, etc. of attorney (0.67, r.8).
- 2.3 No other documents are required to be filed, although it is the established practice to file all pleadings. GCR 0.18 has been amended to require pleadings to be filed within 14 days after service.
- 2.4 The procedure for issuing writs (including writs of execution) and other forms of originating and interlocutory process involves filing an original document signed by or on behalf of the plaintiff or applicant. The procedure for drawing up and perfecting judgements and orders also involves filing an original document signed by the judge or stamped with a facsimile of the judge's signature. Acknowledgements of service and notices of change, etc. are required to be filed because they constitute notice both to the Court and to the parties. Affidavits only require to be filed if and when they are *used* in a cause or matter.
- 2.5 With effect from the Commencement Date, the practice relating to filing will be brought into line with the Rules as follows.

### 3 New Practice

- 3.1 **Pleadings.** The new GCR 0.18 now requires that all pleadings be filed within 14 days after service. Pleadings are defined to mean statements of claim, defences, replies, counterclaims, defences to counterclaims, pleadings subsequent to reply (which may only be served with leave) and particulars of pleadings (but not the requests for particulars). It should be noted that the term "pleadings" does not include generally endorsed writs, summonses, motions or petitions, all of which do require to be filed as part of the procedure whereby they are issued. A writ which is specially endorsed with a statement of claim does constitute a pleading and requires to be filed as part of the procedure for issuing the writ.
- 3.2 **Discovery.** GCR 0.24 requires that lists of documents, notices to produce documents, affidavits verifying lists, etc. shall be served. It does not require that any such documents shall be filed.
- 3.3 **Interrogatories.** Interrogatories and affidavits containing answers to interrogatories served in accordance with GCR 0.26 shall not be filed.

- 3.4 **Evidence for trial.** The parties to actions commenced by writ are required or permitted by various rules to prepare and exchange written evidence in advance of the trial. GCR 0.38 provides for the exchange of witness statements, expert reports and affidavits. GCR 0.38 Part II comprises a code relating to the admission of hearsay evidence which involves the service of notices and counter-notices. GCR 0.39 makes provision for evidence to be taken by deposition. No witness statements, affidavits, reports, depositions or notices served pursuant to these rules are required to be filed.
- 3.5 Affidavits.
- 3.5.1 Whether or not affidavits are required to be filed depends upon the purpose for which they are served. GCR 0.41, r.9 provides that every affidavit *used* in a cause or matter must be filed. An affidavit is only *used* within the meaning of this rule when it is read by the judge and constitutes part of the evidential basis upon which a judgement is given or an order is made. Affidavits which are sworn in compliance with orders (e.g., affidavits verifying lists of documents and affidavits made in compliance with asset disclosure orders) are required to be served but should not be filed because they are not intended to be used by the Court.
- 3.5.2 Whilst copies of affidavits sworn in connection with interlocutory applications are required to be served, the original affidavits are only required to be filed in accordance with GCR 0.41, r.9 if the application is in fact contested with the result that such affidavits are read by the judge and constitute part of the evidential basis upon which the order is made. It follows that original affidavits need not be filed in advance of the hearing.
- 3.5.3 Written statements of evidence, whether in the form of affidavits, witness statements or depositions, intended to be used in evidence at trial are only required to be filed in the event that a trial takes place and such documents are in fact admitted in evidence. Since the vast majority of actions are settled, such documents should not be filed in anticipation of a trial taking place.
- 3.5.4 GCR 0.41, r.9(2) requires that the exhibits to affidavits should *not* be filed. Copy exhibits need to be served and made available to the Judge in advance of the hearing but the original exhibits should be kept by the party's attorney and are not required to be filed.
- 3.6 **Originating Summons Procedure.** Affidavits sworn in compliance with GCR 0.28 are required to be filed.
- 3.7 **Petition and Originating Notice of Motion Procedure.** Affidavits sworn in connection with petitions and originating (but not interlocutory) notices of motion require to be filed.
- 3.8 **Payment into Court.** Notices relating to payment into court and acceptance of funds in court served pursuant to GCR 0.22, rr.3 and 4 shall not be filed. Lodgement and payment schedules require to be delivered to the Court Funds Office but are not required to be filed on the Court file.



- 3.9 **Voluntary Filing is not Permitted.** With effect from the Commencement Date, the Clerk of the Court will not accept for filing any document which is not required to be filed under the Rules.

**4 Preparing Interlocutory Applications and Trials**

- 4.1 When preparing an interlocutory application, it shall be the duty of the applicant's attorney, after consultation with the attorneys for the other parties, to prepare and deliver to the relevant judge's secretary a bundle containing copies of all those pleadings, affidavits, etc. which are relevant to the application. Unless the application is both short and straightforward, such bundles should normally be delivered in advance of the hearing, preferably by the Thursday of the previous week. In the event that the hearing is vacated for whatever reason, the judge's bundle will be returned to the applicant's attorney and there will be no requirement for any part of it to be filed. In the event that the hearing takes place, the judge's bundle will be returned to the applicant's attorney after the judge has made his order, but it shall be the duty of the parties' attorneys to file the originals of those affidavits read by the judge.

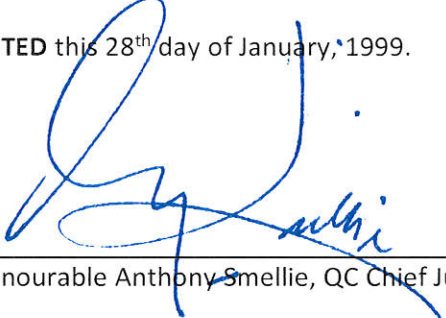
**5 Correspondence Between Attorneys**

- 5.1 Correspondence between the parties' attorneys should never be copied to the Court and will not be placed on court files.
- 5.2 Any such correspondence received by the Clerk of the Court will be destroyed.

**6 Authorities**

- 6.1 Lists of authorities and/ or bundles of copy authorities should be agreed between the parties' attorneys and sent to the Judge's secretary in advance of the hearing.
- 6.2 Neither lists of authorities nor bundles of copy authorities should be filed.

DATED this 28<sup>th</sup> day of January, 1999.



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Honourable Anthony Smellie, QC Chief Justice