

Scottish Courts and Tribunals Service



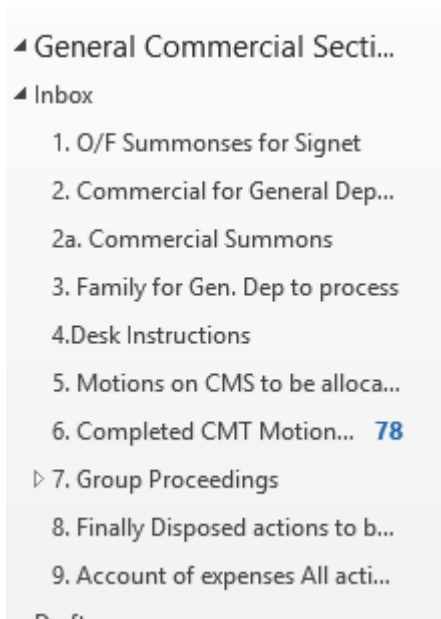
Procedures for handling electronic documents and processes within the Court of Session General Department

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Correspondence by Email

- Generic email inboxes are monitored on a daily basis during working hours for commercial/family/ordinary, personal injury, petitions and Inner House and these should be used for all correspondence and lodging of all documents under 30MB in size. Court users should not instigate email correspondence with Depute Clerks directly unless they require to liaise with a Depute Clerk on a matter relating to an upcoming court hearing.
- When an email is received, these are placed into subfolders and marked for the relevant member of staff to process. The example below shows the gcs@scotcourts.gov.uk mailbox subsections. Agents are asked to provide the case name and case reference number in the subject heading of all e-mails sent to the generic inboxes as this assists with enabling emails to be directed to the appropriate subfolder.











- Documents are processed through the electronic Case Management System (CMS) or Integrated Case Management System (ICMS – currently used for personal injury actions only), the relevant fee is processed and the documents are then uploaded into an electronic process and the Inventory of Process is marked up.

Electronic Processes

- In response to Coronavirus all processes are now in digital format and are stored in electronic case folders within a shared area (the “N Drive”) on an SCTS server. This shared area is accessible only to Supreme Courts staff and the case folders containing electronic processes can be accessed only by Court of Session staff and judges. Electronic Processes are named by “case name – case ref” and contain a number of electronic sub-folders for parts of process and an Inventory of Process.

Example electronic process - *Test, Joe v Test Company* A301/21

Search Results in Ordinary > Test, Joe v Test Company A301-21				
^	Name	Date modified	Type	Size
	 1. Signetted Summons	01/06/2021 14:47	File folder	
	 2. Cert Copy Summons	01/06/2021 14:48	File folder	
	 3. Interlocutor	01/06/2021 14:49	File folder	
	 4. Motion Sheet	01/06/2021 14:49	File folder	
	 5. Minute of Proceedings	01/06/2021 14:52	File folder	
	 6. Pursuer Productions	01/06/2021 14:53	File folder	
	 7. Defenders Productions	01/06/2021 14:53	File folder	
	 0. Inventory of Process.doc	01/06/2021 15:39	Microsoft Word 9...	28 KB

- An example of an Inventory of Process is shown below – this is unchanged from the hard copy Inventory of Process used pre-Covid. All documents lodged in the action receive the next number through the Inventory of Process. Productions for the Pursuer are always marked as 6/1 and so on and Productions for the Defender are always marked as 7/1 and so on. Productions for the defender will only be given another number if there is more than one defender and more than one set of agents representing the defenders. Number 7 will be given to the defenders who lodged the first inventory of productions. Where agents are allocated a different number for productions General Department staff will inform them of this at the time productions are lodged with the section.

Example of Inventory of Process

Inventory of Process

(A301/21)

In the Court of Session

in the cause
Joe Test

against

Test Company Ltd

Pursuer

Defender

1. Summons
2. Certified Copy Summons
3. Interlocutor Sheet
4. Motion Sheet
5. Minute of Proceedings
6. Productions for Pursuer

7. Productions for Defender

8. Defences 21/6/21 LG

Documents Required for Court Hearings

When the case papers are required for a court hearing the Depute Clerk makes up an electronic folder for the presiding Judge and copies the relevant parts of process from the case folder into the judges' personal electronic case folder, for example:

- **Proof or Proof before answer** - up to date pleadings, list of witnesses and all productions, (Joint Bundle for Commercial), any interlocutors, any other documents requested by the presiding judge.
 - **By Order Hearing**- up to date pleadings, any interlocutors, any other documents requested by the presiding judge.
 - **Procedure Roll**- up to date pleadings, Notes of Argument, any interlocutors, any other documents requested by the presiding judge.
 - **Jury trial** – up to date pleadings, copy of issues, all productions, any interlocutors, any other documents requested by the presiding judge.
 - **Summer Roll Hearing** - reclaiming print, appendices, any interlocutors, any other documents requested by the presiding judge.
- Where documents are needed that were lodged in hard copy format prior to March 2020 agents are asked to provide electronic copies of these.
 - Once documents have been copied into a judge's personal case folder it is for individual judges to decide how they wish to access and manage those documents. For example, a judge may decide to leave the documents in their N Drive personal case folder where they can be accessed only while connected to the SCTS Virtual Private Network (VPN); or they might move the documents to their local work folders so that they can be accessed without being connected to the VPN.

Petitions – First Orders

- Upon first orders being granted by a judge, the Depute Clerk of Court will save the interlocutor within the electronic process. The petitions department cannot provide the interlocutor to agents until this has been carried out.
- The Depute Clerk also emails the walling slip to the Typing Pool who, on a daily basis, as required, collate all walling slips received and upload them onto the CoS website. This is the digital version of petition walling notices and fulfils the requirements of RCS 14.7 (1)(a) to intimate the petition on the walls of court. Therefore it is very important that the walling slip is lodged alongside the petition.

