

RESPONSE TO SHERIFF COURT RULES COUNCIL CONSULTATION PAPER RE. EXTENSION OF USE OF INFORMATION TECHNOLOGY IN CIVIL CASES

Our response to the Consultation Paper is as follows:-

1. First Recommendation

We very much support the recommendation that electronic transmission lodging and storage of Initial Writs, NIDS, Defences, Closed Records, Motions and Minutes should be competent. As a small firm this would save a significant amount of time and paperwork particularly when the Courts involved are outwith our immediate local area. This would also result in increased efficiency which would be of benefit to ourselves and also to clients. The only concern which seems to be dealt with in the Consultation Document is that the system for logging receipt of the documents should be extremely robust.

2. Second Recommendation

We agree with the recommendation that all Interlocutors pronounced by the Court should be transmitted electronically to agents. In a family law practice this could be of considerable use and benefit to the firm and to clients enabling us to very speedily send to clients copies of Interlocutors following Child Welfare Hearings. In certain cases where the client also has access to e-mail we would be able to onward pass the Interlocutor to them immediately.

3. Third Recommendation

As to whether or not the system should be operated by use of a website or otherwise is a matter for technical professionals. Any system would have to ensure confidentiality of documents being processed but a "fool proof" procedure for ensuring the logging of receipt of the documents and being technically extremely efficient to avoid break downs in the system.

4. Fourth Recommendation

As a firm which uses electronic transmission of documents as much as possible and already is sending Writs in Interdict cases to the Courts in our local area to enable warrants to be prepared in advance of Hearings we do not consider that there would require to be any form of pilot scheme. We are aware from discussions with other firms that virtually every firm utilises emails and other IT electronic systems and would be more than happy to use electronic methods of communicating with the Court.

5. Fifth Recommendation

Agreed.

6. Sixth Recommendation

If the system is to operate fully electronically then there would be no place for manual signatures. The need for signatures on substantive documents such as Initial Writs, NIDS and Defences would require to be retained with some form of extremely secure electronic signature being appended. Perhaps signatures required to certify Closed Records or for Motions and incidental Minutes might be dispensed with.

7. Seventh Recommendation

Currently we rarely require to consult the process except in relation to checking Interlocutors. If these are to be transmitted to us electronically then we would have little if any further need to be checking a Court process. We would have concerns about the confidentiality of a process if access was to be obtained to same on line. In our view the security concerns could never be

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removed sufficiently and that the implementation of this recommendation might in fact discourage the use of the rest of the system. In our view the benefits of the transmission of documents and receiving interlocutors electronically are the main benefits of the proposals.

8. Small Claims and Summary Causes

Although this firm has little involvement in Small Claims and Summary Causes we are aware of the length of time taken in Court in relation to these cases both within legal firms and the Court system and we would support the recommendations.

We have no objection to this response being fully referred to following the consultation process.

Yours faithfully