



SUPREME COURT OF WESTERN AUSTRALIA

Protocol for eTrials

An eTrial is the means by which the electronic trial bundle is viewed in court and items tendered as evidence.

1. Requesting an eTrial

- a. Parties requesting an eTrial do so by way of letter addressed to the Judge managing their case
- b. Judge may make orders that the trial is to be conducted as an electronic trial

2. Submitting the electronic trial bundle for an eTrial

- a. By a particular date (as ordered by the Judge) the plaintiff must deliver to the Supreme Court Registry an electronic copy of the trial bundle.
- b. The electronic trial bundle must be in the following form:
 - i. On USB
 - ii. The USB will contain the submitted items in a folder
 - iii. The USB will also contain an index of submitted items in the template provided and available on the Supreme Court website.

Items can be submitted in the following file formats:

.docx; .doc; .docm; .xls; .xlsx; .xlsb; .pdf; .mp3; .mp4; .wma; .bmp; .gif; .tif; .tiff; .f4v; .jpg; .jpeg; .wmv; .rtf; .csv; .vob; .msg; .html; .htm; .txt; .mts; .ppt; .pptx; .mov; .png; .m4v

The Judge may order items be submitted in a specific file format.

The index must be submitted in an excel spreadsheet and include the following information:

- a. Document number (this is the submitting parties' document reference number)
- b. Exhibit number (this is the number referred to in court and will be used by the associate, Judge and parties when referring to specific documents. For ease, this number should be short such as 1,2,3)
- c. Who is supplying the item (plaintiff or defendant)
- d. Whether the item is suppressed
- e. Whether the item is new or a replacement
- f. File path – with hyperlinked file path
- g. Description of the item

The excel sheet must contain only **one** tab, which must be named **submitted items**.

Each exhibit number should have only **one attached** item. If an item contains multiple imbedded images and not all images will be tendered as exhibits, the item will need to be removed, amended and resubmitted.

When submitting the electronic trial bundle the plaintiff should ensure their items are complete but replacements are possible and other new items may be submitted at a later dates. If there are numerous replacements, the plaintiff should deliver to the associate on USB:

- a. the submitted items

- b. an updated index with the replacement documents clearly marked

If the plaintiff only wants to replace or add a small number of items, the best approach is to email the items to the associate and request they update or add the items.

A final version of the submitted items must be served on the defendant as directed by the Judge prior to trial commencing. To ensure that the Judge, the associate and the parties can quickly refer to items, it is important that all participants are working to the same document and exhibit numbers.

Please note that significant changes to the trial bundle will not be accepted once the trial is underway and all change requests should be made by emailing the associate to the Judge.

3. The eTrial in court

Before trial starts, the Registry will upload all the submitted items into the Court's case management system (ICMS). The Associate will then be able to manage the submitted items in ICMS throughout the trial.

Viewing submitted items in court

The associate will open the submitted item from ICMS into the Courts display system. The item will then display on the court screens, the Judge's screen, the associate's screen and the screens on the bar tables (if installed and being used).

Tendering submitted items in court

The associate will tender submitted items in one of two ways:

- a. Marked for identification
- b. Exhibit

Parties will be able to view all submitted items against their matter in the eLodgment portal. On the hearings screen for the matter, there will be a link to the submitted items and they will be identified as:

- a. Submitted item
- b. Marked for identification
- c. Exhibit

Please note ICMS is an internal court system and is not available for parties to use. ICMS is intended principally for viewing, displaying and recording items during an eTrial. The Associate will be able to print for the parties a report of items tendered as exhibits or marked for identification at the end of each day.

Effective management of the trial depends on parties working from the same index and numbering system so that items can be searched for and retrieved quickly. The hyperlinked index and document folder created for the electronic trial bundle may be sufficient but if parties want the ability to annotate items or manage them in line with their firm's practices then they should consider creating their own databases. Parties are able to bring their own laptops into court.

Requests to bring additional technology into the court will also be considered. Requests must be made at the earliest opportunity and in writing to the Associate to the Judge.