

Electronic Court Books for Virtual Courtrooms.

The following notes and template directions will be used in the Trial Division to guide judicial officers when managing case preparation for virtual courtrooms.

A Applications and directions (Commercial Court and Common Law Division)

1. It will not usually be feasible for an e-court book to be prepared for the hearing of applications and directions.
2. Commonly, for the purpose of the judicial officer preparing for the hearing:
 - a. associates download all summons, affidavits including the exhibit (now a singular PDF – see below), submissions and other material relevant to the hearing that have been electronically filed with the Court; and
 - b. save that material in a form that can be accessed by the judicial officer prior to and during the hearing.
3. Parties should be directed under r 2.04 of the *Supreme Court (General Civil Procedure) Rules 2015* that compliance with r 43.06 is dispensed with and they should exhibit all documents referred to in an affidavit in a single exhibit. Documents can be proved/identified using the expression ‘being pages # to # (inclusive) of the exhibit’ in the body of the affidavit. Page numbering of documents should follow on from the last page number of the affidavit including numbering the coversheet.
4. To facilitate accessing and searching affidavits and the exhibit in the hearing, the following directions are recommended:

Sample affidavit directions template

1. *By [TIME on DATE], the plaintiff file and serve any affidavits on which it intends to rely.*
...
2. *Compliance with r 43.06 of the Supreme Court (General Civil Procedure) Rules 2015 (Vic) is dispensed with. The parties are directed to:*
 - a. *exhibit all documents to affidavits as part of a single exhibit bundle (PDF) with a single exhibit certificate/coversheet (included in the page numbering);*
 - b. *identify documents by cross-referencing in the affidavit to the exhibit using the expression ‘being pages # to # (inclusive) of the exhibit’. A bookmark to the*

first page of each referenced set of pages (separate document) shall be included in the exhibit PDF;

- c. ensure each affidavit and its exhibit are in fully text-searchable PDF format with stamped page numbers (commencing from the first page of the affidavit) that correspond with the digital display page numbers of the PDF; and*
- d. bookmark each referenced document in the exhibit with its short-form name (for example 'Contract dated 6 April 2020').*

B. Witness Statements and Tender Bundles (Commercial Court)

1. If witness statements are ordered, then the plaintiff may be directed to also file and serve an electronic tender bundle containing all relevant documents, with cross-references (preferably by hyperlink) from its witness statements to the tender bundle.
2. A similar direction is made to the defendant with its witness statements to cross-reference the plaintiff's tender bundle or its supplementary tender bundle.
3. The e-court book will then consist of the merger of the plaintiff's tender bundle with the defendant's supplementary tender bundle.

Sample Witness Statements and Tender Bundles directions template

1. *By [TIME on DATE], the [plaintiff/s] file and serve:*
 - a. any witness statements on which [it/they] intend[s] to rely at trial (document identifiers are to cross refer to the pages in the plaintiff[']s paginated tender bundle); and*
 - b. a tender bundle containing all documents on which [it/they] intend[s] to rely at trial;*
 - i. in fully text-searchable PDF format;*
 - ii. with page numbers that correspond with the display page numbers of the PDF; and*
 - iii. bookmarked with the short-form name of each document.*
2. *By [TIME and DATE], the [defendant/s] file and serve:*
 - a. any witness statements on which [it/they] intend[s] to rely at trial (document identifiers are to cross refer to the pages in the plaintiff[']s paginated tender bundle or the defendant[']s supplementary bundle); and*

- b. *a supplementary tender bundle containing any additional documents on which the [defendant/s] intend[s] to rely at trial;*
 - i. *in fully text-searchable PDF format;*
 - ii. *with page numbers that continue from the last page of the plaintiff[']s bundle and correspond with the display page numbers of the PDF; and*
 - iii. *bookmarked with the short-form name of each document.*

C. Trials (Commercial Court and Common Law Division)

1. For trials to proceed remotely, it is necessary that the Court, all counsel and witnesses have access to identical versions of the e-court book.
2. It is suggested that this can be most conveniently achieved by the parties preparing an e-court book, being a single PDF document containing all documents on which the parties intend to rely.
3. How the parties compile the relevant e-court book may depend on the circumstances; but the template orders below contemplate either agreement between the parties or the electronic merging of the plaintiff's PDF of relevant documents with the defendant's supplementary PDF of relevant documents.
4. The e-court book may be provided to the Court, depending on its size, by filing on Redcrest, email or an operable link to download and access the documents (i.e. uploading the documents to a storage service and sharing the link).
5. Witnesses may be shown documents by:
 - a. providing them with a copy of the e-court book; or
 - b. the associate bringing up the relevant document and sharing their screen (which becomes the predominant display).

Sample e-Court book directions template

1. *By [TIME on DATE], the plaintiff serve on the defendant a draft e-court book, being a PDF document containing all documents, in chronological order, on which [it/they] intend[s] to rely.*
2. *By [TIME on DATE], the defendant serve on the plaintiff a supplementary draft e-court book, being a PDF document containing any additional documents, in chronological order, on which [it/they] intend[s] to rely.*
3. *Each separate document must be bookmarked in the PDF with the short-form name of the document and the PDF must have stamped page numbers that will correspond with the display page numbers of the final trial e-court book, so in the case of supplementary e-court books, page numbers commence by immediately following on after the ending number of the previous PDF. [Optional] Each PDF shall commence*

with an index identifying the date, description and starting page number of each individual document, including hyperlinks where possible.

4. *By [TIME on DATE], the plaintiff file and serve the e-court book, which should:*
 - a. *be a single fully text searchable PDF document merging the PDF documents prepared by the plaintiff and defendant under paragraphs 1 and 2 hereof;*
 - b. *alternatively, be a single fully text searchable PDF document the content of which is agreed by the parties as a joint e-court book prior to its creation with all documents bookmarked and in chronological order and sequentially page numbered, [Optional] commencing with an index identifying the date, description and starting page number of each individual document, including hyperlinks where possible.*
 - c. *The court book should be produced in sequentially numbered volumes of not more than 10,000 pages.*