Electronic Documents over 30MB

- Additional mailboxes for each department are in place to support the use of Objective Connect. Objective Connect is a collaboration tool used by SCTS to enable external court users to submit, and where appropriate, share documents. Albeit other business units within SCTS use Objective Connect differently, the Court of Session uses Objective Connect only for documents over 30MB in size. Any document smaller in size is emailed to the relevant department.
- Parties intimate by email to the appropriate department that they wish to use Objective Connect to lodge documents in excess of 30MB in size. A 'workspace' is then created in Objective Connect to allow parties to lodge the documents securely in a digital format.
- Once a workspace and any required folders within it have been created, staff invite the relevant party to join and share the workspace in order to preview, add and download documents.
- If the documents lodged are productions, staff will mark up the Inventory of Process, noting that the productions are in 'OC'. Productions lodged on Objective Connect are not uploaded into the case folder until required for a court hearing. Depute Clerks do not have access to Objective Connect. Therefore, if a Depute Clerk requires access to productions for any reason other than a court hearing, they must email the appropriate department to request the productions be uploaded to the case folder. If a party to the action who does not already have access to the Objective Connect workspace makes a request to access productions (by emailing the appropriate department), they will be invited as a participant to the workspace in order to view the productions.
- All other documents uploaded onto Objective Connect, for example reclaiming prints or bundles of authorities that exceed 30MB in size, are downloaded into the case folder and the workspace is then closed. Once documents have been removed from them workspaces require to be closed for licencing reasons.

Motions

- Motions lodged in accordance with RCS 23.1 C must be lodged by e-mail at session.motions@scotcourts.gov.uk by 12.30pm. The Court Motions Team (CMT) check the intimation dates of the motion are correct and ensure all documents are attached as per the email from agents. The motion is then passed to a Clerk of Court to check its competency. If competent an interlocutor is produced by the Clerk of Court and passed to the Judge for consideration.

- If the motion is granted the Clerk of Court will e-mail the interlocutor to all parties in the action and inform CMT via email so any disposal can be recorded on CMS/ICMS as instructed within the interlocutor.
- Opposed motions are lodged in form 23.1D and these must also be lodged by email at session.motions@scotcourts.gov.uk by 12.30pm. CMT forward the opposed motion to the Keeper's Office to allocate to a Judge. Opposed motions are allocated on receipt, usually to a Judge who can hear the opposed motion within two days. Details of the Judge and Clerk hearing the opposed motion are emailed to parties by CMT. The Clerk of Court dealing with the starred motion will issue the link to parties for the remote hearing.
- Motions lodged in form 23.2 should be sent directly to the General Department at gcs@scotcourts.gov.uk. These are checked and processed by General Department staff, recorded on the CMS/ICMS system and sent to the Keeper's Office to be allocated to a Judge. If the motion is granted the Clerk of Court will e-mail the interlocutor to all parties in the action.
- Oppositions to motions in form 23.2 need to be lodged by 12.30pm the day after enrolment of the motion. The General Department will then liaise with the Keeper's Office and parties to identify a suitable date for the starred motion to be heard. The Clerk of Court dealing with the starred motion will issue the link to parties for the remote hearing.

Disposed Cases and Returned from Court

- As all processes are now electronic staff in the General Department no longer receive a "returned court" from Depute Clerks. Therefore a series of checks now require to be carried out by General Department staff in order to identify cases that have called and that require further action:
 - 1) Department team managers check the court rolls for business that is being heard the following week.
 - 2) General Department staff then check the outcome of each case on CMS/ICMS to identify any further actions that are required and carry out those actions. Office staff are dependent on Clerks of Court recording the outcome of hearings on CMS/ICMS in order to be able to carry out further actions.
 - 3) Checks are also carried out on CMS/ICMS for any finally disposed cases on a weekly basis.
 - 4) Any finally disposed cases are moved from the electronic case folders to a separate "disposed case folder".

- Electronic processes in finally disposed cases will be retained until such time as an agreement is reached on how SCTS can transfer them to National Records of Scotland.

Office Duties

- Despite the move to transacting all Court of Session business electronically some members of staff are present within the office each day to deal with duties that can only be processed within the office. These duties are primarily dealing with documents received by post, processing returned citations, processing extracts, scanning parts of processes required that are still in paper form and cannot be obtained in digital form and processing the daily fees.

Virtual Court Hearings- Role of the Clerk of Court

WebEx Meetings for procedural business:

- Contact parties for information to set up hearing
- Prepare the electronic case folder for the judge, ensuring all the required papers are copied from the electronic process
- Issue the link for the hearing to parties
- Start the hearing and let parties, counsel and the judge into the hearing
- Draft the interlocutor and send to judge for signing
- Issue interlocutor to parties
- Fee parties for the hearing
- Update Minute of Proceedings if required

WebEx Events for substantive business:

- Contact parties for information to set up hearing and arrange test sessions
- Set up event on WebEx
- Host witness/counsel test sessions
- Prepare electronic case folder for judge, ensuring all the required papers are copied from the electronic process
- Start the hearing in practice session and take into a live session
- Admit witnesses if hearing is a proof
- Draft interlocutor and send to judge for signing
- Write Minute of Proceedings

- Fee parties for the hearing
- Issue interlocutor to parties

Relevant e-mail addresses

Personal Injury Section – personalinjuries@scotcourt.gov.uk

General/ Family/ Commercial Section- gcs@scotcourts.gov.uk

Petitions Section – petitions@scotcourts.gov.uk

Inner House Section- innerhouse@scotcourts.gov.uk

Court Motions Team - session.motions@scotcourts.gov.uk

Laura Glasgow

Office Manager

Offices of the Court of Session